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**Juvenile Restitution Statutes Across the United States**

\* This analysis of restitution statutes and related provisions of 56 U.S. States and Territories does not generally take into account local court rules nor has it been reconciled with jurisdiction-specific case law that may alter or interpret the statutes further. Lawyers who will be litigating restitution issues must conduct further research and should not rely exclusively on what it provided in this chart. This chart was compiled by NJDC and James Geiser of the University of Michigan Juvenile Justice Clinic for information purposes only. It was *last updated on March 20, 2015*.

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| **50 States & the District of Columbia** | | | | | | | | | | | | |
| **Jurisdiction** | **Statute/Provision Governing Juvenile Restitution?** | **Cap on Restitution Amount for Child?** | **Restitution to Third Party Payors (e.g. Insurance Co.) Permissible?** | **Alternatives to Financial Restitution Available?** | | | **Condition of Probation/Parole?** | **Parental Liability in Juvenile Court** | **Failure to Pay** | **Other Notes** | | |
| Alabama | **Yes.**   Separate restitution provision within the juvenile disposition statute.  Ala. Code §12-15-215 (a)(4)  Restitution ordered in this way is governed by the “Victims of Crime Act” commencing at § 15-18-65.  The court applies a “rehabilitative restitution” standard. | **No.** | **No.**  §§12-15-215 (a)(4); **§ 15-18-65.** | **Yes.**  The court has the discretion to order the performance of reasonable acts deemed necessary to promote the interest of the juvenile. §12-15-215 (a)(5). | | | **Yes.**  Court has the discretion to place child on probation under conditions and limitations prescribed by the court in addition to ordering restitution, although it is unclear whether courts make restitution a condition of probation in practice. §12-15-215(a)(2). | **Yes.**  If the juvenile court deems it’s in the best interests of the child, it may order restitution against the parent, legal guardian, or legal custodian. § 12-15-215(4). | The court may retain jurisdiction indefinitely to ensure payment. §12-15-117(c).  Both parent/child subject to “punishment for contempt,” including incarceration for individuals over the age of 18. §12-15-117(d). | Factors the judge must consider are: “juvenile’s age, education, mental and physical condition, background, juvenile’s financial resources and obligations, the burden restitution payment would impose, the rehabilitative effect of the restitution order, and all other relevant factors.”  The restitution order must be supported by facts showing that it is reasonable for the juvenile to pay the amount in the immediate future.  *D.J.W. v. State*, 705 So.2d 521 (Ala.Crim.App.,1996); *see also* §12-15-101(7). | | |
| Alaska | **Yes.**  Separate restitution provision within the juvenile disposition statute.  Alaska Stat. Ann. § 47.12.120 (b)(4) | **No.** | **Yes.**  *See* Adult statute for guidance.  §12.55.045(a); *See also Maillelle v. State*, 276 P.3d 476 (Alaska App. 2012), *Lonis v. State*, 998 P.2d 441(Alaska App. 2000). | **No.**  The court must make a restitution order to benefit the victim of the delinquent act; although the court may order community service in addition to restitution under the disposition statute.§ 47.12.120 (b)(4)(A); (b)(6). | | | **Yes.**  Probation may not exceed two years or beyond the child’s 19th birthday; however court has may grant a two-year extension as long as it’s not beyond the child’s 19th birthday and a one year extension beyond 19 with child’s consent. §§ 47.12.120 (b)(4); (b)(2)-(3). | **Yes.**  However, parents are not liable if parent reported child as a runaway or missing.  § 47.12.120(b)(4); (b)(4)(B). | Probation/parole revocation.  Order of restitution is a civil judgment that remains enforceable after the end of court’s jurisdiction. § 47.12.170(a).  The juvenile court retains jurisdiction until 19 and the court may grant a one year extension beyond 19 with child’s consent. § 47.12.160(a). | Joint and several liability applies.  Victims of crimes committed by juveniles afforded same rights as victims of adult crimes. § 47.12.010(12). | | |
| Arizona | **Yes.**  Separate juvenile restitution statute applies.  Ariz. Rev. Stat. Ann. § 8-344. | **No.** | **No.**  “Victim” means a person against whom the delinquent act was committed, or if the person is killed or incapacitated, the person's spouse, parent, child, grandparent or sibling, any other person related to the person  § 8-382. | **No.**  Although, the court may order juvenile to participate in community work program to make financial restitution. § 41-2825. | | | **Yes.**  § 8-341(A); *see also* §8-352.  Probation may continue until 18th birthday but must terminate after a year if certain conditions are met. § 8-341(B). | **Yes.**  § 8-344(C); §12-661.  Parents held joint and severally liable for up to $10,000 for each tort §12-661 (B).  Ability to pay not considered. §8-344(C). | Probation revocation.  Subject to a restitution lien for unpaid amount. §8-345.  Court retains jurisdiction after 18th birthday to modify the manner of payment. §8-344(D).   Order may be enforced as a civil judgment, is a criminal penalty for the purposes of a federal bankruptcy, and does not expire until paid in full including accrued interest at 10% per year. .§ 8-344 (F)-(G). | The court must consider the nature of the offense, and the juvenile’s age, physical condition, and earning capacity before ordering either full or partial restitution.  Restitution may only be ordered for economic losses that would not have occurred but-for the juvenile’s delinquent conduct and are directly caused by the delinquent conduct. | | |
| Arkansas | **Yes.**  Separate restitution provisions within the juvenile disposition statute.  Ark. Code Ann. § 9-27-330(a)(7);(d)(1) | **Yes.**  Not to exceed $10,000 per victim and per each loss caused. § 9-27-331(e).  Economic loss includes, but is not limited to, medical expenses, funeral expenses, expenses incurred for counseling services, lost wages, and expenses for repair or replacement of property. § 9-27-303 (50)(b). | **No.**  “‘Victim’ means any person or entity entitled to restitution as defined in subdivision (50) of this section as the result of a delinquent act committed by a juvenile adjudicated delinquent”; “Restitution” means actual economic loss sustained by an individual or entity as a proximate result of the delinquent acts of a juvenile.  § 9-27-303(61), (50)(a). | **Yes.**  The court has the discretion to order community service independent of and in conjunction with restitution under the disposition statute. | | | **Yes.**  § 9-27-330(d)(2)  Nonpayment of restitution may constitute a violation of probation. The court may extend the juvenile’s period of probation. § 9-27-339. | **Yes.**  The parent(s), guardian(s), or custodian(s) may be ordered to pay restitution.  § 9-27-330(a)(7)(A). | Probation revocation; court must consider factors that have bearing on juveniles ability to pay when determining whether to do so. § 9-27-339(f).  A restitution order may be collected by any means authorized for the enforcement of money judgments in civil actions and constitutes a lien on real and personal property. Order does not preclude civil action to recover damages although judgment must be credited. 9-27-330(e),(i). | Joint and several liability applies.  The victim and the juvenile and/or parents can agree to a restitution amount.  The court must consider the following: (a) the juvenile and his or her parents financial resources and the burden the payment will impose; (b) the ability to pay restitution on an installment basis; (c) rehabilitative effect of; (d) the past efforts of the parent(s) or guardian to correct the child’s behavior; (e) whether the parent is a noncustodial parent; (f) any other factors the court deems relevant. | | |
| California | **Yes.**  Separate juvenile restitution statute applies.  Cal. Welf. & Inst. Code §730.6; *See also* §731 (a)(1); §742.16 [Graffiti Removal]. | **No.**  “The court shall order full restitution unless it finds compelling and extraordinary reasons for not doing so.” Inability to pay is not a compelling reason and may not be considered in determining the amount of restitution. Loss includes value of property, medical expenses, and lost wages/profits. §730.6.(h). | **No.**  §730.6.9 (j) | **Yes.**  If the court finds compelling and extraordinary reasons to waive restitution, the minor must perform community service (unless there are extraordinary reasons not to do so).§ 730.6(n),(o). | | | **Yes.**  § 730.6(m). | **Yes.**  Parent/guardian held joint and severally liable pursuant to Cal. Civ. Code § 1714.1 and §1714.3 subject to ability to pay (parent bears burden to show inability). The court may consider: future earning capacity, present income, number of persons dependent on the income, and necessary obligations of the family. §730.7(a). | Probation revocation; although only when the court finds willful failure to pay or failure to make a good faith effort to acquire the resources to pay. §730.6(m).  After probation has ended, unpaid restitution may be enforced as a civil judgment. § 730.6(r); *see* West's Ann. Cal. Penal Code § 1214*.* | Minor may also be required to pay restitution fine regardless of ability to pay although restitution to the victim takes priority. § 730.6(b). | | |
