

Order for Restitution resulting from a Criminal Prosecution

It is your choice to pursue a civil judgment. A civil judgment gives crime victims another way in which to pursue collecting money from the offender to cover losses from the crime.

Getting a civil judgment does not automatically result in collection of the money from the offender. Collecting the restitution may require upfront fees that can be added to your total judgment. Although it is not required, the process can be complicated and you may want to hire an attorney to attempt to collect the money.

If the civil judgment is ‘docketed’ there are some automatic results and some you would have to initiate. For example, a civil judgment automatically will show up if a credit check is done and automatically becomes a lien on any real estate owned by the offender in this county. You may also initiate other methods to collect the money for example, wage or bank account garnishment.

Filing and Docketing a Civil Judgment

Fill out the Affidavit of Identification of Judgment Debtor and file it with District Court Civil Division by mail or in person at the location below. The filing fee for docketing a civil judgment is specifically waived by law for crime victims. You will be mailed a final copy of the civil judgment once it has been docketed.

District Court/Civil Division
1560 Hwy 55
Hastings, MN 55033

If you know where the debtor banks or works you may request a Writ of Execution with District Court which will require a filing fee that can be added to the total debt. The Execution is a legal document authorizing the Sheriff to collect money from the debtor’s wages or bank account and is issued to the county where the debtor’s employer/bank accounts(s) are located. Court Administration will mail you the Execution and then you take it to the Sheriff of that county to be served. The Sheriff will charge a fee. Note: The Dakota County Sheriff’s Office, Civil Division has forms and instructions for use in Dakota County.

If you do not have sufficient information, 30 days after the date of the final judgment you may file a Request for Order for Disclosure with District Court which will require a filing fee that can be added to the total debt. District Court will issue an Order for Disclosure and mail it to the debtor along with a Financial Disclosure form. The debtor is allowed 16 days to complete this form and return it to you. It is your responsibility to supply the court with a current address for the debtor.

If the debtor does not return the Financial Disclosure form, you can file an Affidavit in Support of an Order to Show Cause and schedule a hearing, which will require a filing fee that can be

added to the total debt. A judge will issue an Order to Show Cause which directs the debtor to appear in court on the schedule date. It is your responsibility to see that the debtor is personally served with the Order to Show Cause. Anyone other than you may serve the debtor. The Dakota County Sheriff's Office, Civil Division will serve this for a fee. At the hearing the debtor will be required to fill out the Financial Disclosure. If the debtor fails to appear you may choose to have a Writ of Attachment which is a warrant for the debtor's arrest issued. There will be a filing fee and a service fee for the Sheriff to serve the Writ that can be added to your judgment.

You may have the costs of collection added to your judgment. File a notarized affidavit with the court stating all the costs and requesting these costs be added to your judgment.

Collection of Some or All of the Debt

If the judgment is paid in full or in part by the debtor, **it is your obligation** to provide the debtor with a Satisfaction of Judgment or Partial Satisfaction of Judgment. This form can be obtained from District Court. A Satisfaction or Partial Satisfaction of Judgment must be filed with District Court along with a \$5.00 filing fee.

This information is not intended as legal advice, but is general information to assist you. If you have further questions about your rights, please contact an attorney.