

## ***What You Need to Remember***

The collection of restitution is a process that takes time. The juvenile offender/parent/guardian is expected to pay restitution as ordered by the juvenile court, however, you will not receive the payment immediately. Restitution payments are administered by DJS and payment checks are disbursed by the Comptroller of the Treasury for the State of Maryland.

## ***Enforcing a Judgment of Restitution***

A judgment enables you to take action in civil court against the juvenile/parent/guardian to obtain unpaid restitution.

Four remedies are available to you in civil court. You may:

1. Garnish the juvenile offender's/parent's/guardian's wages;
2. Levy the juvenile offender's/parent's/guardian's bank account(s);
3. Place a lien(s) on any property owned by the juvenile offender/parent/guardian; or
4. Obtain a writ of execution from the court that allows you to take the juvenile offender's/parent's/guardian's property.

To make use of these remedies, you may obtain information about the juvenile's/parent's/ guardian's assets from court records, the tax assessor's office, or through an oral examination held in civil court where parties are required to answer questions about their assets. This information will assist you in determining what collection remedies may be used.

For more information about civil remedies, the filings, procedures and fees, please contact the civil clerk's office in the court where the case originated as procedures vary from one jurisdiction to another.

## **Mission of the Maryland Department of Juvenile Services**

By law, DJS is a child-serving agency responsible for assessing the individual needs of referred youth and providing intake, detention, probation, commitment, and aftercare services.

DJS collaborates with youth, families, schools, community partners, law enforcement, and other public agencies to coordinate services and resources to contribute to safer communities.

If a judgment is issued, it becomes a matter of public record. It is valid for 12 years and may be renewed until the debt is paid in full or otherwise compromised. A judgment may impact the debtor's credit score, ability to obtain a loan, tax refund, etc.

If you have any questions regarding this information or other questions regarding restitution collection, please contact:

Restitution Coordinator: \_\_\_\_\_

Office phone #: \_\_\_\_\_

Restitution Case #: \_\_\_\_\_

Petition/Docket #: \_\_\_\_\_

**REMINDER:** If your name, address, or any other pertinent contact information changes before the entire restitution has been collected, you must notify the Restitution Coordinator immediately so any future payments received will be mailed to you correctly.



Auxiliary aids or alternative formats are available for individuals with disabilities upon request at: 410-230-3282.

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# **Victim's Guide to Restitution**



***Wes Moore***  
***Governor***

***Aruna Miller***  
***Lt. Governor***

***Betsy Fox Tolentino***  
***Acting Secretary***



## ***Restitution Provisions under Maryland Law***

Restitution is a procedure under Maryland law that allows you to receive money when you have experienced a loss as a result of a delinquent act committed by a juvenile.

You or the State's Attorney may request restitution. The court must be provided with sufficient evidence to support the restitution claim. A court may order a juvenile, parent, or legal guardian to pay restitution for committing a delinquent act. The restitution may be paid through the Department of Juvenile Services (DJS) directly to you or to another agency which provides financial or other assistance to you.

Restitution may be ordered if one or more of the following situations occur:

1. Your property was stolen, damaged, destroyed, unlawfully obtained, or the value of the property has been substantially decreased.
2. You suffered medical, dental, hospital, counseling, funeral, or burial expenses, direct out-of-pocket loss, loss of earnings, or expenses with rehabilitation.
3. The Maryland Department of Health or any governmental agency paid your medical expenses.
4. Any governmental agency had to pay money for removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle.
5. The Criminal Injuries Compensation Board paid benefits to you.
6. The Maryland Department of Health or another governmental agency incurred costs for the HIV testing of the juvenile.

## ***The Restitution Order***

When restitution is ordered by the court, compliance with the order of restitution becomes a condition of the juvenile's supervision by DJS.

Restitution may be granted at a restitution hearing or in conjunction with the juvenile's disposition hearing conducted before a juvenile court judge or magistrate.

If the court determines that a judgment of restitution is warranted, the judgment may be ordered against the juvenile, his/her parent(s)/guardian(s), or both. If more than one juvenile is involved, the restitution may be ordered against each juvenile, the parents/guardians of each juvenile, or all parties involved. By definition, being jointly and severally liable means that each individual remains responsible for payment of the **entire liability**, when any part is unpaid.

A court does not have to order restitution if it finds the juvenile or liable parent(s)/guardian(s) does not have the ability to pay or if there are extenuating circumstances that make restitution inappropriate.

## ***The Payment Process***

DJS administers payments of restitution. A restitution account will be established for each victim. Once the account is established, a letter containing important information will be sent to you including the case number and who to notify of any changes to your contact information.

When a payment is received, the juvenile offender's account is credited. The payment is then administered and forwarded to the Comptroller's office to be processed so that a check can be issued to you.

## ***Overdue Restitution Accounts***

A restitution account is considered overdue if the entire restitution or a payment has not been made by the date ordered by the court or established by DJS. If there is a lapse in payments, the Restitution Coordinator is required to send three warning letters to the juvenile/parent/guardian at 30-day intervals.

After three warning letters, if no payment is received, pursuant to Md. Code Ann., Criminal Procedure Article §11–616, DJS is obligated to notify the court of overdue restitution. In addition, DJS may refer overdue restitution to the Central Collection Unit for further action. At this point, the Restitution Coordinator will notify the juvenile/parent/guardian and you of this action.

**If court-ordered supervision is terminated and restitution is still owed, the case will be referred to the Central Collection Unit to pursue payment until the debt is satisfied.**

## ***Terminating a Restitution Account***

A restitution account may be closed for only two reasons:

1. Restitution has been paid in full; or
2. The court ordered the account closed due to extenuating circumstances (i.e. death of the offender)