



OREGON YOUTH AUTHORITY

Policy Statement

Part III – Youth Services (Community)



Subject:

Court-ordered Restitution

Section – Policy Number:

C: Case Planning and Review – 2.1

Supersedes:

**III-C-2.1 (03/13)
III-C-2.1 (06/08)**

Effective Date:

06/07/2022

Date of Last Review/Revision:

None

Related Standards and References:

- [ORS 419C.450](#) (Restitution)
- [ORS 18.048](#) (Judgment in criminal action that contains money award)
- [OAR Chapter 416, Division 260](#) (Youth in Custody Welfare and Trust Accounts)
- [OYA Policy: I-B-3.0](#) (Youth Trust Accounts)
- [I-E-2.5](#) (Crime Victim Notification and Communications)
- [III-D-1.1](#) (Juvenile Parole/Probation Agreement)
- [JJIS Policy: Condition Tracking in JJIS](#)
- [OYA Form: YA 3001](#) (Juvenile Parole/Probation Agreement)
- [YA 2218](#) (Trust Fund Disbursement Request)

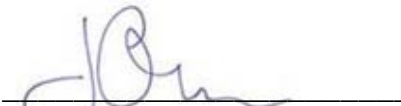
Related Procedures:

- None

Policy Owner:

Community Services Assistant
Director

Approved:



Joseph O'Leary, Director

I. PURPOSE:

This policy provides guidelines to ensure and monitor youth payment of court-ordered restitution while under community supervision.

II. POLICY DEFINITIONS:

Multidisciplinary Team (MDT): A team of individuals working collaboratively to develop and maintain a comprehensive individualized case plan that is culturally competent and gender-specific for each youth committed to the Oregon Youth Authority (OYA). The MDT is based on a core team membership consisting of the youth, OYA primary case manager, placement representative, QMHP (facility)/treatment provider (community), tribal representative (for youth enrolled in one of one of Oregon's federally recognized tribes) and the parents/guardians. Additional team members are identified by the core team based on the youth's Risk Needs Assessment, identified criminogenic needs and placement.

III. POLICY:

OYA encourages youth to make restitution payments to victims. OYA staff may establish or modify a youth's payment plan if authorized by the court.

Regular monitoring of payment plans holds youth accountable to their court ordered restitution, provides opportunities for reformation, and supports crime victims' rights to receive prompt restitution payments.

IV. GENERAL STANDARDS:

- A. A youth's juvenile parole/probation officer (JPPO) must review the youth's judgment order(s) for mention of any court-ordered restitution and payment plans.
- B. If authorized by the court, OYA may establish a payment plan or modify a payment plan when a youth's ability to pay changes.

In these cases, the Multidisciplinary Team (MDT) must consider the following when establishing or revising a payment plan:

- 1. The constitutional right of crime victims to receive prompt payment of restitution;
 - 2. The availability of paid employment or other income earning opportunities (e.g., employment, allowance, paid chores);
 - 3. The youth's financial resources and the burden that the payment of the court-ordered restitution has on other obligations (e.g., living expenses);
 - 4. The youth's ability to maintain payments on an installment basis or other fixed payment methods; and
 - 5. The rehabilitative effect on the youth for payment of restitution owed to victims.
- C. The JPPO must document the restitution obligation and payment plan (as described by either the court or the MDT) in the long-term goals under the "Accountability" domain of the youth's case plan in JJIS.
 - D. The payment plan must be reviewed quarterly during MDT meetings and modified as needed. The obligation balance, progress toward completion, and youth's plan to make future payments must be noted in the youth's case plan.
 - E. Payment obligations may be noted on the youth's Juvenile Parole/Probation Agreement (form YA 3001) and retained in the youth's case file.

- F. A youth may use a Trust Disbursement Request (YA 2218) to withdraw funds from the youth's special account towards payment of court-ordered restitution.
- G. Probation violators: The balance of any court-ordered restitution remains payable unless the court specifically removes the financial obligation from the order. Refer to [ORS 18.048](#) for further guidance on payment of money awards after a probation violation (referred to as “probation revocation”).
- H. Staff may refer to [ORS 419C.450](#) for guidance on relief from court-ordered restitution.
- I. Staff must update JJIS with the total amount of payments made toward a youth's court-ordered restitution upon the youth's termination from OYA custody. The amount must reflect what is recorded in the Oregon Judicial Department eCourt system (Odyssey).

V. GENERAL PROCEDURE OR LOCAL PROTOCOL REQUIRED: NO