

INFORMATION AND APPLICATION FOR COLLECTING CRIME VICTIM RESTITUTION

GENERAL INFORMATION:

You have received a judgment of restitution as a crime victim. Manitowoc County will docket your judgment automatically at no charge to you. By docketing your judgment, it becomes a lien against any real property owned by the defendant in Manitowoc County. There is a 20-year statute of limitations for collecting on a judgment, which runs from the original date of entry of the judgment. The judgment has to be redocketed after the first 10-year period, the same as with other civil judgments (at no charge for crime victims). If the defendant files for bankruptcy, all collection action must be suspended during the pendency of the bankruptcy action, however, collection may resume once the bankruptcy has been discharged or dismissed. Crime victim restitution is not dischargeable in bankruptcy. You cannot commence collection action while the defendant is on probation....you have to wait until he/she is off probation to pursue collection.

You have a couple options available to you for collection of your judgment of restitution, select one of the following:

EARNINGS GARNISHMENT OPTION

If you know where the defendant works, you can commence an earnings garnishment action against the defendant and his/her employer. There are no filing fees charged to a crime victim who commences an earnings garnishment action. The 13-week garnishment period is waived and does not apply to crime victim garnishments.

The Clerk of Court will assign either a small claims case number (for debts under \$10,000) or a civil case number (for debts \$10,000 or over) for the purpose of collection. The judgment in the criminal case will be cross referenced with the small claims or civil case. *(No filing fee charged for the small claims or civil case, or for the garnishment, but you will still be required to pay the \$15 garnishee fee to the defendant's employer.)* You can request an earnings garnishment packet from the Clerk of Court, which you will need to complete for filing with the court to initiate collection through the defendant's employer.

TAX INTERCEPT / SDC OPTION

You can request the Clerk of Court to turn over your restitution debt for collection with the Department of Revenue, State Debt Collection Agency (SDC). The debt will be certified with the Department of Revenue for tax intercept of the defendant's state income tax refund. SDC also has the ability to do an income assignment, an earnings garnishment, or a levy against a bank account. The defendant can arrange for a payment plan with SDC. All collection activity takes place directly with SDC; **you should not accept any payments personally**....all payments must be sent directly to SDC. Debts must be over \$50.00 to be eligible for collection through SDC. The collection fees charged by SDC are collected over and above your restitution judgment, not deducted as a percentage from your judgment. SDC's collection fee is 15% of the unpaid balance or \$35.00, whichever is greater. Any collections received from SDC will be sent to you on the first business day of the following month.

To set up and establish the case for collection through SDC, we need you to provide general contact information for both parties. Provide the last known address of the defendant. We have resources available that may help provide an accurate current address.

PLAINTIFF/CREDITOR:

Name: _____
Address: _____
City/State/Zip Code: _____
Phone: _____

DEFENDANT/DEBTOR:

Name: _____
Address: _____
City/State/Zip Code: _____

You need to determine the amount due and owing on your judgment of restitution less any payments you have received to date.

Pursuant to Wis. Stats. §973.20 (footnotes) “Interest on a restitution award is not allowed. State v. Hufford, 186 Wis. 2d 461, 522 N.W.2d 26 (Ct. App. 1994).”

CASE NUMBER:

Date of Entry of Judgment: _____

Amount of Judgment: \$ _____

Creditor claims that the balance owed by debtor, less any payments, is as follows:

Unpaid Balance Due on Judgment: \$ _____ to be referred to DOR/SDC

SATISFACTION OF JUDGMENT OF RESTITUTION

After your judgment of restitution has been paid in full, you will be required to prepare a **Satisfaction of Judgment** (GF-129) and provide it to the defendant as confirmation of full satisfaction of the debt. The defendant will be required to file the Satisfaction with the Clerk of Court, along with a \$5.00 satisfaction of judgment fee to satisfy the judgment of record.

The Clerk of Court is required to notify DOC when a defendant has satisfied an order for restitution, by sending an Assessment Report to DOC indicating the payment and current restitution balance.

REQUEST TO PROCEED WITH COLLECTION ACTION FILED BY:

Signature of Plaintiff/Creditor

Date