

INSTRUCTIONS

Crime Victim's Restitution Packet

Forms you may need for restitution in a criminal or juvenile delinquency case:

- Affidavit for Restitution (CRM301 for criminal cases, or JUV101 for juvenile delinquency cases);
- Affidavit of Identification of Judgment Debtor (JGM104) (see page 6 of these instructions); and
- Confidential Information Form, Form 11.1 (CON111, for providing restricted identifiers such as Social Security numbers and account numbers).

What You Need to Do

1. Choose the correct *Affidavit for Restitution* form:
 - a. CRM301 for criminal cases;
 - b. JUV101 for juvenile delinquency cases.
2. Fill out the *Affidavit of Restitution* form, following all of the steps in these instructions.
3. Submit the *Affidavit of Restitution* to court administration.

IMPORTANT

NOTE! Your *Affidavit for Restitution* and any attachments will be provided to the offender as required by law.

If you attach medical provider or other bills or summaries documenting your financial loss:

- You should redact “restricted identifiers” such as Social Security Numbers or account numbers (make it so the numbers cannot be seen on the bill or summary);
- If you believe you must include account numbers, list them on *Form 11.1* (Confidential Information Form, CON111).

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the MN Courts Self Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information about Restitution

Important Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.

About Restitution

What is restitution?

Restitution is the money a judge orders a juvenile or adult offender to pay to the victim. It is based on the victim's losses resulting from the crime and the offender's ability to pay.

What is Minn. Stat. § 611A.04?

[Minnesota Statute § 611A.04](#) outlines a victim's rights to receive restitution in either a criminal or juvenile delinquency case.

Do you have all the information you need to fill out the forms?

The *Affidavit for Restitution* form (CRM301 or JUV101) asks for the following information:

- The county, judicial district, and court file number of the criminal or juvenile delinquency case;
- Information about the restitution claim, such as:
 - Property that was damaged (including the type of property, value, amount of damages);
 - Out-of-pocket expenses resulting from the crime (medical and therapy costs, replacement of wages and services, etc.);
 - Funeral expenses;
 - Receipts and estimates; and
 - Insurance company information (name of insurance company; whether the damages are covered by insurance; claim number, if any; amount of deductible).

For more information about restitution, please see the Office of Justice Program's website: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/default.aspx>.

Step 1

**Choose the Correct *Affidavit for Restitution* (CRM301 or JUV101),
and Complete the Form**

CRM301

State of Minn. County	1	Judicial District: Court File Number: Case Type: Criminal	2	District Court
State of Minnesota Plaintiff				
Affidavit for Restitution Minn. Stat. § 611A.04				
vs. Defendant	3			

OR

JUV101

State of Minn. County	1	Judicial District: Court File Number: Case Type: Juvenile	2	District Court
In Re Welfare of:				
	3			

**Affidavit for Restitution
Minn. Stat. § 611A.04**

Choose CRM301 if you are the victim in a **criminal** case.

Choose JUV101 if you are the victim in a **juvenile delinquency** case.

Note: If you have been working with a victim advocate, the *Affidavit of Restitution* form may be completed with the help of the advocate.

Section A – The “Caption”

1. List the county where the criminal or juvenile delinquency case was filed.
2. List the Judicial District where the case was filed, and the court file number. Each county belongs in one of ten judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
3. For CRM301: list the name of the defendant (the offender).
For JUV101: list the name of the juvenile offender in the line after “In Re Welfare of:”

B

I state the following losses were incurred, or the following property was damaged, stolen or destroyed by Defendant.

List the value and/or damage of each property item. Also include other out of pocket losses resulting from the crime. (Attach estimates or receipts. Attach another sheet if necessary.)

_____ 4 _____	\$ _____ 5 _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
6	TOTAL: \$ _____

My losses/damages (were) (were not) covered by insurance.

Name of insurance company _____ **7**

Amount of deductible and / or uninsured loss: \$ _____ **8**

Claim No. _____ **9**

Insurance claim has been submitted but has not been paid. **10**

Section B – Information about Damages

- 4. List the items damaged and or financial losses.
- 5. List the value of each item.
- 6. Circle “were” or “were not” to show whether the items were covered by insurance.
- 7. List the name of insurance company, if any.
- 8. List the deductible, or value of any items not covered by insurance.
- 9. Write the insurance claim number, if any. If you have not filed a claim, you can write “none” or “N/A.”
- 10. Check the box if you filed a claim with your insurance company, but it has not been paid yet.

Step 2

Sign the *Affidavit for Restitution* (CRM301 or JUV101)

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____ **12** _____

County and State Where Signed: _____ **13** _____

Signature _____ **11** _____

Name: _____ **14** _____

Address: _____ **15** _____

City/State/Zip: _____

Complete the bottom section of the form.

11. Sign the form; then fill in the blanks with the requested information:
12. The date that you signed the form;
13. The county and state you were in when you signed the form;
14. Your name; and
15. Your address.

When you sign this form, you are signing under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

Step 3

Give the *Affidavit for Restitution* (CRM301 or JUV101) to Court Administration

Promptly submit the completed and signed *Affidavit for Restitution* form, and any supporting documents (such as receipts, bills, estimates) to court administration in the [county](#) where the criminal or juvenile delinquency case was filed.

General Information about Collecting a Restitution Judgment

Even if the court has ordered the offender to pay restitution, it does not mean that the offender will actually pay it.

Some options to *enforce* the judgment (to try to get the offender to pay) include the following:

Probation Review Hearing. If the offender is on **probation** and has not paid restitution, you can request a probation review hearing by contacting the probation officer (depending on how soon the probation period will be ending).

Civil Judgment. To try to collect restitution through the civil court, you will need to get the restitution order docketed as a *civil* judgment.

Here are the steps for asking that the restitution order be docketed:

- Fill out the *Affidavit of Identification of Judgment Debtor* form (JGM104), which is available online at <http://mncourts.gov/GetForms.aspx?c=24&f=382>.
- File the completed *Affidavit of Identification of Judgment Debtor* and a copy of the restitution order with court administration in the county where the criminal or juvenile delinquency case was filed. There is not a fee for a victim to file this form.

Civil Judgments

A civil judgment against the offender/debtor will show up on credit checks and real estate title searches until the judgment has been satisfied (paid).

You can try to collect a civil judgment through a levy on the offender/debtor's bank account or wages.

For more information about collecting a civil judgment, see the "Judgments" Help Topic online at <http://mncourts.gov/Help-Topics/Judgments.aspx>.