

IN THE SUPERIOR COURTS OF THE APPALACHIAN CIRCUIT

STATE OF GEORGIA

INTERNAL OPERATING PROCEDURE 2000-42

IN RE: RESTITUTION PROCEDURES

In order to establish a procedure whereby restitution in a criminal proceeding is determined and distributed in an efficient, timely manner, the following Internal Operating Procedure is established:

- I. When a defendant is sentenced in Court to pay restitution, **in all situations**, the following stipulations will be in place:
 1. The Probation Department is responsible for the collection and disbursement of restitution funds in accordance with previously established rules and regulations.
 2. The Victim Witness Assistance Coordinator is responsible for notifying victims of the final disposition of the Court proceedings if the victim submitted a request for notification.
 3. At sentencing or upon determination of the final restitution amount, the District Attorney and/or the Victim Witness Assistance Coordinator will provide the Probation Department with names and addresses of victims, as well as the amount due each victim.
 4. At sentencing or upon determination of the final restitution amount, the District Attorney and/or the Victim Witness Assistance Coordinator will provide the Probation Department with the names and status of all co-defendants--indicating whether or not the restitution is to be paid individually or joint and several.
 - a. Should a juvenile co-defendant be involved, this notification should include the juvenile's sentencing information in regard to restitution--indicating whether or not the restitution is to be paid joint and several with the juvenile co-defendant.
 - b. The District Attorney's office will also notify the Probation Department of any failure to pay on the juvenile's behalf so the defendant's restitution amount can be properly adjusted.

5. Once the final restitution amount is determined, the Probation Department is responsible for notifying the victim of disbursement policies and procedures within 30 days.

II. When a defendant owes restitution in an unknown amount, at sentencing, the Judge may order a restitution hearing or mediation, or may order restitution in an amount to be determined; in each instance, the following stipulations will be in place:

1. Every attempt will be made to determine restitution within 90 days of sentencing.
2. The Probation Department is responsible for scheduling restitution hearings which are ordered at sentencing.
 - a. At such time as the restitution hearing is completed and the restitution amount is set by the Judge, the Probation Department will prepare a Court Order for the Judge's signature, distribute appropriately, and complete all applicable procedures outlined in Section I.
3. The District Attorney's office is responsible for scheduling mediation which is ordered at sentencing.
 - a. At such time as the case is successfully mediated, the District Attorney's office will provide the Probation Department with a copy of the mediation order, and all applicable procedures outlined in Section I will be completed.
4. The Probation Department is responsible for providing the Victim Witness Assistance Coordinator with a list of outstanding cases with restitution to be determined at the beginning of each month.
 - a. The Victim Witness Assistance Coordinator will determine restitution amount and notify Probation Department of said amount, including any information regarding victims and co-defendants.
 - b. The Probation Department will notify the defendant of the final amount determined via mail, allowing said defendant 10 days to object if the amount is not acceptable and a hearing is requested.
 - c. When **no hearing is requested**, the Probation Department will prepare a Court Order for the Judge's signature, distribute appropriately, and complete all applicable procedures outlined in Section I.

- d. When a **hearing is requested** the following procedures will be followed:
1. If the defendant is on **active probation status**, the Probation Department will request the Victim Witness Assistance Coordinator to schedule a mediation hearing and advise the Probation Department as to the results; should mediation fail, the Probation Department will schedule a restitution hearing.
 2. If the defendant is **incarcerated**, the Probation Department will schedule a restitution hearing.
 3. Once all mediations/hearings are completed, the District Attorney's office and/or the Probation Department will finalize the restitution orders appropriately and complete all applicable procedures outlined in Section I.

So ORDERED, this _____ day of March, 2000.

Brenda S. Weaver, Chief Judge
Superior Courts
Appalachian Judicial Circuit

Ronald J. Armstrong, Judge
Superior Courts
Appalachian Judicial Circuit