
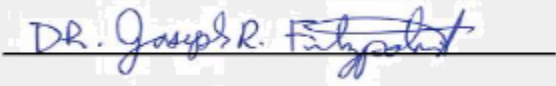


POLICY TITLE: RESTITUTION		PAGE 1 OF 6
POLICY NUMBER: 9.6 - JCC		
CHAPTER 9: CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: March 6, 2018	LATEST REVISION:

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Juvenile Community Corrections

III. POLICY

It is the policy of the Department of Corrections to enforce the collection of restitution from juveniles who are under supervision in the community, including juveniles on community reintegration status.

IV. CONTENTS

- Procedure A: Restitution, General
- Procedure B: Determination of Time and Amount of Restitution Payments
- Procedure C: Method of Payment
- Procedure D: Failure to Make Required Payments
- Procedure E: Collection and Disbursement of Funds
- Procedure F: Juveniles Transferred to Maine from Out of State

V. ATTACHMENTS

[Attachment A: Restitution Set-Up Sheet](#)

VI. PROCEDURES

Procedure A: Restitution, General

1. For a juvenile agreeing to an informal adjustment that includes victim restitution, the Juvenile Community Corrections Officer (JCCO) shall ensure at the time of the agreement that the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable, are aware of the victim restitution obligations agreed to. In determining the total amount to be paid as restitution, the JCCO shall review the referring law enforcement officer's report and, if necessary, shall inquire of the victim as to the financial loss incurred.
2. For a juvenile placed on probation or deferred disposition supervised by juvenile community corrections, the JCCO shall ensure as soon as possible that the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable, are aware of any applicable victim restitution obligations as ordered by the court.
3. For a juvenile placed on community reintegration status, the JCCO shall ensure as soon as possible that the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable, are aware of any applicable victim restitution obligations as ordered by the court.
4. If the juvenile's parent(s), guardian or legal custodian makes payment(s) toward the restitution owed by the juvenile, the JCCO shall credit the payment(s) toward the juvenile's restitution obligation. The JCCO shall attempt to develop a voluntary plan for the juvenile to reimburse the person making the payment(s), e.g., by performing work or a service.

Procedure B: Determination of Time and Amount of Restitution Payments

1. For a juvenile agreeing to an informal adjustment that includes victim restitution, the JCCO shall complete the Restitution Set-Up Sheet (Attachment A) within ten (10) days of the agreement. The information on the sheet shall be entered into CORIS by the designated juvenile community corrections region clerical staff. The payment schedule shall not exceed the period of informal adjustment.
2. For a juvenile placed on probation, deferred disposition supervised by juvenile community corrections, or community reintegration status, the JCCO shall complete the Restitution Set-Up Sheet (Attachment A) within ten (10) days of when information is obtained as to the total amount of restitution owed and to whom. The information on the sheet shall be entered into CORIS by the designated juvenile community corrections region clerical staff.
3. If a court has specified the time and amount of payments toward the restitution owed, the JCCO shall inform the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable, that the juvenile must make the payments to the Department in accordance with the schedule set by the court. The JCCO shall enter the required periodic payment amount into CORIS and shall provide the

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.6 Restitution	9. Supervision and Case Management	Page 2 of 6 3/6/18

Restitution and Fee Collection Detail form (from CORIS) to the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable.

4. If a court has not specified the time and amount of payments toward the restitution owed, the Juvenile Community Corrections Officer (JCCO) shall determine the monthly payment amount based upon the juvenile's ability to pay. The JCCO shall enter the required monthly payment amount into CORIS and shall provide the Restitution and Fee Collection Detail form (from CORIS) to the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable.
5. In determining the monthly payment amount, the JCCO shall consider the age of the juvenile, unusual expenses, if any, income, if any, and earning potential. The juvenile may be required to verify his or her income through written documentation. Examples of acceptable income documentation include a recent pay stub, work invoices, or the previous year's income tax return. The juvenile shall be responsible to provide documentation of any unusual expenses, e.g., extraordinary medical expenses, special family needs, etc.
6. The JCCO shall inform the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable, that the juvenile is responsible for immediately notifying the JCCO of any change in financial circumstances, including any change in income or any additional major expenses.
7. For a juvenile placed on probation or on community reintegration status, the JCCO may seek an additional lump sum payment from a juvenile who has assets gained outside of normal income, such as inheritance, lottery winnings, or above average equity in property. (This option is not available for a juvenile agreeing to an informal adjustment.)
8. If the juvenile indicates an inability to comply with the required payment schedule due to a documented change in income or expenses and the payment schedule was not set by a court, the JCCO shall determine whether the payment schedule set by the JCCO should be adjusted as a result of the change in income or expenses.
9. If the payment schedule was set by a court or, in the case of a juvenile placed on probation, deferred disposition supervised by juvenile community corrections, or community reintegration status, the JCCO decides not to change the payment schedule set by the JCCO, the JCCO may inform the juvenile, and the juvenile's parent(s), guardian or legal custodian, if applicable, of the juvenile's option to request a modification of restitution in accordance with 17-A M.R.S.A. Section 1328-A. (This option is not available for a juvenile agreeing to an informal adjustment.)

