

APPLICATION FOR COLLECTION OF CRIME VICTIM RESTITUTION

GENERAL INFORMATION:

You were awarded a judgment of restitution as a crime victim. Manitowoc County will automatically docket your judgment at no cost to you. A docketed judgment 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, beginning from the original date of entry of judgment. The judgment has to be re-docketed after the first 10-year period, the same as with other civil judgments (at no cost to crime victims). If the defendant files for bankruptcy, all collection action must be suspended until the bankruptcy has been discharged or is dismissed. At that time collection may resume. Crime victim restitution is not dischargeable in bankruptcy. The Clerk of Court office cannot commence collection action while a 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 to attempt 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. You will need to obtain and complete the earnings garnishment packet and file it with the Clerk of Court office in order to initiate garnishment through the defendant's employer. There is no filing fee for crime victims who commence an earnings garnishment action. The 13-week garnishment period is waived and does not apply to crime victim garnishments. While the filing fee is waived, you will still be required to pay the \$15 garnishee fee to the defendant's employer.

The Clerk of Court will establish a small claims case number (for debts up to \$10,000) or a civil case number (for debts over \$10,000) for purposes of collection. The judgment in the criminal case will be cross-referenced with the small claims or civil case.

TAX INTERCEPT / SDC OPTION

You can request the Clerk of Court office turn your restitution debt over to the Department of Revenue, State Debt Collection Agency (SDC) for collection. Debts under \$20 are not eligible for tax intercept. Debts under \$50 but at least \$20 will remain at tax intercept. Debts must be over \$50 to be eligible for collection through SDC. The Court must have, or be able to obtain, a valid social security number or driver's license for this option.

The defendant is given 30 days to pay the debt in full. If the debt is still unpaid, the debt will be certified with the Department of Revenue for tax intercept of the defendant's state income tax refund. The debt will remain in tax intercept for 60 days. If the debt still remains unpaid, it will be turned over to SDC. SDC also has the ability to commence an income assignment, an earnings garnishment, or a levy against a bank account in addition to tax interception.

All collection activity takes place directly through the Department of Revenue; **you should not accept any payments personally**. The defendant has the option to enter into a payment plan with SDC. All payments must be sent directly to SDC.

Money received from the Department of Revenue/SDC will be sent to you upon receipt.

To set up and establish the case for collection through the Department of Revenue, 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 but cannot provide an actual address for you.

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 the debtor, less any payments, is as follows:

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

SATISFACTION OF JUDGMENT OF RESTITUTION

If 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 that the debt is paid in full. 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.

This is an attempt to collect your restitution debt with the resources available and does not guarantee funds will be received.

REQUEST TO PROCEED WITH COLLECTION ACTION FILED BY:

Signature of Plaintiff/Creditor Date

Return this completed form to:

Clerk of Circuit Court
1010 South 8th Street
Manitowoc, WI 54220