



Kern County District Attorney's Office

Victim Services Unit

Restitution Collection

How does Restitution get paid to the victim?

It is important to understand that there is no guarantee that the defendant will be able to pay the entire amount of restitution ordered by the court and there is no time limit on collection and defendants who file bankruptcy are not free of their obligation to pay restitution.

What if the defendant is sentenced to prison?

The victim will need to complete a CDCR 1707 form (Victim Request for Services) so that California Department of Corrections and Rehabilitation (CDCR) can verify there is a court order and the victim's contact information. The inmates account will be garnished at 50%; however, if the inmate does not receive any deposits CDCR will not be able to garnish. Money that is garnished will be transferred to the California Victim Compensation Board (CalVCB) for disbursement to the victim in increments of \$50 or every six months (whichever comes first). If you do not update your contact information with the CDCR Office of Victim and Survivor Rights and Services, you will not receive payments.

What happens when the defendant is released from prison?

Collections for restitution will be transferred to the California State Franchise Tax board (FTB) for collection through their Court-Ordered Debt Unit. In the case that restitution is collected and there is no victim address listed, CDCR will send all money that has been collected to CalVCB to be held until CDCR notifies them that the victim has been located and there is a valid mailing address.

What if the defendant is sentenced to County Jail or Probation?

Kern County Probation-Collections Division will set up an account and payment plan with the defendant to pay restitution-they do not garnish wages. It is the defendant's responsibility to update the collections department with employment and contact information. If the

defendant is not paying their agreed upon payments, collections will send a letter reminding them to pay and can issue a warrant for failure to pay restitution. If the defendant does not respond within 2-3 months, they will send the restitution order to the FTB to begin collections. If any funds are collected, the FTB will send them to Kern County Probation to disperse to the victim. If you do not update your contact information with probation, you will not receive payments. Please contact Kern County Probation and ask to speak with Collections to update your information.

Do I need to do anything after Restitution has been ordered?

You may have to file an “Order for Restitution” (CR-110) and an “Abstract of Judgment” (CR-290) with the Court after a restitution amount has been determined at sentencing. Please contact Kern County Probation for instructions on filing the CR-110 and CR-290 (free to file for victims).

If you file an Abstract of Judgment (fees cannot be waived) the Kern County Recorder’s Office will make the Judgment public record as a lien against real property. They will not notify the debtor of the recorded Judgment or the franchise tax board. If any real property is being sold or purchased, the title companies will flag the transaction and require the debtor to pay the debt in full before any transaction is finalized. It is recommended that the Abstract of Judgment be filed in multiple counties if the debtor owns property in other counties or you have knowledge of any purchases that may occur in other counties.

What if I did not request Restitution at sentencing?

If you did not request restitution at sentencing, the court may issue an order for restitution in an amount “to be determined.” The court retains jurisdiction over a case and is authorized to set or modify restitution after the defendant has been sentenced to jail or probation. If you would like to set or modify restitution, please contact Kern County Probation, and ask to speak with the Supervising Officer (have case number available).

If a defendant is sentenced to prison the court loses jurisdiction over a defendant and the defendant will more than likely not be sent back from prison for a restitution hearing. It is always better to have some amount ordered than a “to-be-determined” order. CDCR will not recognize a “to-be-determined” order.

If you try to request restitution after sentencing and the defendant is no longer on probation, collections will not be possible.

California Victim Compensation Program

You may be eligible for benefits through the California Victim Compensation Program to assist with out-of-pocket expenses incurred as a result of a crime (excluding property damage). You can go online to <http://victims.ca.gov> or speak with your Victim Advocate about applying for benefits.

If you would like to submit a CDCR 1707 form, want to inquire about CalVCB or have any questions, please contact your Victim Advocate.

***California Department of Corrections
Office of Victim & Survivor Rights & Services
1-877-256-6877***

***Kern County Probation
661-868-4500***

***Kern County Misdemeanor Division
1415 Truxtun Avenue
Bakersfield, CA 93301
661-868-7207***

***Kern County Felony Division
1415 Truxtun Avenue
Bakersfield, CA 93301
661-868-7206***

***Request Court Records online at
<http://www.kern.courts.ca.gov>***

***Kern County Recorder
1530 Truxtun Avenue
Bakersfield, CA 93301
661-868-6400***