

Restitution

Frequently Asked Questions



United States Attorney's Office
Western District of Michigan

Q. WHEN WILL I GET MY MONEY?

You may not receive any restitution or only partial restitution paid out over a long time period. Restitution payments depend on: (1) the amount of financial resources the defendant has at the time of sentencing; (2) when defendant is in prison, he/she will not be able to make payments or will make only small payments due to low prison wages; (3) payments may have to be divided among numerous victims, for example, if there are twenty-five victims and the defendant makes a \$25.00 payment, each victim will receive a \$1 payment toward restitution.

Q. WHAT HAPPENED TO ALL THE MONEY THE DEFENDANT TOOK FROM ME?

The United States Attorney's Office will attempt to seize the defendants assets. If the defendant has spent the victims' money to support himself or make luxury item purchases the assets are often reduced or eliminated. Defendants seldom have bank accounts containing the victim's money or readily identifiable assets to seize upon conviction.

Q. HOW IS RESTITUTION COLLECTED & DISPERSED?

The United States Clerk of Court receives payments from the defendant and sends them to the victims. The Clerk will wait until there is a reasonable amount to disburse to victims, for example, a check for \$10 rather than a check for only \$2. The Clerk will not send notice of a payment. You will receive a check in the mail.

Q. HOW LONG WILL THE DEFENDANT HAVE TO MAKE PAYMENTS?

Restitution judgments are in effect for 20 years. The United States Attorney's Financial Litigation Unit is responsible for enforcing restitution payments. A defendant may not have assets when he/she is sentenced or during the term of imprisonment. However, the defendant may have an ability to make restitution after release. Therefore, it is important that you **keep the United States Attorney's Office informed of your change of address.**

Q. WHAT SHOULD I DO TO

MAKE SURE I RECEIVE RESTITUTION?

Complete the form entitled *Financial Impact Statement* and *Money You Were Paid*. If you do not complete these forms, your name will be removed from the list for restitution. You should complete the two forms in addition to the form from the United States Probation Office. Send address changes and completed forms to: **United States Attorney's Office, P.O. Box 208, Grand Rapids, MI 49501-0208.**

Q. WHAT IF I DON'T WANT TO BE BOTHERED?

You are under no obligation to complete the *Financial Impact Statement* and *Money You Were Paid* forms. You do have the option of assigning any restitution ordered in this case to the Crime Victim's Fund which helps victims of state and federal crimes when local resources are not available.

Q. WHAT IF I AM THE

POWER OF ATTORNEY OR LEGAL GUARDIAN FOR THE VICTIM AND AM RECEIVING THE RESTITUTION NOTICE?

You should complete the forms entitled *Financial Impact Statement* and *Money You Were Paid*. Indicate the victim’s name on the form and your relationship to the victim, for example power of attorney for son. Restitution can be made to the victim’s estate if the victim is deceased. Future correspondence and any restitution payments will be sent to you. Checks will be in the victim’s name.

Q. WHAT IF I EXPECT DAMAGES FROM A CIVIL SUIT OR RECEIVE COMPENSATION FROM OTHER SOURCES?

If you have received compensation from insurance, disability, the Crime Victims’ Compensation Fund, or any other source with respect to a loss, the Court will order that restitution be paid to the person/company who provided or is obligated to provide the compensation. However, the restitution order will provide that restitution is payable to actual victims first. Any amount ordered paid as restitution shall be reduced by any amount later recovered as compensatory damages for the same loss in any related civil proceeding.

Q. CAN VICTIMS FILE A LIEN AGAINST A

DEFENDANT?

At the request of a victim named in a restitution order, the Clerk of Court will issue an Abstract of Judgment certifying that a judgment has been entered in favor of the victim in the amount specified in the judgment. A victim may then file this with the Register of Deeds in any county in which it is believed the defendant has assets in the state in which a defendant was convicted in federal court. When recorded, the Abstract of Judgment becomes a lien upon the property of the defendant in that county/state in the same manner as a state court judgment. A copy of the Abstract of Judgment may be obtained from the United States Clerk of Court or the United States Attorney’s Financial Litigation Unit.

Q. CAN RESTITUTION BE DISCHARGED IN BANKRUPTCY?

No. An order of restitution is not dischargeable in a defendant’s bankruptcy.

Q. WHAT IF I RECEIVE ONE OR A FEW RESTITUTION

PAYMENTS & THEN THE PAYMENTS STOP?

Restitution payments are generally small. It takes time to accumulate enough to send to the victims. You could receive a payment and not receive another one for several months. The defendant may have lost his/her job and can’t make payments temporarily or the defendant may have stopped making payments. If you have been receiving payments on a regular basis and they suddenly stop, contact the United States Attorney’s Financial Litigation Unit, (616) 456-2404, to learn the reason for the nonpayment.

Q. WHO SHOULD I CONTACT IF I HAVE ANY QUESTIONS?

The United States Attorney’s Victim Witness Coordinator - (616) 456-2404

RESOURCES WHICH MAY BE HELPFUL FOR VICTIMS OF FEDERAL CRIMES:

National Center for Victims of Crime
www.ncvc.org
703-276-2880

National Organization for Victim Assistance
www.try-nova.org
202-232-6682

National Fraud Information Center
www.fraud.org
1-800-876-7060

Federal Trade Commission Clearinghouse
www.consumer.gov/idtheft
1-877-ID-THEFT (1-877-438-4338)

National Foundation for Credit Counseling
[Www.nfcc.org](http://www.nfcc.org)
1-800-388-CCCS (1-800-388-2227)

Privacy Rights Clearinghouse
www.privacyrights.org
619-298-3396

Federal Bureau of Prisons
Inmate locator
www.bop.gov

Michigan Crime Victims Compensation
www.michigan.gov/mdch
(517) 373-7373

Michigan Victim Alliance
www.mivictims.org/mva

Michigan Coalition Against Domestic and Sexual Violence
www.mcadsv.org
(517) 347-7000

Parents of Murdered Children
www.pomc.org