| Colorado | **Yes.**  Separate juvenile restitution statute.  Although the juvenile statute defers to the adult statutes.  Colo. Rev. Stat. Ann. §§ 19-2-918; 16-18.5; 18-1.3 pt. 6. | **No.** | **Yes.**  § 18-1.3-602(d). | **No.** | | | **Yes.**  “As a condition of every sentence to probation, the court shall order that the defendant make full restitution.”  §18-1.3-205**.** | **Yes.**  Court may order parent to make restitution of up to $25,000 per delinquent act. Hearing required before order of restitution is entered.  §19-2-919(2)(a)-(b). | Probation revocation.  The juvenile court may retain jurisdiction over the juvenile until restitution has been paid.  A restitution order is a final civil judgment that remains in force until paid in full. § 18-1.3-602(4)(a). | Restitution shall be ordered to be paid in a reasonable manner.  § 18-1.3-602(3)(a) defines restitution and eligible losses to be recovered. | | |
| Connecticut | **Yes.**  Separate restitution provisions within the juvenile disposition statute.  Conn. Gen. Stat. Ann. § 46b-140(b)(1)(E), (d). | **No.**  However, the amount should be based on the ability to pay.  § 46b-140 (d). | **No.**  “The statute states that courts have the discretion to order the youth to “make restitution to the victim of the offense.” | **Yes.**  The court has the discretion to order the child to participate in community service under the statute (i.e. the court may order one or the other or both) but it is unclear whether the court orders community service in lieu of restitution in practice. | | | **Yes.** § 46b-140(c)(7). | **Yes.**  § 46b-140 (d).  Parents/guardians liable for up to $5,000  § 52-572. | Probation Revocation.  The court may make and enforce orders as it deems necessary or appropriate to provide restitution to any victim.  § 46b-121(b)(1). | The court must take into account the juvenile and parents’ ability to pay. | | |
| Delaware | **Yes.**  Separate restitution provisions within the juvenile disposition statute.  Del. Code Ann. tit. 10, §1009(c)(5)- (8). | **No.**  §1009(c)(5). | **No.**  Court may order restitution for “out-of-pocket costs, losses, or damages caused by the delinquent act of the child.”  §1009(c)(5). | **Yes.**  If the victim does not object, the court may allow the restitution order to be discharged by a community service arrangement.  §1009(c)(8). | | | **Yes.**  Court has the discretion to place child on probation in addition to ordering restitution under the disposition statute.  § 1009(c)(3); *see also* §1009A. | **Yes.**  Not to exceed $5,000, and only if the court finds by a preponderance of the evidence: (1) the parents or guardians knew of the juvenile’s delinquent nature, and (2) they failed to take reasonable measures to control the child.  §1009(c)(6). | Probation revocation. |  | | |
| Florida | **Yes.**  Separate juvenile restitution statute applies.  Fla. Stat. Ann. § 985.437 | **No.**  Although restitution may not exceed an amount the child or parent/guardian can reasonable pay or make.  § 985.437(2). | **No.**  §775.089 (1)(c). | **Yes.**  Restitution can be made “in money… or in kind.” § 985.437(2).  The court may order the child or parent/guardian to participate in a community work project as an alternative to monetary restitution. §§ 985.455(1)(b); 985.45. | | | **Yes.**  Restitution is required as part of the probation program.  §§ 985.437(1); 985.435. | **Yes.**  §985.513(1)(b).  The court can order the parent or guardian to pay restitution, render community service, or participate in a community work project. § 985.455  However, “a finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability.” § 985.437(4). | The court retains jurisdiction until restitution is satisfied. §§ 985.437(5), 985.0301.  To retain jurisdiction the court must enter a restitution order that is separate from any disposition or order of commitment prior to the ending of the courts jurisdiction. The restitution order may be enforced as a civil judgment, bears interest (§55.03) and becomes a lien on real property. § 985.437(5)(d); §775.089(5). |  | | |
| Georgia | **Yes.**  The juvenile statute allows for restitution as a disposition,  Ga. Code Ann. §17-14 Art. 1.; *See also* §15-11-601(a)(7)  “[T]he juvenile courts shall order restitution in any case involving delinquent juveniles in the same manner as is authorized by this article for adult offenders.” § 17-14-5 | **No.**  Although, restitution cannot exceed damages. § 17-14-9. | **Yes.**  A court may order an offender to make restitution to any third party who has or will incur expenses as a result of illegal acts. *Adams v. State*, 662 S.E.2d 782 (Ga. App. 2008), disapproved on other grounds, Turner v. State, 720 S.E.2d 264 (Ga. App 2011). | **Yes.**  “[W]here the offender is a juvenile, restitution may also be in the form of services ordered to be performed by the offender.”  § 17-14-2 (7). | | | **Yes.**  §15-11-601(a)(3); *See also* §§17-14-3(b), 17-15-13(d). | **Yes.**  “Court may order parent/guardian to pay if it finds that the juvenile is unable or will be unable to pay full restitution (notice and hearing required). Parental obligations are terminated once the juvenile reaches 18 years of age.  § 17-14-5(e)-(f). | The juvenile court may retain jurisdiction until the juvenile turns 21, then it must transfer the order to the superior court of. § 17-14-5(c).  A restitution order is enforceable as a civil judgment. § 17-14-13.  Restitution is considered debt which may be discharged in bankruptcy proceeding. *In re Newton*, 15 B.R. 708 (Bankr. N.D. Ga. 1981) | When determining the nature and amount of restitution, the court must consider: financial resources, income, financial obligations, amount of damages, goal of restitution, previous restitution, duration and other factors it deems appropriate.  §17-14-10.  Court may order joint and several liability or apportioned liability to among multiple offenders. § 17-14-7(c).  Juvenile may offer a “restitution plan,” which the court must consider. §17-14-7. | | |
| Hawaii | **Yes.**  Separate restitution provision within the juvenile informal adjustment statute.  Haw. Rev. Stat. § 571-11 (11); *see also* § 571-34.4. | **No.** | **Unclear.**  § 571-11 (11).  Probably yes for parents given that a court may order them to make restitution to “any victim, person, or party who has incurred a loss” as opposed to the courts authority to order the child to make restitution to “any victim” § 571-11 (13), (11). *But see* § 706-646 (Defining “victim” to include a governmental entity who reimbursed the victim for losses under the adult statute). | **Yes.**  The court may order the juvenile to make restitution of money or services to any victim who suffers loss as a result of the child’s action, or to render community service. § 571-11 (11); *see also* § 571-34.4 (c)(1). | | | **Yes.**  Court has the discretion to place child on probation upon conditions determined by the court, although it is unclear whether courts make restitution a condition of probation in practice. § 571-48(1)(A)(ii). | **Yes.**  § 571-11 (13). | Possible probation revocation.  Unpaid balance may be subject to collect. *See* §601-17.5. |  | | |
| Idaho | **Yes.**  Although there is a provision in the juvenile disposition statute allowing the court to order restitution, it states that the adult statute applies.  Idaho Code Ann. § 20-520 (3); §§19-5304 -5305. | **No.** | **Yes.**  §19-5304 (1)(e). | **No.**  However, restitution may be made through the employment of juvenile offenders in work programs or directly to the victim and reimbursement to the victim is conditional upon juvenile’s involvement in such programs. § 20-538 (1). | | | **Yes.**  § 20-538 (2). | **Yes.**  The court may order the juvenile, parent(s), or both to pay restitution. § 20-520 (3). | Probation revocation.  Order may be enforced as a civil judgment 42 days after it is entered. Unpaid balance is subject to collections. §19-5305. | Joint and several liability applies. §19-5304 (8).  In determining whether to order restitution and the amount, the court must consider: (1) the amount of economic loss sustained by the victim; (2) the financial resources, needs, and earning ability of the defendant; (3) and such other factors as the court deems. §19-5304 (7). | | |
| Illinois | **Yes.**  Although there is a provision in the juvenile disposition statute allowing the court to order restitution, it states that the adult statute applies and includes minor adjustments.  705 Ill. Comp. Stat. Ann. 405/5-710 (4); 730 Ill. Comp. Stat. Ann. 5/5-5-6. | **No.**  § 5/5-5-6. | **Yes.**  § 5/5-5-6 (b). | **Yes.**  The court may order child “to make restitution in monetary or nonmonetary form.” §405/5-710 (4). | | | **Yes.**  705 Ill. Comp. Stat. Ann. 405/5-715  (2)(l). | **Yes.**  The juvenile’s parent, guardian, or legal custodian may be ordered to pay some or all of the restitution, with a cap of $20,000 for the first act against each victim and $30,000 if there is a pattern of willful or malicious acts. 405/5-710 (4);740 Ill. Comp. Stat. Ann. 115/5. | Probation parole revocation upon finding of willful failure to pay  § 5/5-5-6 (i).  The restitution order serves as a judgment lien. § 5/5-5-6 (m). | Court must take the ability to pay including personal assets when determining the amount and manner of restitution. § 5/5-5-6 (f).  Joint and several liability applies although the court has the discretion to apportion restitution. § 5/5-5-6 (c).  Even if a juvenile is granted a continuance under supervision, they may still be required to pay restitution prior to adjudication. 705 Ill. Comp. Stat. Ann. 405/5-615  (5)(o). | | |
