

FORM SUMMARY

Name of Form:	Petition for Judgment Against Juvenile/Parent for Unpaid Restitution
Form Number:	JD-1759
Statutory Reference:	§895.035(2m), Wisconsin Statutes
Benchbook Reference:	JV 6, 8 & 10
Purpose of Form:	To request that unpaid restitution be converted into a money judgment. Used by a victim, insurer, or representative of the public interest.
Who Completes It:	The party seeking to convert the restitution into a money judgment.
Distribution of Form:	Court; copies provided to the juvenile/juvenile's parents.
Accompanying Forms:	Generally none.
New Form/Modification:	Modified; last update 11/19.
Modifications:	Added remote notary statement pursuant to 2019 WI Act 125.
Comments:	<p>Unpaid restitution can be converted into a money judgment against the juvenile or the juvenile's custodial parent.</p> <p>The petition can be filed by the victim, the victim's insurer, a representative of the public interest, or the agency supervising the juvenile.</p> <p>The court is required to hold a hearing on the matter.</p> <p>The petition can be filed if:</p> <ul style="list-style-type: none">• the juvenile fails to pay restitution; or• it appears likely that the juvenile will not pay restitution as ordered or agreed to. <p>Presumably a petition could be filed immediately after disposition if the petitioner believes there is proof that it appears likely that the juvenile will not pay the restitution.</p> <p>A judgment is in favor of the victim or the victim's insurer, or both, and entry of such a judgment does not foreclose the victim or insurer from commencing another action seeking additional compensation if the total actual restitution is greater than the amount ordered by the court.</p> <p>There is no restitution disposition against a child in chapter 48 CHIPS matters. Therefore, even though §895.035(2m) refers to "child" (which usually denotes a ch. 48 matter), RMC determined that the proper term for use in the form is "juvenile."</p>
About this Form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>