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Restitution

Restitution is the repayment of financial losses to crime victims paid by the defendant. An order for restitution may be issued by the court as determined by Colorado Revised Statue 18-1.3-603. Restitution cannot be ordered until the defendant either pleads guilty or is found guilty at trial and the court decides the sentence.

If you have incurred out-of-pocket expenses or other economic loss because of your victimization, you have a right to request the court order the defendant(s) to reimburse you. If you are listed in the law enforcement incident reports as a crime victim, you will receive a victim impact statement in the mail after criminal charges are filed. If you don't receive one or have questions about restitution, please call our Restitution Coordinator at (970) 498-7284.

The District Attorney's Office is responsible for providing documentation to the court about the amount of restitution owed to a victim in the criminal case. The judge can only consider losses directly caused by the crime, and the victim impact statement is used to help make that determination. Once a specific amount of restitution is ordered by the court, the defendant will be required to make payments to a registry of the Court Clerk's Office. When offenders are not able to pay restitution in full, a payment schedule is established that details when payments must be made to the court and distributed to the victim. Responsibility for the collection of restitution lies with the judicial department, not with the District Attorney's Office. Restitution payments owed to victims will be made by the court.

Frequently Asked Questions

- [How does the restitution process work?](#)

The District Attorney is responsible for providing the court with the amount of restitution owed to the victim in a criminal case. This may be done through a victim impact statement, testimony at trial or through testimony by the victim at a restitution hearing. To submit a statement of losses, complete and return the victim impact statement you received in the mail along with documentation of your losses (estimates, bills, receipts etc.). If you have not received a victim impact statement, please contact our Restitution Coordinator at (970) 498-7284. Once returned, this statement will be provided to the District Attorney, the defendant/defense counsel, and the court. To insure the correct amount of restitution is ordered, it is important to notify the District Attorney's Office of your position, whether you have losses or not.

- [How will I know if restitution was ordered and when I will receive payments?](#)

You will receive a copy of the signed restitution order following the final sentence of a criminal court case. If you have questions regarding what the court's final order of restitution was, you may contact the Restitution Coordinator at (970) 498-7284. For information regarding restitution payments, contact a collections investigator with the court at (970) 494-3530.

- [I'm not sure the court has my correct address. What should I do?](#)

It is imperative that the Court Clerk's Office has your correct address so that payments, once received from the defendant, can be sent as a restitution check to you as quickly as possible. It is your responsibility to provide the court, in writing, any change of mailing address. To update your contact information, please mail your name, new address, a contact phone number, and the case number for which you are receiving or awaiting restitution to: Court Clerk's Office at the location where the sentence took place. [Find contact information for a specific court >>](#)

- [What happens if a defendant fails to make a payment?](#)

The Eighth Judicial District Collections Department enforces, and collects restitution, fines, and costs ordered by the court. If a defendant fails to make timely payments, the Collections Department, by courts authority, can take various measures in obtaining restitution, fines, and costs that have been ordered. These include, but are not limited to the following:

- Demand for payment
 - Late fees assessed
 - Further investigation into defendant's finances
 - Wages/assets subject to garnishment or attachment
 - Property liens
 - Intercept of state income tax refund, lottery winnings, and other monies disbursed by the state
 - Referral of account to outside collection agency
 - Suspension of driver's license (traffic related cases)
 - Probation revocation proceeding
 - Warrant for defendant's arrest may be issued
 - 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?](#)

Colorado law provides you, as the victim, the right to pursue collections of restitution from the defendant in an existing criminal case in the same manner as collecting a civil judgement (C.R.S. 16-18.5-107). Please contact the court to confirm procedures.

If you choose to pursue collections on your own, you will need to notify the court in the criminal case, in writing, of your intent. The Court Clerk's Office can direct you to the appropriate forms (Notice of Intent to Pursue Collections by Victim) which must be completed and filed with the court where the sentencing hearing is scheduled to be held. Upon receipt of the notice the court will cease further active attempts to collect restitution, but the Collections Investigator in the court or probation department may still assist the victim in his/her collection efforts. Once the court has received notice that the victim is pursuing his/her own collection efforts, the victim may apply to the sentencing court for issuance of any of the following that, if provided, shall be done without cost to the victim:

- Certified copies of the Transcript of Judgement (the order for restitution)
- Attachment of Earnings (pursuant to Section 16-18.5-105(3)(b), C.R.S.)
- Writs of execution, attachment or other civil process to collect upon a judgement pursuant to Article 52 of Title 13, C.R.S.

For further collection remedies the victim may pursue, please refer to §16-18.5-107 of the Colorado Revised Statutes, or consult an attorney. You should routinely advise the Clerk of Court of any payments you have received directly from the defendant or through your own actions to collect if they do not come through the courts.

The victim may also withdraw from pursuing his/her own collection efforts by filing a Notice of Withdrawal of Intent to Pursue Collection by Victim to withdraw. Notice of such withdrawal must be filed with the sentencing court. 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 liability of the juvenile's parent(s) or guardian is limited by Colorado statute to \$25,000.

- [What if I find that the amount of restitution needed increases after sentencing?](#)

Under Colorado statutes, 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 been set by the court yet. If you need to ask that the restitution be increased, please contact the Restitution Coordinator immediately at (970) 498-7284 and ask for 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). To find out the status of restitution collection efforts being undertaken, please contact the appropriate department listed below:

Department of Corrections

2862 South Circle Drive, Suite 400
Colorado Springs, CO 80906
(719) 269-4039
Fax: (719) 269-4050

Division of Adult Parole Supervision

10403 West Colfax
Lakewood, CO 80215
(303) 238-5967
Fax: (303) 238-0170

Division of Youth Corrections

3900 South Carr Street, No.81
Denver, CO 80235
(303) 987-4618
Fax: (303) 987-4614