

What the law says: Washington state law requires juvenile offenders to pay the victims of their crimes for financial loss or damages caused by the criminal offense. This recovery of financial loss is called *restitution*.
(RCW 13.40.020)

Washington state law sets out the types of loss for which the justice system can require an offender to pay restitution, and how the amount of restitution is to be determined.

The law states restitution shall be paid for “easily ascertainable” (*easy to figure out*) damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injuries to persons, lost wages resulting from physical injury, and costs of the victim’s counseling reasonably related to the offense. (RCW 13.40.020)

By law, payment of restitution *cannot* include, “damages for mental anguish, pain, suffering or other intangible losses.” (RCW 13.40.020)

The amount of restitution owed by a juvenile offender is ultimately determined by the court using information from the police investigation and information submitted by the victim. The prosecutor’s office and the juvenile court’s VIP staff attempt to contact all victims by letter and phone to assist them in providing the information needed to set restitution. (RCW 13.40.190)

State law requires restitution to be set within 180 days of conviction of the offense. Therefore, it is important for crime victims to contact juvenile court staff in a timely manner with the information needed to determine their losses. There are cases where setting the amount of restitution requires discussion and some time. (RCW 13.40.150)

We want to help victims through this process: Clark County Juvenile Court is committed to assisting crime victims navigate through what can sometimes be a confusing justice system so they can receive the restitution to which they are entitled. If you have concerns or questions please contact our Victim Impact Program (VIP) staff at 619-1151. You can also contact the probation counselor assigned to your case.

How restitution gets paid: Once restitution has been determined, the probation counselor assigned to work with the youth will set up a restitution payment plan. Payments must be made to the court clerk’s office. The clerk’s office forwards restitution payments to victims by check.

If a youth owes restitution to more than one victim: Any payment goes to the oldest owing obligation. If a youth has fines and fees (Victim Assistance Assessment, etc.) that are owed on a prior offense, money paid by the youth is applied to the oldest obligation first.

If an offender does not pay: A juvenile offender is responsible for the amount of

restitution owed even if the period of probation, or other supervision by the juvenile department, has ended.

If a youth fails to fulfill the obligation to pay restitution, following the youth’s 18th birthday, a court judgment is entered against the youth for a period of ten years. This judgment can be renewed for an additional ten years. Such a judgment may adversely affect the individual’s ability to rent an apartment or buy a car.

Parent responsibility: In certain circumstances parents can be found liable for damages caused by their child up to five thousand dollars (\$5,000). This can occur if the child resides with their parent and the child willfully or maliciously destroys or defaces property, or willfully or maliciously inflicts personal injury on another person. This does not limit the amount a victim may seek to recover against the parent(s) for common law negligence.

Victims may wish to consult with a lawyer if considering a civil lawsuit. (RCW 4.24.190)

Losses under \$4,000: A small claims suit can provide an alternative means of recovering losses if an offender fails to pay restitution. A small claims suit is not dealt with through the juvenile justice system. A “Small Claims Court” brochure is available through the Clark County District Court (360) 397-2060.

When more than one offender is responsible: Washington law calls this “joint and several”. It means everyone who participated in the crime is fully responsible for the total amount of restitution owed. If all offenders pay their share, that’s a good thing. If one offender fails to pay, any other offender responsible in the matter must pay what is owed to the victim to successfully fulfill their obligation.

Crime Victims Compensation Program:

The Washington state legislature has created a program to provide financial assistance to victims of violent crime and survivors of a homicide victim. The benefits available under this program can be accessed only after other insurance resources are exhausted. Victims must apply for this program and there are a number of requirements and conditions.

For questions about eligibility, what costs may be covered and to obtain an application please call the Crime Victims Compensation Program toll free number @ 1-800-762-3716.

Revised Code of Washington (RCW's) website:
<http://www.leg.wa.gov/rcw/index.cfm>



For an alternate format of this brochure contact the Clark County Americans with Disabilities Compliance Program Office at (360) 397-2025 or TTY at (360) 397-2445

RESTITUTION



Clark County Juvenile Court is committed to the holistic implementation of Balanced & Restorative Justice principles, which includes the acknowledgement of harms done to victims and providing assistance in addressing those harms.

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