

What steps do I take after the court has ordered restitution for me?

You are responsible for filing the order as a judgment in the Court of Queen's Bench. **At that time inform Court of Queen's Bench of your current mailing address.**

You are also responsible for enforcing the judgment in the same way as if you had brought an action in Civil Court and obtained a judgment.

Will I have to pay a fee to file the order in the Court of Queen's Bench?

No. A Civil Court filing fee will not be charged for a restitution order.

What if restitution is ordered, but not paid?

Victim Services Units are not allowed to give legal advice; however, they can provide you with information about the civil claims process. You may wish to ask Victim Services for a brochure entitled "Getting and Enforcing Your Judgment in Alberta." As well, you may wish to consult a lawyer of your own choosing for advice on enforcing the judgment.

The Lawyer Referral Service (1-800-661-1095), sponsored by the Law Society of Alberta, allows you to consult a lawyer for 30 minutes at no charge. In addition, you may wish to listen to tapes offered by the Dial-a-Law service at 1-800-332-1091.

If the Criminal Court does not or cannot grant restitution or I am unsatisfied with the amount of restitution granted, can I pursue the matter in Civil Court?

Yes. This does not stop you from using the Civil Court process.

Further Information:

Alberta Solicitor General and Public Security helps communities assist victims of crime.

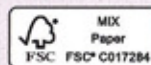
For further information contact:

Alberta Solicitor General and Public Security
Victims Services
10th Floor, J.E. Brownlee Building
10365 - 97 Street
Edmonton AB T5J 3W7
Telephone: 780-427-3460
Fax: 780-422-4213
Toll-free through Service Alberta at 310-0000
Web site: www.victims.alberta.ca

Victim Services Unit Address and Phone Number



2011/05
VIC0019



Government
of Alberta ■

Restitution for Victims of Crime

VICTIMS DESERVE TO BE HEARD



Introduction

If you have suffered financial loss as a result of a crime, you may have the right to seek restitution from the offender. Restitution may also be sought from young offenders; however, limitations apply.

Restitution is a way for the offender to repay you for the loss you have suffered.

How do I apply for restitution?

You are required to complete a Request for Restitution form, which will be provided to you by a police officer investigating your case or a victim service representative. If a Request for Restitution form is not given to you, please ask for one.

Once you have filled out the form, make a copy for your records, attach a copy of any necessary documents and return it to the police as quickly as possible.

The police will then send your form to the Crown prosecutor, who will determine whether an application will be made to the court.

How will I know the status of my request?

You may make your inquiries at the Crown prosecutor's office, the police station or at the nearest police Victim Services Unit.

What information is required on the Request for Restitution form?

The form sets out the available categories of restitution and asks that you provide background information to identify the incident, yourself and the offender. The amount of restitution requested must be easily established by the court.

Do I have to provide proof of my loss?

Yes. You are responsible for attaching copies of necessary documents to the "Request for Restitution" form to assist in establishing the amount you are claiming.

Why must I submit the Request for Restitution form to the police as quickly as possible?

The form is needed quickly as the offender may plead guilty early. Where the Crown prosecutor determines that the application will be made to the Court, a copy of the Restitution form is provided to the defence counsel and/or offender in accordance with the disclosure practices.

Will I have to appear in court?

The Crown prosecutor decides whether or not it is necessary for you to appear in court, and if it is, you will be notified.

When can an offender be ordered to make restitution?

After an offender is found guilty, the judge can consider restitution when sentencing.

What if the offender is unable to pay a fine and repay me?

When appropriate the restitution order will be given priority.

What restitution may be ordered by the court as a result of a crime?

Damage, destruction, loss of property: the restitution order will not exceed the value of property and will be reduced by the value of any property that has been returned.

Bodily or psychological harm: the restitution order will cover monetary loss including income or support.

Expenses incurred in moving out of the offender's house: the restitution order will cover any reasonable expenses.

Losses incurred by unknowingly purchasing or lending money on stolen property: where the property has been returned to its lawful owner, the restitution order will cover the loss you have incurred. The order will not exceed the original amount you paid or the amount outstanding on a loan.

If I'm not in court, how will I get a copy of the restitution order?

A copy of the restitution order will be sent to you by the court. Ensure that the Crown prosecutor and/or Provincial Clerk's Office has your current mailing address.

Request for Restitution

Accused: _____

Offence(s): _____

Date of Offence: _____

Place of Offence: _____

Police File Number: _____

Please note that it is important that the police receive this request as quickly as possible so that it may be given to the Crown prosecutor. Failure to do so may result in no application being made.

I, _____,
(Print Name)
request that the Court consider restitution on the following grounds: (Check as many boxes as apply).

A. For damages to or the loss or destruction of property (not to exceed replacement value)

\$ _____;

B. For expenses (may include loss of income or support) incurred as the result of bodily harm and psychological harm

\$ _____;

C. For expenses incurred as a result of moving out of the offender's household and for temporary housing, food, child care and transportation (may be claimed by a spouse, child or other person who was a member of the offender's household)

\$ _____; or

D. Restitution for money lost as a result of the return of stolen property to a lawful owner that you acquired from the offender

\$ _____.

The above amount must be easily determined by the Court.

- You are responsible to bring all necessary documents and receipts to Court for the restitution application. (Please attach photocopies of all documents and receipts that are available. This may assist the Crown prosecutor in preparing for the application.)
- If restitution is granted by the Court you are responsible for filing the Order in Civil Court (at no cost) and enforcing the resulting judgment. You may seek independent legal advice with regards to restitution and your civil claim.
- Where the Crown prosecutor determines that the application will be made to the Court, a copy of the Restitution form is provided to the defence counsel and/or offender in accordance with the disclosure practices.

Comments (please provide explanation of damages:) *(Continued on back page)*

DATED at _____

this _____ day of _____, _____.

Signature of Applicant
(You may wish to make a copy of your Request for Restitution to keep for your records)

