

<b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b>	Transmittal # 18-8	Policy #20.50
<b>Applicability:</b> { } All DJJ Staff { } Administration {x} Community Services { } Secure Facilities	<b>Related Standards &amp; References:</b>  O.C.G.A. §§ 17-14-2, 17-14-3, 17-14-5, 17-14-7; 17-14-8; 17-14-9, 17-14-10, 49-4A-8.  ACA Standard: 4-JCF-3E-01  DJJ 14.10	
<b>Chapter 20: CASE MANAGEMENT</b>	<b>Effective Date:</b> 4/20/18 <b>Scheduled Review Date:</b> 4/20/19	
<b>Subject: RESTITUTION</b>	<b>Replaces:</b> 4/20/17 Community Services Division <b>APPROVED:</b>	
<b>Attachments:</b>  A - Victim's Right to Restitution Brochure B - Restitution Court Notification Letter	 <hr/> Avery D. Niles, Commissioner	

**I. POLICY:**

The Department of Juvenile Justice shall ensure that youth are held accountable for paying all court ordered restitutions.

**II. DEFINITIONS:**

**Community Case Manager (CCM):** Juvenile Probation/Parole Specialist I, II or III (JPPS) or Juvenile Probation Officer I or II who provides direct supervision and coordination of services for a youth. The Community Case Manager also includes any member of an established case management team who may perform case management tasks.

**Conditions of Supervision:** The written agreement between the youth and Community Case Manager that describes the rules the youth must follow while under the supervision of the Department and the consequences of rule violations that apply to the current placement.

**Restitution:** Any property, lump sum, periodic payment, or services ordered by a juvenile court as reparation for the loss caused to another.

**Restitution Plan:** A plan developed by the youth, in consultation with the facility or Community Case Manager, regarding how the youth's restitution will be repaid. Such plan should include possible employment options and a proposed repayment schedule.

**Victim:** (1) A person against whom a crime has been perpetrated. (2) A parent, guardian, or custodian of a crime victim who is a minor or a legally incapacitated person, except where that person is in custody for an offense or is the defendant. (3) In the event of the death of the crime victim, the following relatives will qualify as the victim, except where the relative is either in custody for an offense or the defendant: spouse; adult child if there is no spouse; a parent if

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there is no spouse or adult child; a sibling if there is no spouse, adult child, or parent; a grandparent if there is no spouse, adult child, parent, or sibling.

### III. PROCEDURES:

- A. Community Case Managers (CCM) will hold youth under their supervision accountable to pay restitution as ordered by the court.
- B. The CCM will send by mail any concerned victims a copy of the Victim's Right to Restitution brochure (Attachment A).
- C. The Conditions of Supervision/Probation will require the payment of restitution as ordered by the court. The CCM will document all restitution requirements in the Juvenile Tracking System (JTS) Legal Module.
- D. If there is a court order detailing restitution requirements, it will be uploaded into the JTS Legal Module.
- E. The CCM will develop a restitution plan, if not addressed specifically in Conditions of Supervision or existing Transition Plan, laying out a proposed payment schedule.
  - For youth in YDC, the restitution plan will be shared with the managing team and discussed as part of the youth's re-entry planning.
- F. Pursuant to O.C.G.A. §49-4A-8, no employee, including a CCM, will collect any restitution money from the youth. The youth must pay all restitution directly to the clerk of the Juvenile Court.
  1. The CCM will contact the clerk of the Juvenile Court monthly to ensure that the youth has made a restitution payment that month.
  2. At least monthly, the CCM will document any restitution payments made by the youth in JTS Legal Module and Case Notes.
  3. A copy of the restitution receipt, if available, shall be uploaded into JTS correspondence.
- G. The CCM will enforce compliance with restitution by using graduated sanctions, violation of probation/supervision, and/or administrative revocation.

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- H. The Juvenile Program Manager (JPM) will monitor compliance with court ordered restitution when auditing case records and will monitor office restitution collection through JTS Restitution Reports.
- I. Youth will not be recommended for early termination from supervision if restitution has not been paid in full.
- J. The CCM will contact the clerk of court to ensure that the youth has fulfilled all court ordered restitution prior to the termination/expiration of the order.
- K. At least 90 days prior to the expiration of probation or commitment order, the CCM will notify the court in writing if the youth has not completely fulfilled the restitution requirements. When there are extenuating circumstances, the JPM or designee will communicate these circumstances to the court. The CCM will upload a copy of the Restitution Court Notification Letter into the JTS Correspondence Module. (See Attachment B)
  - If the youth has met all conditions of supervision except the restitution requirement, the CCM will seek to notify the respective court regarding the outstanding restitution.
- L. Prior to terminating a case due to the expiration of the court order, the CCM will send the victim the Right to Restitution brochure (Attachment A) and the JTS generated Victim Restitution Notification Letter (Attachment B) advising the victim that the youth's case is terminating and how to contact the juvenile court clerk regarding unpaid restitution.
- M. The Office of Victim Services will serve as the point of contact for victims of juvenile crime who have additional questions or concerns regarding the remedy of payments that have not been made. The assigned CCM can notify the victim if restitution payments have been made and provide the contact information to the respective Clerk of Courts to confirm payments.

**IV. LOCAL OPERATING PROCEDURES REQUIRED: NO**