

## Collection

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Methods of collection will differ depending upon the sentence of a defendant. If the defendant is sentenced to state prison, the California Department of Corrections and Rehabilitation (CDCR) will collect restitution and send you payments. CDCR can only collect up to 50% of payments made into the defendant's account.

If a defendant is sentenced to formal probation or county prison, the District Attorney's Office or Probation will issue a referral form, which the court will use to get your restitution order into their system. The defendant may set up a payment schedule within 30 days of sentencing. If the defendant fails to pay forthwith or set up a payment plan, the court will begin the civil assessment process. After 60 days, the account will be sent to an outside collection agency.

If a defendant is close to release from prison or probation and still owes you restitution, you will want to subpoena them to court while you still know their whereabouts using form CR-125/JV-525 Order to Attend Court or Provide Documents. You can have the defendant served by their probation officer prior to release. A defendant's bankruptcy has no effect on restitution. Collection of victim restitution is a continuation of a criminal action.

\*All forms mentioned in this brochure are available in the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)

# A Guide to Victim Restitution

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## Yolo Superior Court

1000 Main Street  
Woodland, CA 95695  
(530) 406-6703

[www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov)





If you have had monetary loss as a result of a crime committed against you, you are entitled to victim restitution from the person or persons who committed the crime against you.

Victim restitution may be determined any time after a conviction or plea. The court will retain jurisdiction to determine the amount of restitution and make the order.

It is essential that you make contact with a victim advocate as soon as possible after the crime occurs so the advocate can assist you in asserting your rights as a victim.

**Yolo County Victim Services Program**  
301 2nd Street Woodland, CA 95695  
(530)666-8187

**Yolo County Probation Department**  
725 Court Street, Woodland, CA 95776  
(530)406-5320

## What You Will Need

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You must provide receipts and other supporting documents to help the court determine the amount of loss you have incurred. Copies of these documents should be given to the victim advocate or the probation officer in order to assist you with filing your claim for restitution.

All types of economic losses are eligible for restitution including medical expenses, counseling expenses, lost wages, relocation, and security expenses. If a defendant is convicted of lewd acts with a child per Penal Code Section 288, non-economic losses, such as pain and suffering may be sought.

## Defendant's Statement of Assets

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Prior to sentencing, victims are entitled to a statement of the defendant's assets. This information is vitally important for future collection purposes. Defendant's Statement of Assets (Form CR115) should be mailed to the defendant's attorney with a letter, asking that you be provided with the completed form at sentencing. If the completed form is not returned to you at sentencing, you may seek assistance from your victim advocate or probation.

## Sentencing

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The amount of restitution is usually determined at sentencing. It is important that all losses be submitted to your victim advocate or probation in advance so that they may be included in the probation report. You may obtain a copy of the probation report within 60 days after the date of sentencing.

At sentencing, any defendant should be ordered to pay the full victim restitution requested if the losses are reasonable and can be substantiated. You have the right to attend all hearings and to speak to the need of restitution during the sentencing hearing. The court must identify compelling and extraordinary reasons not to order full restitution and state these reasons on the record. If the defendant contests the amount of restitution, a hearing may be set.

## Restitution Order

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After a restitution order is made, an Order for Restitution and Abstract of Judgment (Form CR110/JV790) should be filed. This form is essential because it converts the order into an enforceable judgment. You may work with your victim advocate or the prosecutor for assistance with this form.