

IMPORTANT CONTACT
INFORMATION

Calhoun County Prosecutor's Office

Main Number.....269-969-6980

Victim's Unit..... 969-6944

Office of the Court

Circuit Court Clerk.....269-969-6518

District Court Clerk..... 969-6678

Self-Help Center of the Michigan Courts
website

www.courts.mi.gov



Restitution

How to get your money
back - after Probation



David Gilbert
Calhoun County Prosecutor
161 E Michigan Ave
Battle Creek, MI 49014
269-969-6980

Restitution Collection Methods

An order of restitution entered in a criminal case remains effective until it is satisfied in full. If probation has ended and you are still owed money under the restitution order, there are several ways you can attempt to collect some or all of the money that is still owed to you.

Restitution is a judgment and lien against all property of the defendant. MCL 780.766 (13). The following information is designed to help you begin to collect any restitution owed to you; they are not necessarily complete instructions for each and every collection question that may arise. **If you need more information, you will need to contact a private attorney.**

▶ Forms

You will find the forms that you will need to file at <http://courts.michigan.gov/scao/courtforms/garnishment/garindex.htm>

THE CRIME VICTIM'S RIGHTS ACT PROVIDES THAT THE COURT SHALL NOT IMPOSE A FEE ON A VICTIM OR A VICTIM'S ESTATE FOR ENFORCING AN ORDER OF RESTITUTION. MCL 780.766 (20)

YOU MAY OBTAIN A COPY OF THE JUDGMENT OF SENTENCE FROM THE CLERK OF COURT THAT ISSUED THE SENTENCE FOR ANY OF THE FOLLOWING. THIS JUDGMENT CONTAINS INFORMATION THAT MAY BE USEFUL IN FILLING OUT THE FORMS FOR GARNISHMENT.

▶ Record the Lien Against Property

The Judgment of Sentence contains the restitution order. This can be recorded at a County Register of Deeds where the defendant owns land property (there might be a fee associated with this). You will need to record the lien in the county where the property is located.

▶ Garnish the Defendant's Wages or Other Income

Payments may be collected from the defendant's wages or other income paid to the defendant on a regular basis such as land contract payments, rent or other contract payments.

You will need to use the Request and Writ for Garnishment (Periodic)

Form MC 12 to collect. This form should be filed in the court that issued the Judgment of Sentence. The case number is the same as in the criminal case.

▶ Garnish the Defendant's Checking, Savings or Other Account

Payments may be collected from the Defendant's checking, savings, or other account.

Use the **Request and Writ for Garnishment (Non Periodic)**, Form MC 13. This form must be filed in the Court that issued the Judgment of Sentence. The case number is the same as in the criminal case.

▶ Garnish the Defendant's Michigan Income Tax Refund or Credit

Payments may be collected from the Defendant's income tax return for the State of Michigan only.

Use the **Request and Writ for Garnishment (Income Tax Refund/Credit)**, Form MC 52. This form may be used each year until the restitution is fully paid. This form should be submitted in the Court that issued the Judgment of Sentence. The case number is the same as in the criminal case.

Remember the restitution order is in effect until it is fully satisfied. This means that restitution may be collected the assets of the defendant while he/she is alive OR the estate of the defendant upon his/her death.