| Indiana | **Yes.**  Separate restitution provisions within the juvenile statute. Ind. Code Ann. § 31-37-19-5(b)(4),(7).  The adult restitution statute, § 35-50-5-3, is instructive when the juvenile statute is silent. *S.G. v. State*, 956 N.E.2d 668, 683 (Ind. App. 2011). | **No.** | **Yes.**  § 35-50-5-3; *see also J.P.B. v. State*, 705 N.E.2d 1075 (Ind. App. 1999). | **Yes.**  Court has the discretion to order financial restitution to victim and/or community restitution or service under the disposition statute. § 31-37-19-5(b)(4),(7) | | | **Yes.**  After release from the department of corrections court may reinstate jurisdiction and place child on probation until restitution order is satisfied.  §§ 31-30-2-5; 35-50-5-3; *M.L. v. State*, 838 N.E.2d 525 (Ind. 2005). | **No.**  While the statute provides that parents are responsible for costs related to juvenile probation services, it is silent on their obligation regarding restitution. Moreover, the statute explicitly imposes the restitution order on the child. Ind. Code Ann. § 31-37-19-5. | Possible probation revocation.  The restitution order is a judgment lien per § 35-50-5-3. | The court must inquire into the juvenile’s ability to pay before ordering restitution. *T.C. v. State*, 839 N.E.2d 1222, 1225 (2005); *See also* § 35-50-5-3. | | |
| Iowa | **Yes.**  Separate restitution provisions within the juvenile disposition statute.  Iowa Code Ann. § 232.52(2) (a); *See also* § 915.28. | **No.** | **No.**  The provision only mentions restitution (monetary or service) of value to the victim.  § 232.52(2)(a). | **Yes.**  The court may order restitution in the form of a monetary payment or work assignment of value to the victim.  § 232.52(2)(a).  If no gainful public/private employment options can be found, the court may order the juvenile to work in some other manner and compensate the victim through the juvenile victim restitution program.  § 232A.2 | | | **Yes.**  Court has the discretion to place child on probation upon conditions determined by the court, although it is unclear whether courts make restitution a condition of probation in practice.  § 232.52(2)(b). | **No.**  Statute does not contain language allowing the juvenile court to enter an order of restitution against the parent. | A restitution lien may be filed by the victim once the juvenile reaches 18 years of age. § 910.10;  § 910.7A. | If the juvenile is not employed at the time of disposition, the juvenile court officer shall make reasonable efforts to find public/private employment for the juvenile. | | |
| Kansas | **Yes.**  Separate restitution provision within the juvenile disposition statute.  Kan. Stat. Ann. § 38-2361 (a)(7), (d). | **No.**  Restitution is not limited to the amount of damage or loss caused by the juvenile’s offense.  § 38-2361(d). | **Unclear.**  Provision states, “restitution” may be made to the “aggrieved party.”  § 38-236(d)(1). | **Yes.**  In lieu of reparation or restitution, the court may order the juvenile to perform charitable or social service for organizations performing services for the community. § 38-236(d)(1) | | | **Yes.**  Court has the discretion to place child on probation upon conditions determined by the court, although it is unclear whether courts make restitution a condition of probation in practice. | **No.**  No language permitting the juvenile court to order restitution against a parent although payment of another nature related to services rendered by the court may be required. *See* §§ 38-2324, 38-2362. | The court may collect monetary restitution by garnishment or other execution as on judgments in civil cases and remains effective after the juvenile court’s jurisdiction has terminated. K.S.A. § 38-236(d)(2); *See also*§ 38-2304 (jurisdiction).  Restitution is subject to collection. §75-719. | The court shall order reparation or restitution unless it finds “compelling circumstances that would render a plan of reparation or restitution unworkable.” § 38-2361(d) | | |
| Kentucky | **Yes.**  Separate restitution provision within the juvenile disposition statute.  Ky. Rev. Stat. Ann. § 635.060 (1). | **No.**  § 635.060 (1). | **Unclear.**  Statute states that the court may order restitution to “any injured person” to the extent, in the sum, and upon the conditions as the court determines.  § 635.060 (1). | **No.** | | | **Yes.**  The court has the discretion to order any combination of the dispositions within the statute as it sees fit.  § 635.060 (1),(3),(6). | **Yes.**    The court may order the parents, guardians, or person exercising custodial control to pay restitution. The court must first provide notice of the hearing, provide an opportunity to be heard, and make a finding that the person’s failure to exercise reasonable control or supervision was a substantial factor in the juvenile’s delinquency. § 635.060(1). | Juvenile court retains jurisdiction over an adult to enforce a restitution order entered by the juvenile court, even though that person has turned 18*. Com. v. S.K.*, 253 S.W.3d 486 (Ky.,2008). | Amendments to the disposition statute become effective 7/1/2015 that  makes significant changes to the probation provision. | | |
| Louisiana | **Yes.**  Separate restitution provision within the juvenile disposition statute (very vague; look to adult statutes for guidance).  La. Child. Code Ann. art. 897(2)(c);899(2)(c). | **No.** | **No.**  **“…**order the payment of restitution in cases where the victim or his family has suffered any direct loss of actual cash, any monetary loss pursuant to damage to or loss of property, or medical expense.”  *See* Art. 895.1(A)(1). | **Unclear.**  The statute grants courts the authority to order community service and any other term deemed in the best interests of the child and public, although it is not clear whether the court orders such service to be completed in lieu of making restitution in practice. | | | **Yes.**  Payment of restitution must be a condition of probation. art. 895.1. | **No.**  Although parents may be held civilly liable for unpaid restitution. Art. 2318; *See* Johnson v. Escude, 971 So.2d 529, (La.App. 3 Cir.,2007). | The restitution order serves as a civil judgment; it may be entered as a lien. Art. 895.1 (2)(a); *See also* La. Rev. Stat. Ann. 15:875. |  | | |
| Maine | **Yes.**  Separate restitution provision within the juvenile disposition statute.  Me. Rev. Stat. tit. 15, § 3314 (1)(B); (1)(E); (7). | **No.** | **Yes.**  Statute indicates that restitution may be made “to the victim or authorized claimant.” § 3314 (1)(E). | **Yes.**  The court may require the juvenile to participate in a supervised work or service program that may provide restitution to the victim, either by directly working for the victim or making monetary restitution to the victim from money earned from the program. § 3314(1)(B). | | | **Yes.**  *See*. § 3314 (1)(E). | **No.**  No language permitting juvenile court to order parents to pay restitution although the parent may be required to pay other fees. § 3314. | “If the restitution was a condition of probation, the attorney for the State may, with written consent of the juvenile community corrections officer, file a motion to revoke probation.” § 3314 (1)(E).  Upon a default payment, execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect the unpaid restitution. § 3314(7) | Me. Rev. Stat. tit. 30-A § 1562 explains how restitution may be imposed for damage caused by a juvenile while in jail. | | |
| Maryland | **Yes.**  Restitution statute in the criminal code expressly applies to child respondents.  Md. Code Ann., Cts. & Jud. Proc. § 3-8A-28; See Md. Code Ann., Crim. Proc. § 11-603 *et. seq.* (Adult Statutes) | **Yes.**  $10,000 per incident. § 11-604 (b). | **Yes.**  §11-606. | **No.**  *But See* § 11-605  (The court does not need to issue a judgment of restitution if the court finds (1) that the restitution obligor does not have the ability to pay; or (2) that there are extenuating circumstances that make a judgment of restitution inappropriate). | | | **Yes.**  §11-607(a)(10(iii). | **Yes.**  The court may order the juvenile, parent or both to pay restitution. An order against the parent to pay restitution may only be entered after the parent has been afforded a reasonable opportunity to be heard and to present evidence.  § 11-605. | A restitution order may be enforced as a civil judgment in favor of the person the obligor was ordered to pay. **§ 11-608.**  Extensive rules on overdue restitution, §§ 11-607, 11-616, including accrued interest allowed by law.  Probation may be terminated before restitution has been recorded. At that time the restitution order becomes a money judgment that serves as a notice of lien. § 11-612. | Restitution may be ordered under the following circumstances: (1)as a direct result of the delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;  (2) as a direct result of the delinquent act, the victim suffered:  actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;  direct out-of-pocket loss;  loss of earnings; or expenses incurred with rehabilitation. § 11-603. | | |
