NATIONAL CRIME VICTIM LAW INSTITUTE

TECHNICAL ASSISTANCE FOR RESTITUTION

Previous examples of NCVLI TA's:

An Iowa child sex trafficking victim's court-appointed guardian ad litem (GAL) asked NCVLI for **assistance on several matters in a case involving two criminal defendants**.

One matter concerned one defendant's motion seeking the child-victim's therapy records; NCVLI **conducted legal research and provided the GAL with a sample motion to quash requests for a victim's records and case law to support the prosecutor's opposition to defendant's request.**



Another matter involved assistance preparing for the child-victim's restitution request and participation at the second defendant's sentencing; NCVLI **provided strategic advice on next-steps and sample motions, including a motion for a copy of the presentence report.**

An Arizona child-victim's attorney asked NCVLI to **help prepare the attorney for oral argument before the Arizona Supreme Court**.

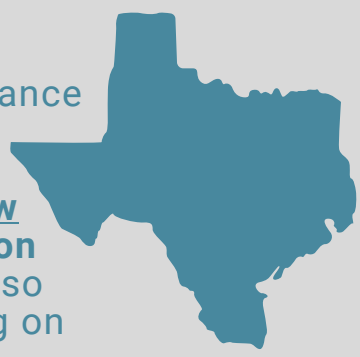


The child-victim is the surviving relative of a homicide victim; and **a key issue in the case concerned whether the trial court violated the child-victim's right to full restitution by imposing an arbitrary $500,000 cap on restitution**, when the child-victim's future losses have not yet been calculated.

The NCVLI legal team, along with partner victims' rights attorneys, **participated in a "moot court" panel** to help the child-victim's attorney test the strength of the legal arguments.

A Texas attorney contacted NCVLI **seeking information about victims' rights in juvenile justice proceedings** in order to assist a client.

NCVLI **researched and compiled a listing of key victims' rights in connection with juvenile proceedings** and emailed that to the requester, along with an invitation to reach out if additional assistance regarding any specific victims' right is desired.



NCVLI also **provided links to NCVLI's Quicktools, Toolkit, and Law Library, in addition to the link to a 50-state survey with information about rights specific to child-victims** and a note that there may also be Title IX rights and options available to some victims, depending on the context.

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NCVLI **created a sample motion** for a Montana legal clinic for restitution that victims' rights attorneys can use when filing a motion for restitution on behalf of clients.



A MIchigan attorney contacted NCVLI **requesting research into a possible restitution claim for recovery/reimbursement** for property left at the home the victim shared with the perpetrator.



Defendant plead guilty to assault by strangulation, and the victim fled the home after the assault leaving behind property that she owned. The victim was also forced to leave a job as a result of defendant's related conduct. The Defendant was not ordered to pay any restitution, and the attorney would like examples of cases demonstrating causation nationally, to assist in seeking reconsideration of the restitution amount.

NCVLI **researched the issue and provided a pre-existing resource, along with a selection of additional cases**. **researched case law** where cause-and-effect between the crime and the costs incurred by a victim were relatively more remote, to assist an attorney with representing a client where the court failed to order restitution for costs arising from the victim's job loss and lost property as a result of domestic violence offenses.