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.6 Restitution	9. Supervision and Case Management	Page 3 of 6 3/6/18

Procedure C: Method of Payment

1. The juvenile shall pay with a certified bank check, postal money order, credit card or debit card (requires signature, no PINs). Under no circumstances may a restitution payment be made by personal check or in cash.
2. Juveniles shall mail or deliver payments made by certified bank check or postal money order directly to Central Office. A juvenile who brings a certified bank check or postal money order to a field office may be provided a stamped envelope to facilitate the juvenile mailing it to Central Office. Juveniles may make payment by credit card or debit card at Central Office or the Regional Offices, if the equipment is available.

Procedure D: Failure to Make Required Payments

1. If a juvenile on informal adjustment fails to make a scheduled restitution payment, the Juvenile Community Corrections Officer (JCCO) shall determine the circumstances of the failure to pay. If the failure to pay is excusable, the JCCO shall adjust the payment schedule. If the failure to pay is inexcusable, the JCCO shall decide whether to terminate the informal adjustment as unsuccessful by authorizing a petition to the court.
2. If a juvenile on probation has failed to make scheduled restitution payments for sixty (60) days or more and the failure to pay is inexcusable, the JCCO shall, with the permission of the prosecuting attorney, file a motion to revoke probation. The failure to pay shall be considered inexcusable if the juvenile has not asked for and received a change in the payment schedule based on a documented change in income or expenses.
3. If a juvenile on deferred disposition has failed to make a scheduled restitution payment and the failure to pay is inexcusable, or the juvenile is in compliance with the restitution payment schedule but will not pay the total amount ordered by the court by the end of the deferred disposition, the JCCO shall notify the prosecuting attorney as soon as practicable. A failure to pay shall be considered inexcusable if the juvenile has not asked for and received a change in the payment schedule based on a documented change in income or expenses.
4. A juvenile who is in compliance with the restitution payment schedule, but who has not paid the total amount ordered by the court, shall not have a motion to revoke probation filed for failure to pay restitution, unless the court has ordered that the restitution be paid in full within a certain time period or by a certain date and the juvenile has failed to do so.
5. For a juvenile who is in compliance with the restitution payment schedule, but who has not paid the total amount ordered by the court by the completion of probation, the JCCO shall inform the juvenile to continue making payments to the Department on the schedule as determined while under supervision. Under no circumstances may the payment schedule be changed by the JCCO after the

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.6 Restitution	9. Supervision and Case Management	Page 4 of 6 3/6/18

juvenile has completed probation, nor may an additional lump sum payment be sought by the Juvenile Community Corrections Officer (JCCO) after the juvenile has completed probation. (Continued payment to the Department is not an option available to a juvenile completing a deferred disposition.)

6. If a juvenile who has completed probation has failed to make scheduled restitution payments for ninety (90) days or more, the JCCO shall ensure written notification is sent to the office of the prosecuting attorney. This notification shall include the balance due on the restitution obligation.
7. If a juvenile on community reintegration fails to make a scheduled payment and the failure to pay is inexcusable, the JCCO shall impose sanctions, up to and including return to the facility. A juvenile who is in compliance with the payment schedule, but who has not paid the total amount ordered by the court, shall not be sanctioned for failure to pay restitution.

Procedure E: Collection and Disbursement of Funds

1. Restitution payments shall be disbursed to victims as required by an informal adjustment agreement or court order and in accordance with practices established by the Department’s Director of Victim Services.
2. If only one juvenile is required to pay restitution, then when funds equal to the amount of restitution agreed to or ordered by the court have been collected, the collection of funds shall then terminate.
3. If more than one person is required to pay restitution and the share of the restitution payable by each of them has been specified, then when funds equal to the amount of restitution agreed to or ordered by the court have been collected from a juvenile, the collection of funds from that juvenile shall then terminate.
4. In the event that more than one person is ordered by a court to pay restitution and the orders for restitution are joint and several, each person is liable for the full amount. Because of this, funds shall be collected from each person in the custody or under supervision of the Department until the total amount has been paid in full. The collection of funds shall then terminate unless the amounts collected from each person ordered to pay restitution are not equal.
5. If the order is joint and several and the amounts collected from each person ordered to pay restitution are not equal, funds shall continue to be collected from each person in the custody or under supervision of the Department who has not paid an equal share of the restitution, and the funds shall be disbursed to any person who has paid more than an equal share of the restitution until the total amount has been shared equally.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.6 Restitution	9. Supervision and Case Management	Page 5 of 6 3/6/18

Procedure F: Juveniles Transferred to Maine from Out of State

1. A juvenile who is in Maine under the terms of the Interstate Compact shall be instructed to send his or her restitution payments directly to the sending state.

VII. PROFESSIONAL STANDARDS

None

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.6 Restitution	9. Supervision and Case Management	Page 6 of 6 3/6/18