| Massachusetts | **Yes.**  Separate juvenile restitution statute applies.  Mass. Gen. Laws Ann. 119 § 62. | **No.**  § 62. | **No**.  “[T]o the injured person.” § 62. | **No.**  § 62. | | | **Yes.**  Restitution cannot be ordered unless the juvenile is placed on probation. M.G.L.A. 119 § 62 | **No.**  No explicit language granting court authority to order restitution , but see 44 Mass. Prac., Juvenile Law § 1.78 (2d ed.) (Arguing parents are liable for restitution for juvenile’s willful acts up to $5,000, based on civil liability statute M.G.L.A. 231 § 85G). | The court may require the juvenile work in order to pay restitution. The court may extend or revoke probation if a good faith effort is not being made. Com. v. Avram A., 83 Mass.App.Ct. 208 (Mass.App.Ct.,2013). | Restitution must be for an act involving liability in a civil action.  A juvenile is entitled to a restitution hearing. Com. v. Avram A. (2013) 982 N.E.2d 548, 83 Mass.App.Ct. 208. | | |
| Michigan | **Yes.**  Separate juvenile restitution statute applies.  Mich. Comp. Laws Ann. § 712A.30. *See also* § 780.794 | **No.** | **Yes.**  To the extent the third-party or insurer paid for the victim’s loss.  In re McEvoy, 267 Mich.App. 55 (Mich.App.,2005) | **No.** | | | **Yes.**  If the court imposes restitution as a condition of probation, the court shall require either the juvenile engage in community service or seek and maintain paid employment and pay the victim from the earnings. §712A.18 | **Yes.**  The court may order the parent to be responsible for the full restitution amount, but must give the parent notice and the opportunity to be heard. The court must consider parent’s ability to pay and other legal/moral obligations the parent may have. At a later hearing, the parents may show new hardships to have the order reduced. §712A.30(15)-(17). | The court may revoke probation for nonpayment of restitution.  The court may take appropriate steps to compel payment, but may not detain a juvenile who makes good faith attempts to pay. § 712A.30(14).  A restitution order serves as a civil lien against the juvenile, and remains in effect after they reach 18 years of age. . § 712A.30 (13). | The juvenile must request a separate restitution hearing, at which a prosecutor must prove by the preponderance of the evidence the victim’s actual loss. §712A.31(4). | | |
| Minnesota | **Yes.**  There is a restitution provision within the juvenile disposition statute. M.S.A. § 260B.198(5)  The adult statute also explicitly applies to juvenile delinquency: M.S.A. § 611A.04 | **No.** | **Depends.**  Corporations and government agencies that suffer *direct* losses can be classified as victims worthy of restitution. M.S.A. § 609.10 Subd. 2; M.S.A. § 611A.01(b) | **No.** | | | **Yes.**  M.S.A. § 260B.198 Subd. 8.  If restitution is not being paid as ordered, the probation officer may request a hearing to change the probation conditions. If restitution has not been paid prior to 60 days before probation expires, the court shall schedule and hold a hearing before probation expires. | **Unclear.**  No language stating parents are liable to pay found, though the court has jurisdiction over parents and guardians pursuant to M.S.A. § 260B.101 | A restitution order serves as a civil judgment enforceable by the victim or the Crime Victims Reparations Board. M.S.A. § 611A.04 Subd. 3 | The court or its designee shall obtain the information from the victim in affidavit form or by other competent evidence. Information submitted relating to restitution must describe the items or elements of loss, itemize the total dollar amounts of restitution claimed, and specify the reasons justifying these amounts, if restitution is in the form of money or property. A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs, replacement of wages and services, … and funeral expenses. | | |
| Mississippi | **Yes.**  Separate restitution provision within the juvenile disposition statute.  Miss. Code Ann. § 43-21-605(1)(b)(c)(e) | **No.** | **Unclear.**  The juvenile code does not appear to address this. The adult code defines “victim” for purposes of restitution as a “person”, which appears to exclude organizations or corporations. Miss. Code Ann. § 99-37-1 | **Yes.**  The court may order services acceptable to the victims reasonably capable of performance within one year. Miss. Code Ann. § 43-21-605(1)(e) | | | **Yes.**  Restitution may be a condition of probation. Miss. Code Ann. § 43-21-605(1)(c). | **Yes.**  The court may order the parents, guardians or custodians who exercise parental custody and control of a juvenile who has willfully or maliciously caused personal injury or damaged or destroyed property, to pay such damages or restitution not to exceed the actual loss. The order made against parents can be enrolled as a civil judgment. Miss. Code Ann. § 43-21-619 (2)(3) | Revoke or alter the terms of probation prior to its termination. Miss. Code Ann. § 43-21-613  No language stating that a juvenile restitution order may be entered as a civil judgment and nothing seemingly preventing revocation of probation for failure to pay prior to the termination of probation. | The court may order restitution not in excess of actual damages caused by the juvenile. | | |
| Missouri | **Yes**.  Separate juvenile restitution statute (Mo. Ann. Stat. § 211.185. | **Yes.**  $ 4, 000 Cap. | **Yes**.  Restitution can be made to the victim, a government entity, and/or third party payor.  \*Note: payments to the victim take priority | **Unclear.**  The court may order child 14+ to work in a court approved work site for min. wage to make restitution (§§ 211.085; 211.188) and may order community service (§§ 211.181; 211.083), although it is not clear whether such service can be completed in lieu of making restitution. | | | **Unclear.**  Statute/Courts rules are silent on how restitution interplays with probation/parole, although the court may retain jurisdiction (§ 211.041). | **Yes.**  The child, parent/guardian, or both may be ordered to pay restitution | The court may retain jurisdiction (§ 211.041) and both parent/child subject to civil liability to collect unpaid amount.  Court may enter a judgment of restitution against parties upon child’s 18th birthday. § 211.185. | Hearing to determine liability must be held w/in 30 days of Disposition  Court ***must*** consider child’s age, circumstances and ability to pay/perform.  Order does not preclude civil action to recover damages). | | |
| Montana | **Yes**.  Separate juvenile restitution statute. (Mont. Code Ann. § 41-5-1521) |  | **Unclear.**  Restitution is defined as payments in cash to or with services to the victim or the general community (§ 41-5-103). | **Yes.**  Restitution is defined as payments in cash to or with services to the victim or the general community (§ 41-5-103). | | | **Yes.**  (§ 41-5-1432) | **Unclear.**  Statute does not contain language allowing the juvenile court to enter an order of restitution against the parent, although the court may consider the parent’s ability to pay as a factor. § 41-5-1521(1)(c). | May result in revocation of probation or change in conditions. | Court ***may*** consider the following factors in addition to other evidence : age, child’s ability to pay, ability of parents/guardians or contributors to delinquency to pay, amount of damage to victim, legal remedies of the victim excluding ability of victim or insurer’s ability to cover loss. | | |
| Nebraska | **Yes**.  Separate juvenile restitution statute. (Neb. Rev.St. § 43-286)  Restitution may be ordered for actual damages. | **No.**  There is no bright-line limit on the allowable amount that a court can order, although the amount ordered must be consistent with the educational, treatment, and rehabilitative purposes of the juvenile code and the juvenile’s ability to pay. *In re Laurence S.*, 742 N.W.2d 484 (2007).  Restitution may be ordered for actual damages. *See* §29-2282) | **Yes.**  *See* §29-2283. | **Yes.**   §§ 43-286; 43-246. | | | **Yes.**  (§ 43-286); *But see In re Interest of Juan L.* 577 N.W.2d 319 (N eb. App. 1998) | **No.**  Statute does not contain language allowing the juvenile court to enter an order of restitution against the parent. |  | Courts should look to factors outlined in the adult statute (§ 29-2281) for guidance and consider earning ability, employment status, financial resources, and other obligations although the adult statute/ procedure does not apply to juveniles. *In re Laurence S.*, 742 N.W.2d 484 (2007), *In re Interest of Brandon M.*, 727 N.W.2d 230 (2007).  Order of restitution does not bar civil liability. | | |
