

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, JV 8, JV 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, Juvenile, and Parents.
Accompanying Forms:	Generally none.
New Form/Modification:	Modification; last update 10/25.
Modifications:	Rephrased #5 – removed “not later than one year” and replaced with “within one year of” the expiration or any extension of the deferred prosecution agreement, consent decree, dispositional order or sentence.
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: the juvenile fails to pay restitution; or it appears likely that the juvenile will not pay restitution as ordered or agreed to.</p> <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>

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About this Form: 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.

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.