

Home Self Help

Victim Restitution

The Colorado Courts and Probation Departments continually strive to provide the highest level of service and assist crime victims as they are brought into and participate in the judicial process.

Below are frequently asked questions pertaining to restitution, as well as some other helpful links.

How do I find out about restitution?

A defendant may be ordered to pay the victim for damages that occurred as a result of the crime committed. The Victim Impact Statement helps in determining this amount. This statement is the critical first step toward recovery of damages. It is very important that the victim complete this statement and return it to the District Attorney's Office. In many cases, the defendant cannot pay all of the restitution immediately, so the judge, through the use of a Collections Investigator, may order the defendant to make regular payments. If you have questions regarding restitution payments, contact the Collections Investigator in the Judicial District in which the case is located. Select the following link for general contact information for Courts by Judicial District:

<http://www.courts.state.co.us/Courts/District/Choose.cfm>.

Restitution is an order of the court by which offenders are held accountable for the financial losses they caused to the victims of their crimes. Once the offender has been sentenced and the court has ordered the amount to be paid as restitution, a payment schedule is established that details when payments must be made to the court for distribution to the victim. This payment plan includes the restitution amount to be paid to the victim once the offender has paid the statutorily mandated fines for Victim Compensation Cost and Victim/Witness Assistance Surcharge. Other court fines/costs and fees are collected after restitution. Please understand that the collection of restitution can take place over a length of time and depends on a number of factors such as the amount owed and the defendant's financial status.

When will I receive my restitution payment from the court?

Distribution of restitution **that has been collected** from a defendant normally occurs within 15 days of the date the payment is received by the court. Additional time, generally another 15 days, will be required if the collection occurred through a tax refund intercept. It is very important that the Clerk

Helpful Links

[Colorado Probation Victim Services](#)

[Colorado Organization for Victims Assistance](#)

[Colorado State Patrol Victims Assistance](#)

[Colorado Department of Public Safety, Division of Criminal Justice Office for Victims Programs](#)

of the Court has your **correct address** so payments can be forwarded as quickly as possible. It is the responsibility of the victim to notify the court, in writing, of any change of address information. Mail your name, new address, phone number and the case number for which you are awaiting restitution to: Clerk of Court, c/o court where sentencing occurred. To obtain the address and phone number of a specific court please select the appropriate county from the courts and probation tab.

What happens if the defendant fails to make a payment?

If the defendant fails to make timely payments, action may be taken by the court to remedy the default including, but not limited to, the following:

- Assessment of late fees
- Garnishment or attachment of wages/assets
- Property liens
- Intercept of state income tax refund, lottery winnings, and other monies disbursed by the state
- Suspension of driver's license (on traffic related cases)
- Referral of account to outside collection agency
- Revocation of probation
- Issuance of a warrant for defendant's arrest
- The victim also has the right to pursue collections on his/her own (see below)

What if I want to pursue restitution collections on my own?

You may pursue collection of restitution from the defendant in the same manner as a civil judgment. This is your right as a victim. If you choose to pursue collection on your own, you need to notify the court, in writing, of your intent. This can be accomplished by completing the "Notice of Intent to Pursue Collections by Victim" form and filing it with the sentencing court. Forms are available through the Clerk of the Court or Collections Investigator ([JDF 229](#) in the forms directory under miscellaneous category). Upon receipt of the notice the court will no longer actively attempt to collect the restitution, but the Collections Investigator may still assist in the victim's effort to collect.

Once the court has received notice that the victim is pursuing their own collection efforts, the victim may apply for any of the following without cost to the victim:

1. Certified copies of the Transcript of Judgment
2. Attachment of Earnings
3. Writs of execution, attachment or other civil process to collect upon a judgment

You should routinely advise the Clerk of the Court of any payments you have received directly from the defendant or through your own actions to collect. For further collection remedies that the victim may pursue, please refer to §16-18.5-107 of the Colorado Revised Statutes or consult an attorney.

The victim may also withdraw from pursuing his or her own collection efforts. To withdraw, a notice of such withdrawal must be filed with the sentencing court using the form "Notice of Withdrawal of Intent to Pursue Collection by Victim

(JDF 230 in the forms directory under miscellaneous category).

The withdrawal notice must state how much restitution, if any, the victim collected along with documentation showing the amount collected.

In some circumstances, both the juvenile and his or her parent(s) or guardian may be ordered to make restitution to the victim. The maximum liability under Colorado law for the juvenile's parent(s) or guardian(s) is \$25,000.

Can a restitution order be increased later?

The court's power to impose restitution is limited. The court can order restitution increased only if the final amount of restitution due has not yet been set by the court. If you need to ask that the restitution be increased, please contact your local District Attorney's office immediately and ask for their assistance with this matter.

How do I find out about restitution when the defendant is sent to prison?

When defendants are sentenced to a correctional institution, the responsibility for collection of restitution transfers to the Department of Corrections (for adults) and the Division of Youth Corrections (for juveniles). In these instances, to find out the status of restitution collection efforts, please contact the appropriate department listed below.

- Department of Corrections
Inmate Bank
PO Box 230
Canon City, CO 81215
Phone: 719-269-4271
Fax: doc_inmateaccounts@state.co.us
- Division of Adult Parole & Community Corrections
940 Broadway
Denver, CO 80203
Phone: 303-763-2420
Fax: 303-831-9015
- Division of Youth Corrections
4255 South Knox Court
Denver, CO 80236
Phone: 303-866-7852
Fax: 303-866-7975
Email: spiro.koinis@state.co.us

Where can I obtain more information?

- Colorado Probation Victim Notification program ([English](#)) ([Spanish](#))
- [Crime Victim Rights](#) (Office for Victims Programs, Department of Criminal Justice)
- Answers to your Questions about Garnishments ([English](#)) ([Spanish](#))
- County Court Civil Matters ([English](#)) ([Spanish](#))

Definitions of commonly used terms

Restitution: State law allows the prosecutor to request restitution (repayment for a victim's losses) as part of the

sentence of any defendant who is found guilty of a crime. If you have losses due to crime (such as repair costs, medical bills or stolen property) you must provide a Victim Impact Statement to the District Attorney's Office with information concerning the losses incurred, including documentation of the amount of your losses. The District Attorney's Office can assist you with your questions in this regard.

Victim Impact Statement: A written statement from the victim detailing how the crime has impacted them. This statement will include a section showing the financial losses of the victim due to the crime, which could ultimately be ordered by the court and recovered as restitution.

Collections Investigator: A person employed by the Judicial Department whose primary responsibility is to administer, enforce and collect on court orders or judgments entered with respect to fines, fees, restitution or any other accounts receivable of the court.

Victim: Any person aggrieved by the conduct of an offender. For a complete listing of who may be considered a victim, please see Section 18-1.3-602(4) of the Colorado Revised Statutes.

Judgment: Order or decree entered in court.

Judgment Creditor: The person(s) in whose favor a judgment is ordered.

Judgment Debtor: The person that the judgment is ordered against.

Money Judgment: Part of a judgment that requires the payment of money.

Garnishment: A legal process to intercept a person's earnings to satisfy a judgment.

Levy: A legal process to obtain property or cash from the judgment debtor to satisfy a judgment.

Lien: A claim against property for payment of a debt.

Writ of Execution: A legal document issued by the court, which permits a levy on the judgment debtor's property.