| Nevada | **Yes.**  Separate juvenile restitution statute applies.  Nev. Rev. Stat. Ann. §§ 62E.550; 62E.560.  Juvenile court must order restitution if the delinquent caused physical injury (medical expenses) and/or property damage. | **No.**  Court may order parties to pay full amount of loss regardless of the amount of insurance coverage that exists. § 62E.570. | **Unclear.**  (*See* §§ 62E.560; 62E.570.) | **Yes.**  If both child and/or parent/guardian unable to pay due to financial hardship, court must order parties to perform community service. § 62E.560. | | | **Unclear.**  Statute/Courts rules are silent on how restitution interplays with probation/parole, although the court may retain continuing jurisdiction until 21. | **Yes.**  Parent/guardian liable if the child is unable to pay. § 62E.560.  \*Note: Order of restitution does not bar civil liability. § 62E.610. | Juvenile court may enter a civil judgment against the child or the parent or guardian of the child when the child turns 18 and is outside of the jurisdiction of the court. § 62B.420 | Juvenile court may order child to participate in a program of restitution through work if certain criteria is met where 50-60% of wages is deducted from earnings to pay restitution (*See* N.R.S. 62E.600; 62E.580) | | |
| New Hampshire | **Yes.**  Separate restitution provision w/in juvenile disposition statute (vague look to adult statute for guidance).    N.H. Rev. Stat.§169-D:17. | **No.**  Per adult statute (§ 651:63), restitution may be ordered regardless of ability to pay and availability of other compensation, but may not compensate victim more than once for same injury. | **No.** | **No.** | | | **Yes.**  Per adult statute (§ 651:63), restitution may be a condition of probation or parole. | **Yes.**  The court may require a parent or guardian of a child to participate in any activity the court finds is necessary to carry out the purposes of the juvenile code. § 211.134 | Child must pay restitution before his/her 18th birthday (19th birthday if sentenced pursuant to § 169-B:4). Failure to pay restitution before the termination of juvenile court jurisdiction may lead to an adult contempt charge. §651:67.  Per adult statute (§ 651:63), order of restitution does not bar civil action |  | | |
| New Jersey | **Yes.**  Separate restitution provision w/in juvenile disposition statute.    N.J. Stat. Ann. § 2A:4A-43 (b)(9). | **No.**  However, a court should not order restitution if there is sufficient evidence of juvenile’s inability to pay or reasonably acquire the means to pay. § 2A:4A-43(b)(9). | **Yes.** | **Yes.**  Court may order community service. Any money earned by the juvenile may be applied towards any payment of restitution. § 2A:4A-43(b)(10). | | | **Yes.**  However, a juvenile cannot be institutionalized and the court can not violate the juvenile’s probation solely because of inability to pay. *State Interest of D. G. W.*, 361 A. 2d 513 (1976). | **Yes.**  § 2A:4A-43 (b)(15). | Restitution judgment is filed with the court and remains effective even after the termination of the juvenile courts jurisdiction. The judgment has the same effect as a civil judgment. § 2A:4A-47. | Joint and several liability applies. § 2A:4A-43(b)(9).  . | | |
| New Mexico | **Yes.**  Separate juvenile restitution statute applies.    N.M. Stat. Ann. §32A-2-31 | **No.**  Although restitution is limited to ascertainable damages for injury or loss of property; medical, psychiatric, and/or psychological treatment for injury, and lost wages as a direct result of the injury. §32A-2-3. | **No.**  §32A-2-3. | **Yes.**  Restitution can either be financial reimbursement or community service. §32A-2-3. | | | **Yes.**  Restitution may be a condition of probation. §32A-2-19. | **Yes.**    Parents are subject to civil liability for actual damages not to exceed $4K and reasonable attorney fees at the courts discretion. Action against parent does not bar order of restitution again child. §32A-2-27. | Probation/Parole Revocation. | Restitution does not include intangible losses, such as mental anguish, pain and suffering, etc. §32A-2-3. | | |
| New York | **Yes.**    Separate juvenile restitution statute applies.  N.Y. Fam. Ct. Act § 353.6 | **Yes.**  Restitution may be ordered for unreimbursed medical expenses, the replacement or repair of property in an amount not to exceed $1500 for each transaction charged in the petition. § 353.6.  \*Note: there is no limit on potential liability to individual victims of multiple transactions. *See In the Matter of Joel M.*,240 A.D.2d 747, 748 (2d. Dept. 1997). | **No.**  Although victim’s use of insurance payments for property damage has been considered out of pocket expenses subject to restitution pre victim’s subrogation agreement with the insurer. *See In re Sean P.K.*, 40 A.D.3d 1308 (4 Dept. 2010). | **Yes.**  Court may recommend/order community service considering child’s age and physical condition as restitution for vandalism. § 353.6 (1)(b). | | | **Yes.**  Court may recommend restitution as a condition of placement or order restitution as a condition of probation for youth over 10 years old. § 353.6. | **No.**  Although, an order of restitution is not a bar to civil liability of parent/guardian. *See A v. B*., 468 N.Y.S.2d 992 (Sup. Ct. 1983). | Probation/Parole Revocation. | Restitution may only be ordered as part of a disposition following a delinquency adjudication. § 353.6. | | |
| North Carolina | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  N.C. Gen. Stat. Ann § 7B-2506. | **Unclear.**  Court may order up to and over $500 restitution payable w/in a 12 month period to cover actual loss/damages caused by delinquent acts. §§ 7B-2506 (4); 7B-2506 (22). | **Unclear.**  Statutes are silent on whether restitution can include payments to third party payors. | **Yes.**  Court may order the performance of up to 100 or 200 hours supervised community service w/in a 12 month period consistent with the juvenile's age, skill, and ability. The work must be related to the seriousness of the offense. §§ 7B-2506 (6); 7B-2506 (23). | | | **Yes.**  Restitution can be a condition of probation. § 7B-2510 (a)(12). | **No.**  Although, order of restitution does not bar parent’s civil liability. | Probation/Parole Revocation. | Joint and several liability applies.  Restitution only permitted for loss/damage related to the offense. *In re Schrimpsher*, 546 S.E.2d407 (N.C. App. 2001).  Court must consider juveniles ability to pay/ acquire the means to pay. | | |
| North Dakota | **Yes.**    Separate restitution provision w/in juvenile disposition statute.  N.D. Cent. Code Ann. § 27-20-31. | **No.**  $5,000 cap only applies to parents ordered to make restitution on the child’s behalf. Child is liable for amounts exceeding this cap. §27-20-31.2(1)(a). | **No.**  Statute only references restitution to the victim. | **Yes.**  Court may order monetary restitution, community service, or both. § 27-20-31 (5) | | | **Yes.**  Court has the discretion to place child on probation under conditions and limitations prescribed by the court in addition to ordering restitution, although it is unclear whether courts make restitution a condition of probation in practice. §27-20-31.2(2). | **Yes.**  Parent may be ordered to make restitution on the child’s behalf in an amount not to exceed $5,000. §27-20-31.2(1)(a).  Court must take into account the following factors before ordering restitution against the parent: ability to pay (parent), care and control exercised over youth, ability to pay (child), impact on child’s rehabilitation, and the number of delinquency acts previously committed by the child. §27-20-31.2(1)(b). | Order may be enforced in the same manner as a civil judgment; a judgment may not be discharged in bankruptcy and is not subject to the statute of limitations and may not be cancelled under the statute. §27-20-31.2(2). | Joint and several liability applies between child and parent for restitution amount of up to $5,000 and child is solely liable for amounts exceeding $5,000. §27-20-31.2(2). | | |
| Ohio | **Yes.**  Separate juvenile restitution statute applies.  Ohio Rev. Code Ann. § 2152.20. | **No.**  Court has wide discretion on the form and amount of restitution. Child may be required to pay a surcharge of up to %5 of the restitution amount. Restitution may not exceed the amount of economic loss suffered by the victim as a direct or proximate result of delinquent act. § 2152.20 (A) (3). | **No.**  Statute only references restitution to the victim. | **Yes.**  Restitution may be monetary, the performance of repair work, the performance of a reasonable amount of labor, the performance of community service work, any other form of restitution devised by the court, or any combination of the above. § 2152.20 (A)(3). | | | **Unclear.**  Statute/Courts rules are silent on how restitution interplays with probation/parole. | **No.**  Although, order of restitution does not bar civil action, order should be credited against any recovery of economic loss in a civil action.§ 2152.20 (A) (3). | Court may impose a term of community service for failure to pay in lieu of restitution.  § 2152.20 (D). | Court may not order restitution for delinquent act or a traffic offense that would be considered a minor misdemeanor if committed by an adult.  Court not required to hold a restitution hearing (unless the amount of restitution is disputed) but has the discretion of holding a hearing to determine child’s ability to pay. §§ 2152.20 (A)(3); 2152.20 (C). | | |
