

STATE OF INDIANA
VS.

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CAUSE NO.: 34 _____ - _____ - _____

HOWARD CIRCUIT/SUPERIOR COURT

VICTIM IMPACT STATEMENT

DEFENDANT'S NAME: _____

CAUSE NO: 34 _____ - _____ - _____

COURT: Howard Circuit/Superior Court # _____ (Please circle/insert no.)

PROSECUTING ATTORNEY: _____

VICTIM'S NAME: _____

VICTIM'S ADDRESS:

VICTIM'S TELEPHONE NUMBER(S):

VICTIM'S E-MAIL ADDRESS:

IMPACT STATEMENT:

In your own words, briefly describe how this crime has affected you physically, financially, and emotionally.

(If you need more space, please continue on the back of this paper)

YOUR RECOMMENDATION FOR ANY PLEA:

If you would like to give your input on a potential plea for this case, please do so here:

RESTITUTION FOR FINANCIAL LOSS

Please return a fully completed “Restitution Claim Form” that is attached along with all supporting documentation as requested.

SIGNATURE _____ DATE _____

PLEASE RETURN AS SOON AS POSSIBLE
Office of the Prosecuting Attorney
220 N Main Street, 4th Floor
Kokomo, IN 46901

IMPORTANT

Please continue to update our office with personal information
as it changes so that we may be best able to continue to contact you
with updates, news, an/or changes in the case.

STATE OF INDIANA)
)
) CAUSE NO.:
) HOWARD SUPERIOR COURT

RESTITUTION CLAIM FORM

Victim:

Please list the expenses that you have incurred as a result of this crime. You MUST include copies of receipts, estimates, bills, and/or insurance settlement forms, and return them immediately to: Howard County Prosecutor’s Office, 220 N. Main St., Kokomo, IN 46901. Failure to return this form and proof of your costs will result in the loss of opportunity to request restitution. The final decision to order restitution rests exclusively with the judge.

PERSONAL INJURY

Itemize all out-of-pocket medical, dental, and optical expenses, including co-pays, medications, etc. on a separate sheet of paper and attach \$_____

PROPERTY DAMAGE

Itemize all losses and damage to property using actual repair or replacement costs. Attach copies of invoice(s), receipts, etc. \$_____

INSURANCE DEDUCTIBLE

If applicable \$_____

CASH

If applicable \$_____

OUT OF POCKET EXPENSE

Final Total \$_____

*If you expect to have additional out-of-pocket expenses as a result of this crime, please check here (Please explain additional expenses on back of form) _____

**All restitution must be submitted prior to sentencing*

In some cases the judge may order the defendant to repay the victim for any losses. This restitution is paid to the clerk’s office and then sent to the victim.

Please understand that by law the judge must consider whether or not the defendant has the ability to pay. If the judge determines that restitution will be ordered the defendant will not be able to start paying until they are on probation. The defendant has until the end of their probation to pay the amount in full.

It is your responsibility to monitor payments of restitution. If the defendant has not paid the restitution in full by the end of their probation you may contact the Probation Department. It may be possible for them to file a Petition to Revoke Probation on the defendant.

Whether or not restitution is ordered, a victim may file a lawsuit in a civil court for damages, pain and suffering. Contact your private attorney to discuss civil action.

FAQ'S about Restitution

Q. What can I request restitution for?

A. The restitution statute in Indiana (I.C. 35-50-5-3) only allows restitution to be requested for the following:

- 1) Property damages as a result of the crime (replacement or repair).
- 2) Medical and hospital costs incurred by the victim as a result of the crime.
- 3) Lost wages by the victim as a result of the crime.

Q. What type of documentation do you need from me?

A. Property Damage: Receipts or estimates for cost of repair or replacement of property.

Medical Expenses: Medical bills that show date of service, specific type of care and amount patient is responsible for after insurance has paid their portion.

Lost Wages: Signed letter from employer on company letterhead detailing days and hours missed and rate of pay.

Cash: Police report must specify amount of cash taken.

Q. When do I have to submit my restitution request?

A. You should advise the victim advocate as soon as possible that you will be requesting restitution. All supporting documents must be filed with the court prior to the sentencing date.

Q. How will I receive my money?

A. Once the defendant is ordered to pay restitution, s/he will make payments to the county clerk and the clerk will mail a check to you (please remember to update address and phone number changes with a victim advocate).

Q. How long does the defendant have to pay the restitution?

A. The defendant has through the term of their probation to make restitution. Once probation is complete the court no longer has jurisdiction over the defendant.

Q. What is the chance that the defendant will pay restitution?

A. Indiana statute requires that the judge consider the defendant's ability to pay, which makes it very difficult to get restitution through a criminal case. Although restitution is ordered as a term of the defendant's probation, the probation department does not track payment of restitution. In addition, defendants can be released from probation even if they have not paid restitution.

Q. Are there other ways to attempt to collect my money?

A. You can speak with an attorney about filing a civil suit against the defendant. Filing a civil suit may give you a better chance of collecting your money. In a civil suit there are options available to the Judge such as garnishing wages, liens against property, etc. These options are not available to collect restitution in a criminal case.

Another option available to you is filing a small claim, in which you can file for up to \$6,000.00. Paperwork may be obtained through the county clerk's office.