

JUVENILE COURT
POLICY/PROCEDURE

**GUIDELINES FOR RESTITUTION AND COMMUNITY SERVICE
DISPOSITIONS**

POLICY

The Juvenile Court will maintain guidelines to be used by the Court in ordering a juvenile to complete restitution and/or community service obligations under §938.34(5) or (5m). Modifications of the guidelines established below may be made at the discretion of the Court, considering the following factors:

- The maximum impact of the order on the child, considering that the initial impact of performing Community Service is achieved in 12-48 hours. The impact of increased hours on services available, considering there are limited placements and staff supervision available for all juveniles referred
- The importance of the obligation relative to other aspects of the treatment or supervision plan. Priority may be given to other treatment or supervision components
- The age of the juvenile, considering that younger children are more difficult to place
- Other physical, behavioral, or mental characteristics of the juvenile may affect the ability of the program to place or monitor the juvenile
- Other time commitments of the child may reduce the time available for Community Service work or employment
- Geographic or transportation factors that may limit/enhance the juvenile's ability to be placed and have access to employment/community service work

GUIDELINES

In all cases, the program implemented shall be of a constructive nature designed to promote the accountability of the juvenile and restoration of the community/victim, shall be appropriate to the age level and physical ability of the child, and may be combined with other counseling, treatment, or supervision services.

Related to Restitution, Social Workers are encouraged to recommend 100% restitution for documented losses as determined by the District Attorney's office. When multiple offenders are involved, division of restitution should involve those individuals able to complete restitution. For juveniles age:

- 16 or 17, a recommended limit is \$1,500 per individual per disposition
- 14 & 15, a recommended limit is \$750 per individual per disposition
- 12-13, a recommended limit is \$250 per individual per disposition
- 10-11, a recommended limit is \$100 per individual per disposition

Exceptions to these limits may be made if the juvenile can demonstrate an ability to pay costs higher than the recommended amount(s) (e.g. has savings).

Related to Community Service the following guidelines should be considered:

Offense Level of Most Serious Concurrent Charge	Recommended Hours 1 st referral for Community Service & 1-3 concurrent counts/petitions	Recommended Hours 2 ^{nd+} Adjudication or 4+ concurrent counts/petitions
Category I Class B & C Misdemeanors	12 Hours	24 Hours
Category II Class A Misdemeanors	24 Hours	36 Hours
Category III Class C, D, & E Felonies	36 Hours	48 Hours
Category IV Class A & B Felonies	48 Hours	48 Hours

Ordering Community Service for a third time for a juvenile should be done rarely, considering the length of time between orders, nature of offense(s), and other dispositional options that may better address the needs related to treatment and supervision of repeat offenders.

For youth ages 10-11 who are ordered to participate in other community-based intervention programs no additional community service should be ordered

Combinations of Restitution and Community Service in one disposition may be considered if necessary, but the total time commitment for the juvenile to complete the obligation along with other time commitments should be considered.

PROCEDURE

The Restitution Specialist in the District Attorney's office has the responsibility for gathering the information and preparing a recommended amount for restitution to be provided to the Social Worker, District Attorney, and the Court. Copies of all court orders which include Restitution or Community Service to be supervised by the Youth Restitution program shall be sent to YRP by the branch/office entering the order. Referrals by Social Workers with additional information related to the juvenile must be sent to YRP within 5 working days of the order being entered.

EXCEPTIONS/COMMENTS

To the degree possible, all amounts related to restitution shall be determined and provided to the court prior to disposition so that any disagreements about amounts can be resolved at that time.

All parties should keep in mind that, although it is the hope that victims will be fully compensated for any loss or damage, that they do retain rights to proceed with a civil action in the event they have not been fully compensated (See Policy on Disclosure of Information to Victim's of a Child's Act).

Pursuant to statute and procedures developed by the Clerk of Courts, in the event a juvenile fails to pay restitution as ordered, the victim, victim's insurer, DA, Corporation Counsel, or supervising agency may petition the court to have the amount of unpaid restitution docketed as a judgment against the juvenile/parent. The juvenile may also have their court supervision extended if the restitution is not paid in full, but if restitution is the only outstanding court-ordered obligation, this extended order may be terminated prior to the expiration date of court supervision.