| Oklahoma | **Yes.**  Criminal Code restitution statute applies directly to juveniles.  22 Okl. St. Ann. § 991f | **No.**  Amount of restitution is established regardless of the ability to pay. § 991f (C)(2)(b).  Court has discretion to consider the nature and amount of restitution, which may exceed the loss to the victim but not more than treble the actual amount of economic loss. § 991f (C)(2)(a).  Court may order interest to accrue at a rate not to exceed 12% per year until the restitution is paid in full. § 991f (C)(3)(d). | **Yes.**  Court may order restitution to any other government agency that has provided reimbursement to the victim. § 991f (D)(2). | **No.**  Although, the juvenile court may establish a work program where juvenile is paid no less than federal minimum wage. 10A Okl. St. Ann §2-7-801 | | | **Yes.**  10A Okl. St. Ann §2-2-404(B)(3). | **Yes.**  §2-2-404(B)(3). | Possible probation/parole revocation.  Failure to pay may result in contempt of court, judgment similar to that in a civil case; an order imposing community service w/ a credit of $5/day against restitution. § 991f (M), (N), (O).  Orders of restitution do not expire until fully satisfied regardless of term of incarceration, parole, or probation and may not discharged as debt in bankruptcy. § 991f (B). | Court has discretion to conduct hearings as it deems necessary to determine restitution. § 991f (J).  If no petition is filed the discretion to determine nature and amount of restitution lies with the district attorney; if a petition is filed the court has discretion.  Age, physical, and mental capacity of juvenile must be considered. | | |
| Oregon | **Yes.**  Separate juvenile restitution statute applies.  419C.450. Restitution  Or. Rev. Stat. Ann. § 419C.450; *See also* § 419C.236 | **No.**  Restitution must equal the full amount of loss as determined by the court. Court may order restitution to compensate victim for physical, emotional, or psychological injury and/or property damage or loss, including reward offered for juvenile’s apprehension.  § 419C.450 | **Yes.**  *See* *State v. E.V.*,246 P.3d 78 (Or. App. 2010**);** *State ex rel Juvenile Dept. of Deschutes County v. N.L.D.*, 246 P.3d 54 (Or. App. 2010). | **Yes.**  Court may order juvenile to perform personal service for the victim upon agreement of all parties. § 419C.465.  Administrative agencies must create opportunities for youth to pay restitution and perform community service. § 419C.470. | | | **Yes.**  Restitution must be a condition of probation. § 419C.450 | **No.**  Although, restitution does not bar civil action but any restitution paid must be credited against any civil judgment in favor of victim. § 419C.450 | Probation/parole revocation.  Restitution is entered as a court judgment in favor of the state and may be enforced only by the state upon failure to pay. § 419C.450 | Court must consider the following when establishing a payment schedule: availability of paid employment, ability to pay, financial resources and burden, rehabilitative effect. § 419C.450. | | |
| Pennsylvania | **Yes.**  Separate restitution provision w/in juvenile disposition statute; however adult restitution statute (18 Pa. Cons. Stat. Ann. § 1106) equally applies with the exception of the absence of an earning capacity requirement in the adult statute). *See In Interest of* Dublinski, 695 A.2d 827 (Super. 1997); Com*. V. B.D.G.*, 959 A.2d 362 (Super. 2008)  42 Pa. Cons. Stat. Ann. § 6352. | **No.**  § 6352. | **Yes.**  Per the adult statute. § 1106. | **Yes.**  § 6352. | | | **Yes.**  Terms of probation may include restitution not to exceed actual damages to be paid by child through participation in a work program while considering the age, physical, and mental capacity of child and rehabilitation goals. § 6352. | **Yes.**  42 Pa.C.S.A. § 6310. | Per the adult statute, failure to pay may result in contempt of court or violation of probation or parole. Child may not be incarcerated for failure to pay due to child’s inability to pay. § 1106.  Court retains jurisdiction until there is full compliance with the order or until 21; after 21 unpaid restitution may be collected in the manner deemed under § 42 Pa. Cons. Stat. Ann. 9728. § 6352. | Court may order restitution, even in the absence of a juvenile adjudication, while considering nature of act and earning capacity of child (*i.e.* amount of loss, causation, child’s ability to pay, type of payment that will serve victim’s needs and capabilities of the child). *See Com. V. B.D.G.*, 959 A.2d 362 (Super. 2008)  There is not a strict time limit on when restitution may be awarded after disposition. *See In re J.G.*, 24 A.3d 1118 (2012) | | |
| Rhode Island | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  R.I. Gen. Laws Ann. § 14-1-32. | **No.**  § 14-1-32. | **No.**  § 14-1-32. | **Yes.**  Court may order community restitution in addition to or in lieu of financial restitution.  § 14-1-32. | | | **Yes.**  Restitution is a part of probation; if the child is unemployed the probation officer must make a reasonable effort to help child obtain employment. §§14-1-32; 14-1-32.1. | **Yes.**  Court may order parent/guardian to pay restitution for property damage for up to $2,000. §12-19-33. | Probation/parole revocation. | Parents/guardians are held jointly and severally liable with child for damage or injury for up to $2K.  Court must consider ability to pay | | |
| South Carolina | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  S.C. Code Ann § 63-19-1410. | **No.**  § 63-19-1410. | **Yes.**  Court may order that the juvenile pay the debt to the State Office of Victim Assistance.§ 16-3-1260. | **Yes.**  Court may order monetary restitution and/or participation in community service or a supervised work program as a condition of probation. § 63-19-1410. | | | **Yes.**  Court may order monetary restitution and/or participation in community service or a supervised work program as a condition of probation. § 63-19-1410. | **No.**  Statute does not contain language allowing the juvenile court to enter an order of restitution against the parent. | Possible probation/parole revocation. | Court must establish the monetary loss suffered by the victim and consider/weigh the following factors: the number of individuals involved, the child's particular role, and the child's ability to pay the amount over a reasonable period of time. § 63-19-1410. | | |
| South Dakota | **Yes.**  Separate restitution provision w/in juvenile disposition statute; adult statutes/case law inapplicable. *See People ex rel. K.K.*, 793 N.W.2d 24 (S.D. 2010).  S.D. Codified Laws §§ 26-8C-7; 26-8B-6. | **No.**  Child bears burden of raising the inability to pay. *See In re M.D.D.*, 774 N.W.2d 793 (S.D. 2009). | **Unclear.**  Statutes are silent on whether restitution can include payments to third party payors. | **No.**  Although child may be ordered to work in a supervised work program for wages for 90 days to pay restitution.  §§ 26-8C-7; 26-8B-6. | | | **Yes.**  §§ 26-8C-7; 26-8B-6. | **No.**  Statute does not contain language allowing the juvenile court to enter an order of restitution against the parent. | Possible probation/parole revocation.  Discharge from Department of Corrections does not constitute a release from restitution order. § 26-11A-20.  Order may be enforced in the same manner as a civil judgment. § 23A-28-1. | Court may require child to pay restitution for property damage or medical expenses under conditions set by the court if payment can be enforced without serious hardship or injustice to the child. § 26-8B-6.  Restitution does not require strict association with delinquent act. *See People ex rel. K.K.*, 793 N.W.2d 24 (S.D. 2010). | | |
| Tennessee | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  Tenn. Code Ann. § 37-1-131 (West) | **No.**  § 37-1-131 | **No.**  Restitution is to be paid “to the victim” owed monetary damages from the delinquent act. Whether that includes third-party “victims” is undefined by statute. § 37-1-102. | **Yes.**  Court may order community service aside from restitution. § 37-1-131; *See also* 37-1-102. | | | **Yes.**  § 37-1-131. | **Yes.**  Parents may be held liable for restitution in an amount not to exceed $10K. §37-10-101. | Child may be held civilly liable for unpaid restitution. Judgment of restitution remains effective for 10 years from the date of entry. § 37-1-131. |  | | |
