

DEPARTMENT OF JUSTICE, VICTIM SERVICES RESTITUTION PROGRAM

Restitution: Step by step

You have the right to ask for restitution

Restitution is the term the justice system uses to describe money offenders pay to victims of crime. You may ask for restitution if you lost money as a result of a crime. This includes anything you had to pay for as a direct result of the crime (expenses). It is important that you ask for restitution early in the process and before the offender has been found guilty.

You may ask for these things:

- repairs or replacement of damaged or lost property
- treatment for physical injuries
- loss of income if you had to take time off work because of the crime
- money lost because you bought stolen property that was returned to the rightful owner
- all costs related to having to leave your home if the offender is someone who was living with you

If you have any costs you are unsure of, ask a Victim Services Officer with the Provincial Victim Services Program. You may NOT ask for restitution for such things as pain and suffering or emotional distress. These things can only be decided in civil court. See *How to claim restitution in civil court*. Get this fact sheet from the Provincial Victim Services Program or the police.

Step 1 Ask for restitution

You can find everything you need to know about asking for restitution in *How do I ask for restitution?* Get this fact sheet from the Provincial Victim Services Program or the police.

Step 2 The Crown Attorney may present your request for restitution in court

If the offender is found guilty of a criminal offence against you, the Crown Attorney can present your request for restitution during the offender's sentencing.

The Crown Attorney may present your request to the judge under these conditions:

- There is enough evidence to back up your request.
- The Crown Attorney thinks there is a good chance that the offender can pay the amount that you asked for.

Step 3 The judge may order the offender to pay restitution

A judge may order the offender to pay restitution for the same reasons the Crown Attorney used to present your request. However, the judge may come to a different conclusion. If the judge orders the offender to pay restitution, they will do so in one of 3 ways:

- as part of a conditional sentence
- as part of a probation order
- as a stand-alone order.

For more information on how a judge may order restitution, get these fact sheets from the Provincial Victim Services Program or the police:

- *Restitution as part of a conditional sentence or probation order*
- *Stand-alone restitution orders*

Step 4 You get a copy of the restitution order

The court will send you a copy of the restitution order. If you don't get one, ask the Provincial Victim Services Program to send it to you. The order contains 2 important pieces of information:

- the amount the offender was ordered to pay
- the deadline for payment

Step 5 The offender pays you through the court

The offender pays your restitution through the court. The court then sends the payment to you by cheque within 30 days. To continue to get restitution payments, tell one of these agencies whenever you change your address or contact information:

- the court
- Restitution Coordinator

You may need to take civil action

If the offender fails to pay by the due date, you may try to get the money through a civil court action. See *How do I seek restitution in civil court?* Get this fact sheet from the Restitution Coordinator with the Department of Justice Victim Services or the police.

Questions?

Contact the Provincial Victim Services Program office near you.

Dartmouth

(Serving Dartmouth, Halifax, and Halifax County)

Call 902-424-3307 or toll-free 1-833-424-3307

Visit or mail to 277 Pleasant St. 3rd floor, Dartmouth, NS, B2Y 4B7

Kentville

(Serving Annapolis, Digby, Hants, Kings, Lunenburg, Queens, Shelburne, and Yarmouth counties)

Call 902-679-6201 or toll-free 1-800-565-1805

Visit or mail to 49 Cornwallis St, suite 204, Kentville, NS, B4N 2E3

Pictou

(Serving Antigonish, Colchester, Cumberland, East Hants, and Pictou counties)

Call 902-485-3580 or toll-free 1-800-565-7912

Visit 290 West River Rd, Pictou

Mail to P.O. Box 430, Pictou, NS, B0K 1H0

Sydney

(Serving Cape Breton, Guysborough, Inverness, Richmond, and Victoria counties)

Call 902-563-3655 or toll-free 1-800-565-0071

Visit or mail to 136 Charlotte St., 4th floor, suite 9, Sydney, NS, B1P 1C3