

Rule 112. Restitution and Fines

(a) Following a restitution hearing, the Family Court may enter a judgment of restitution against a child, who has been found to have committed a delinquent act, against the child's parent or against the child's guardian pursuant to D.C. Code § 16-2320.01.

(b) The restitution hearing may be part of the fact-finding hearing or disposition hearing, or held separately. If not held as part of the fact-finding or disposition, the restitution hearing shall be held within 30 days of the disposition hearing, unless the Court extends the date of the hearing for good cause.

(c) A judgment of restitution may not be entered against a parent or guardian unless the parent or guardian is afforded notice and a reasonable opportunity to be heard and to present appropriate evidence in the parent or guardian's behalf.

(d) A written statement or bill for medical, dental, hospital, funeral or burial expenses, or for the cost for repair and replacement of property, shall be prima facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable charge for the services or materials provided. The burden of proving that the amount indicated on the written statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness of the amount.

(e) If the Family Court finds that the child, parent or guardian is financially unable to pay restitution, the Family Court may order the child, parent, or guardian instead to perform community service or some other non-monetary service of equivalent value.

(f) Payment of any judgment of restitution may be made directly to the victim, governmental entity or third party payor as the Court directs. Alternatively, the Court may direct that payment be made through the Clerk of the Court. Payment will be made over such period of time as the Court directs.

COMMENT

The rule was redrafted to implement D.C. Code § 16-2320.01, a provision created by the Omnibus Juvenile Justice Act of 2004, D.C. Law 15-0261 (March 17, 2005).