| Texas | **Yes.**  Separate juvenile restitution statute applies; although adult rules for restitution also apply. *See Matter of J.R.*, 907 S.W.2d 107 (App. 3 Dist. 1995).  Tex. Fam. Code Ann. § 54.048. | **No.** | **Yes.**  Court cannot order restitution to the victim for losses the victim already received compensation for excluding the victims or crime fund; however the court can order the child to pay restitution to the compensating party (e.g. insurance company). § 54.048. | **Yes.**  Per the adult statute. Tex. Crim. Proc. Code Ann. art. 42.037. | | | **Yes.**  Per the adult statute. Tex. Crim. Proc. Code Ann. art. 42.037. | **Yes.**  Court may order child and/or parent to pay full or partial restitution regardless of whether restitution is mentioned in the petition. Order of restitution upon parents/guardians may be waived upon finding of good faith effort (parent bears the burden of proof). §54.041. | Per the adult statute, failure to pay can be a basis for probation/parole revocation, where the decision making body must consider: child’s employment status, current/future earning ability, current/future financial resources, willfulness of failure to pay, victims financial resources/ ability to pay expenses, among other special circumstances.  art. 42.037. | Program of restitution must promote rehabilitation, be appropriate to the age and physical, emotional, and mental abilities of the child, and not conflict with school.  Period of restitution may not exceed child’s 18th birthday or high school graduation (whichever is later) unless jurisdiction is transferred to the district court as permitted by statute.§54.041.  Order of restitution does not bar other remedies available to the victim; however victim is not entitled to receive more than actual damages under juvenile court order. | | |
| Utah | **Yes.**  Separate juvenile restitution statute.  Utah Code Ann. § 62A-7-109.5. | **No.** | **No.**  Statute states that restitution is to be made to the victim.  § 62A-7-109.5. | **No.**  Although, restitution must be made through the youth’s participation in work programs, and reimbursement to the victim is conditional upon that youth offender's involvement in the work program. § 62A-7-109.5. | | | **Yes.**  Restitution may be made a condition of release, placement, or parole; and if restitution not originally ordered at disposition parole authority has the discretion to evaluate if an order of restitution is appropriate and the amount/type of restitution owed to the victim.  Probation status should not be continued solely for the reason of monitoring payment of restitution for a youth who otherwise has complied with the conditions of probation. UT R J ADMIN Rule 7-304. | **No.**  Restitution is to be paid through the youth’s participation in a work program. § 62A-7-109.5; § 78A-6-1204 | Restitution must be paid in full prior to the end of the juvenile court’s jurisdiction, and any unpaid balances are considered debt and are subject to collection.§ 78A-6-121. |  | | |
| Vermont | **Yes.**  Separate juvenile restitution statute.  Vt. Stat. Ann. tit. 33, § 5235 | **No.**  Although,if juvenile is unable to pay the court must set the performance and amount of restitution for an amount that does not exceed an amount the juvenile can or will be able to pay. § 5235 | **No.**  “material loss” means uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, and uninsured medical expenses. § 5235. | **Yes.**  If juvenile is unable to pay the court must set the performance and amount of restitution for an amount that does not exceed an amount the juvenile can or will be able to pay or refer the youth to a restorative justice program. | | | **Yes.**  Restitution may be a condition of probation. §5262. | **No.**  Statute does not contain language allowing the juvenile court to enter an order of restitution against the parent. | Possible probation/parole revocation.  After the youth’s 18th birthday, the Restitution unit can file a civil action against the youth for unpaid restitution; this action is not subject to any statute of limitations. | Restitution must be considered in every case where a victim has suffered a material loss (*i.e*., uninsured property loss, uninsured out-of-pocket monetary loss, uninsured lost wages, and uninsured medical expenses).  Restitution orders against youth are not confidential. | | |
| Virginia | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  Va. Code Ann. § 16.1-278.8. | **No.** | **Unclear.**  Statute permits restitution to aggrieved parties for actual damages caused by delinquent act. § 16.1-278.8. | **Yes.**  Court can order community service aside from restitution under the statue; however the court is required to order restitution or reparation to the victim for actual damages or loss caused by the delinquent act for certain offenses. | | | **Yes.**  Restitution can be made as a condition of probation. | **Yes.**  The court may order the parent of a juvenile living with him to be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent. § 16.1-278.8. | Possible probation/parole revocation. |  | | |
| Washington | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  Wash. Rev. Code Ann. §13.40.190.  Court must order restitution to any persons who have suffered loss or damage (emotional, psychological, physical, or financial injury to per) as a direct result of the delinquent act under the “but for” test. *State v. Keigan C.*  86 P.3d 798 (Wash. App. 2004) | **No.**  §13.40.190 | **Yes.**  Restitution may be modified as to amount, terms, and conditions at any time and may relieve the youth from making restitution to an insurance provider if there is sufficient proof of inability to pay/ reasonably acquire the means to pay over a ten year period. §13.40.190. | **Yes.**  Court may substitute community service where juvenile cannot reasonably comply with restitution order (juvenile bears the burden of proof). §13.40.200. | | | **No.**  Restitution is ordered in addition to any punishment imposed by the court (i.e. it is not a condition of community supervision), and a willful violation of a restitution order may result in a penalty of up to 30 days confinement per case. *See State v. Barker*, 58 P.3d 908 (Wash. App. 2002). | **No.**  Although, restitution does not limit or replace civil remedies/ defenses | Willful violation may result in up to 30 days confinement. §13.40.200.  Upon 18th birthday or the end of court jurisdiction (whichever is later), court may issue a money judgment ,which is enforceable for up to 10 years. §13.40.192. | Court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years during which the court retains jurisdiction for a maximum term of ten years after the youth’s eighteenth birthday; Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years.  A separate restitution hearing is not required, but restitution must be determined at the disposition hearing. *See State v. Fambrough*,831 P.2d 789 (Wash. App. 1992). | | |
| West Virginia | **No.**  There is no explicit juvenile restitution provision or statute .  Case law finds that Provision w/in juvenile disposition statute (W. Va. Code Ann. § 49-5-13) to “prescribe a program of treatment or therapy” grants court authority to order restitution that is reasonable and within the child’s ability to perform (present and future ability to repay is an import consideration). *See In re Michael S.*, 524 S.E.2d 443 (W.Va. 1999). | **No.**  Although, an order of restitution in a juvenile proceeding should be set in an amount that is within the realistic ability of the child to pay within a reasonable amount of time to complete probation and move forward. *In re Michael S.*, 524 S.E.2d 443 (W. Va. 1999). | **Yes.**  Per the adult statute, court may not order restitution to compensate victim for a loss in which the victim has received or is expecting to receive compensation through another entity; however the court may order restitution to the entity. §61-11A-4. | **Yes.**  Court may prescribe a program of treatment or therapy or limit the juvenile's activities under terms which are reasonable and within the child's ability to perform or other appropriate programs of community service. § 49-5-13 . | | | **Yes.**  Probation should not be extended solely for monitoring restitution. *See State v. Kristopher G. 500 S.E.2d 890* (W.Va. 1997). | **Yes.**  Parent/guardian may be held liable to make restitution for up to $5K for damages (willful personal injury, damages/conversion/theft of property, and arson). §55-71-2. | Per the adult statute may be enforced in the same manner as a civil judgment. §61-11A-4. |  | | |
| Wisconsin | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  Wis. Stat. Ann. § 938.34.  Court may order restitution for a delinquent act that resulted in property damage or physical injury (excluding intangible damages); court must determine actual damages sustained by the victim and assess the juvenile’s ability to pay or physically perform the services. | **Yes.**  Children 14 and under are limited to restitution orders of $250 max or 40 hours of community service total under the order. § 938.34.  There is no cap for children older than 14 although, and order of restitution may not exceed juvenile’s ability. *See In re Anthony D.*, 723 N.W.2d 775 (Wis. App. 2006). | **Yes.**  Court may order restitution to an insurer as reimbursement for money paid to victim. *See In Interest of R.W.S*., 471 N.W.2d 16 (Wis. App. 1991). | **Yes.**  Juvenile may be ordered to participate in a work or community service program to fulfill restitution. § 938.34. | | | **Yes.**  Restitution may be a condition of probation. *See In the Interest of R.W.S.*, 471 N.W.2d 16 (Wis. App. 1991). | **Yes.**  Parent/guardian jointly and severally liable for restitution of up to $5K w/ exceptions. §938.45; §895.035. | Possible probation/parole revocation. | Restitution may be ordered on a related charge adjudicated delinquent if actual charge warranting restitution is dismissed. *See In the Interest of R.W.S.*, 471 N.W.2d 16 (Wis. App. 1991). | | |
| Wyoming | **Yes.**  Separate restitution provision w/in juvenile disposition statute.  Wyo. Stat. Ann. § 14-6-247 (West) | **No.** | **Unclear.** | **Yes.**  Community service is listed as an option in the disposition statute as well as participation in a work program. § 14-6-247 | | | **Yes.**  Under the disposition statute the court may place the child on probation with any requirements the court sees fit. § 14-6-247 | **Yes.**  A court can order a parent to make restitution for up to $2,000. §§ 14-6-247; 14-2-203. | Possible probation/parole revocation. | The statute provides little guidance regarding restitution. | | |
| District of Columbia | **Yes.**  Separate juvenile restitution statute applies.  D.C. Code § 16-2320.01  Restitution may be ordered in cases where the delinquent act caused damage to/theft of property, personal injury, or caused the victim to incur reasonable counseling/mental health expenses | **Yes.**  Judgment for restitution may not exceed $10,000.§ 16-2320.01. | **Yes.**  The child, parent/guardian, or both may be ordered to pay restitution to the victim, a government entity, and/or third party payor i.e. insurer (\*Note: payments to the victim take priority). § 16-2320.01. | **Yes.**   Court may order the child and/or parent/guardian community service or another non-monetary service if the liable party is financially unable to pay. § 16-2320.01. | | | **Unclear.**  Statute/court rules are silent on how restitution interplays with probation and parole/aftercare. | **Yes.**  A parent/guardian’s financial ability to pay must be considered before entering an order of restitution against the parent/guardian. § 16-2320.01**.** | Judgment may be enforced in the same manner as a civil judgment. | A child’s age, circumstances, and financial ability to pay must be considered before entering an order of restitution against the child.  A hearing to determine liability of the child and/or parent/guardian must be held separately (w/in 30 days of disposition) or as part of a fact finding/disposition hearing for the child.  Judgment of restitution does not preclude a civil action to recover damages.  § 16-2320.01. | | |
| **U.S Territories** | | | | | | | | | | | | |
| American Samoa | **Yes.**  Separate restitution provision within the juvenile disposition statute. Am. Samoa Code Ann. § 45.0352(6). | **No.**  But restitution is limited to **“**when the payment can be enforced without serious hardship or injustice to the child.” Am. Samoa Code Ann. § 45.0352(6). | **Unclear*.***  Judges seem to have broad discretion. The statute reads that payment may be made “for any damage done…upon conditions the Court may consider best.” Am. Samoa Code Ann. § 45.0352(6) | | **Not Directly.**  Restitution is discretionary under Am. Samoa Code Ann. § 45.0352(6), so while there is no formal substitute for it, any other authorized disposition option could be imposed in lieu of restitution. | **Unclear**.  Probation and restitution are both independent disposition options under Am. Samoa Code Ann. § 45.0352(6); See also Am. Samoa Code Ann. § 45.0363. | | **Unclear.**  While parents are not explicitly cited as being subject to the court’s jurisdiction in all case, statute does provide that the judge “may join as a respondent or require the appearance of any person it considers necessary to the action.” | A direct failure to pay restitution is not addressed in the code. If, however, paying restitution is made a condition of probation (rather than a separate disposition) and the juvenile fails to fulfill that condition, the court may revoke probation. Am. Samoa Code Ann. § 45.0363. | | “The Court may require the child to pay for any damage done to persons or property, upon conditions the Court may consider best when the payment can be enforced without serious hardship or injustice to the child.”  Am. Samoa Code Ann. § 45.0352(6). |
| Guam | **Yes.**  Restitution statute explicitly applies to both adults and juveniles. 9 G.C.A. § 80.91 | **Yes.**  Restitution may not exceed:  $10,000-felony of the first or second degree $5,000- felony of the third degree $1,000- misdemeanor $500- petty misdemeanor or violation. It cannot exceed double the pecuniary gain to the offender or loss to the victim. 9 G.C.A. § 80.50 | **Unclear.**  Restitution is only for the “crime victim,” not to exceed the actual amount lost.  (b) Restitution  9 G.C.A. § 80.94.  The Crime Victims’ Rights Act, 8 G.C.A. § 160.30, defines a “victim” as a person. | | **Yes.**  The court may require alternative community service or participation in a rehabilitative program. 9 G.C.A. § 80.91  The offender may repay the crime victim by repairing the damages and with the consent and agreement of the crime victim; or the offender may repay the crime victim with their consent and agreement. 9 G.C.A. § 80.94 | **Yes.**  The court may make the payment of restitution a condition of probation. 9 G.C.A. § 80.54(b) | | **Depends.**  There does not appear to be statutory language granting the court authority to order restitution against a parent, in general.  However, specifically for the crime of Criminal Mischief, the statute provides that parents can be held liable for damages resulting from the offense. 9 G.C.A. § 34.60  The Juvenile Court Rules presume that parents are necessary parties to a juvenile case (R. 28) and may require parents to pay for commitment costs (R. 33) the Rules are silent on restitution. | The restitution order may be executed as a civil judgment only if it is not paid within the court’s order. 9 G.C.A. § 80.56  Failure to pay a restitution order may also result in commitment if the court find it to be inexcusable, or an extension of probation to allow for payment if the court finds there to have been good cause for the failure. 9 G.C.A. § 80.56(a)(b) | | See 19 G.C.A. § 5134 for the goals of juvenile restitution.  Restitution cannot be ordered in addition to imprisonment or probation unless: (1) the offender derived a pecuniary gain from the offense; or (2)the court believes that restitution is specially adapted to deterrence of the type of offense involved or to the correction of the offender. 9 G.C.A. § 80.52  In determining the amount and method of payment of a fine or restitution, the court shall take into account the financial resources of the offender and the nature of the burden that its payment will impose. 9 G.C.A. § 80.52(d)  The court must find that the offender is able to pay restitution, and take into account the financial resources of the offender and the nature of the burden that its payment will impose. 9 G.C.A. § 80.53 |
| Northern Mariana Islands | **Yes.**  Separate restitution provision w/in juvenile disposition statute; although adult restitution also applies.  6 CMC § 5137. | **No.**  “The court shall order the probationer to pay full restitution, unless it finds compelling and extraordinary reasons for not doing so, and states them on the record.” Inability to pay is not considered a compelling and extraordinary reason and should not be a factor for determining the restitution amount.§ 4109. | **No.**  “‘Victim’ means a person, other than a perpetrator, who has suffered direct physical, emotional or economic harm as a result of the commission of a crime….” *See §9101.* | | **No.**  Court required to order full restitution unless there is a compelling reason. However, court has the discretion to order community service under the disposition statute. § 5137. Restitution may also be made through work programs or “other means” § 5115. | **Yes.**  § 5115. | | **Yes.**  § 5137. | Probation/parole revocation. | |  |
| Puerto Rico | **Yes.**  Separate restitution provision in the Minor’s Code. 34 L.P.R.A. § 2224(b)(3) | **No.** | **Unclear.**  The statute provides restitution “to the affected party” without defining whether affected must be directly or indirectly. 34 L.P.R.A. § 2224(b)(3) | | **Not Directly.**  Restitution is discretionary under 34 L.P.R.A. § 2224(b)(3), so while there is no formal substitute for it, any other authorized disposition option could be imposed in lieu of restitution. | **Yes.**  Restitution, when imposed, is a condition of probation. 34 L.P.R.A. § 2224(b)(3), | | **Yes, if specifically ordered.**  The Court may make “any other determination pertaining to the proceeding or case at bar, “ and is able to issue any interlocutory order, resolution, or determination to the parents, guardians, [and] relatives pertaining to the needs of the minor. 34 L.P.R.A. § 2233 | Noncompliance with a court order in a delinquency resolution constitutes contempt. 34 L.P.R.A. § 2233 | |  |
| US Virgin Islands | **Yes.**  Separate restitution provision w/in juvenile probation statute. Restitution appears limited to damage to real property.  5 V.I.C. § 2524 | **Yes.**  $2,000 Cap. Court may also impose a fine of up to $2,500. | **Unclear.** | | **Yes.**  Court may order child to make non-monetary restitution or participate in a supervised work/community service program. | **Yes.**  5 V.I.C. § 2524 | | **Yes.**  Parents are liable to damages to real property if a juvenile is convicted under the Malicious Destruction of Property Statute. 14 V.I.C. §484. |  | |  |