



Judicial Council of California

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INVITATION TO COMMENT

W25-06

Title

Juvenile Law: Restitution Orders

Action Requested

Review and submit comments by January 6, 2025

Proposed Rules, Forms, Standards, or Statutes

Revise forms CR-110/JV-790 and CR-112/JV-792

Proposed Effective Date

July 1, 2025

Proposed by

Family and Juvenile Law Advisory Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulsey, Cochair

Contact

Eric Divine, 415-865-4903

eric.divine@jud.ca.gov

Executive Summary and Origin

Assembly Bill 1186 (Bonta; Stats. 2024, ch. 805) amended provisions of the Penal Code and the Welfare and Institutions Code regarding restitution liability in criminal and juvenile court, including eliminating joint and several liability for co-offending children in juvenile delinquency cases. The Family and Juvenile Law Advisory Committee proposes revising the restitution order and instructions forms to delete joint and several liability for juvenile co-offenders, address restitution apportionment in juvenile court orders, and clarify the liability of others who may be ordered to pay restitution in criminal and juvenile proceedings. In addition, the committee proposes revisions to allow for use of the order when a child under informal supervision has stipulated to restitution.

Background

Welfare and Institutions Code section 730.6¹ governs the imposition of restitution when a juvenile court determines that a child has broken state law and the conduct has resulted in an economic loss to a victim. Section 730.6 currently requires courts to identify any co-offenders who are jointly and severally liable. AB 1186, effective January 1, 2025, modifies section 730.6,

¹ All further unspecified statutory references are to the Welfare and Institutions Code.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

in part, as follows: “For the purposes of victim restitution, each minor shall be held severally liable, and shall not be held jointly and severally liable as co-offenders. The court shall apportion liability based on each minor’s percentage of responsibility or fault for all economic losses included in the order of restitution. The aggregate amount of apportioned liability for all minors involved shall not exceed 100 percent in total.” (§ 730.6(b)(3).)

AB 1186 requires no changes to the forms for use in criminal court; the committee consulted the Criminal Law Advisory Committee regarding the proposed minor technical changes applicable in criminal court proceedings.

The Proposal

Order for Victim Restitution (form CR-110/JV-790) and *Instructions: Order for Victim Restitution* (form CR-112/JV-792) are used in criminal court proceedings and juvenile delinquency proceedings. Both forms currently contain provisions that are not consistent with the changes made by AB 1186 relating to restitution in juvenile court proceedings. The Family and Juvenile Law Advisory Committee proposes revising item 1 on the order form and item I on the instructions form to reflect the change to joint and several liability for juvenile co-offenders under section 730.6 as amended by AB 1186, to address apportionment of liability in juvenile cases, and to clarify the differences in liability for others in juvenile court and criminal court. In addition, the committee proposes revisions to allow use of the form in juvenile informal supervision cases under section 654.2.

Order for Victim Restitution (form CR-110/JV-790)

Item 1 of this form currently allows the court to specify whether the restitution order is being applied to a criminal defendant or a child in juvenile court and whether any parents or guardians or any co-offenders are jointly and severally liable.

The committee proposes reorganizing item 1 into items 1a and 1b to separate provisions relating to criminal proceedings, which can include joint and several liability for co-offenders, from those relating to juvenile proceedings, which can include joint and several liability for parents or guardians but can no longer include joint and several liability for co-offenders after the changes made to section 730.6 take effect. Under item 1b, Juvenile court proceeding, the form user would check the box in item 1b(1) for a proceeding in which the child was determined to have broken state law or would check the box in item 1b(2) for an informal supervision case with agreed-upon restitution under section 654.2, making the form applicable to a wider range of cases. The proposed revisions to item 1 under juvenile court proceedings include a new item for indicating apportionment among co-offenders, if any, and stating the percentage of liability for the child. The revisions make clear that the total amount of the child’s liability and the total amount for which any parents or guardians are jointly and severally liable is the amount of restitution ordered in item 3.

In addition, the committee proposes adding a statement in the notice box that if liability in juvenile court is apportioned, the aggregate amount for all juveniles cannot exceed 100 percent.

Instructions: Order for Victim Restitution (form CR-112/JV-792)

The committee proposes revising this form to conform to proposed changes on the order form. Specifically, item I would provide revised instructions for item 1 on the order form.

Alternatives Considered

The committee considered developing a separate restitution order form for use in juvenile court only. The current order form was developed for use in both criminal and juvenile courts for consistency, so that there would be a single order for filing a civil judgment. Under AB 1186, there are distinct differences that may support separating the forms. The committee has requested specific feedback on whether separate forms should be developed in the future.

The committee noted that restitution can be apportioned among co-offenders and there may be circumstances in which restitution orders against co-offenders are made by different judicial officers at different times. Addressing these issues is beyond the scope of this proposal but may support separating juvenile restitution orders from criminal restitution orders in a future proposal. As a result of this discussion, the committee added the content described above regarding apportionment to the order form.

The committee also considered options to indicate a modified order. One way would be to add check boxes under the title of the order form in the caption to indicate an original order or a modified order. Although this language appears in several domestic violence and the juvenile restraining order forms, it is unusual language for a Judicial Council order form. The committee also considered creating a new form for ordering modifications, similar to the civil restraining order forms. The committee requests specific feedback on whether it is necessary to indicate a modified order and if so, which approach is preferable for development in a future cycle.

With respect to apportionment, the committee also considered including space to identify juvenile co-offenders. The current version of the order form contains space for naming co-offending juveniles who are jointly and severally liable. However, since juvenile co-offenders are no longer jointly liable, the committee believes the confidentiality of juvenile cases may outweigh any benefit in listing co-offenders. The committee is requesting feedback on this question.

The committee did not consider the alternative of taking no action to revise the restitution order form and its accompanying instructions form because the current forms include joint and several liability for co-offending children and will be incorrect when the legislation takes effect.

Fiscal and Operational Impacts

The Spanish translation of form CR-112/JV-792 will need to be updated. Juvenile courts will need to provide education and training for judicial officers and court staff on the changes to the forms. There may also be costs associated with reproducing the new forms.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would it be beneficial for victims, offenders, courts, or justice partners to have separate restitution order forms for use in juvenile court and criminal court?
- Is it helpful to indicate whether the order is original or a modification? If so, would check boxes or an attachment best reflect a modification?
- Should the order form include the names of co-offending children in cases involving apportionment of liability?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 2 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms CR-110/JV-790 and CR-112/JV-792, at pages 5–8
2. Link A: Assembly Bill 1186 (Bonta; Stats. 2024, ch. 805),
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1186

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council CR-110/JV-790.v13.112124.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
ORDER FOR VICTIM RESTITUTION	CASE NUMBER:

1. Choose a or b and provide the information requested.

a. Criminal court proceeding

On (date): _____, defendant (name): _____
 was convicted of a crime that entitles the victim to restitution.

Co-offenders found jointly and severally liable (name each):

b. Juvenile court proceeding (choose (1) or (2) and provide information requested)

(1) On (date): _____, child (name): _____ was found to
 be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution. (Check all
 that apply.)

(A) Wardship is terminated.

(B) Parents or guardians jointly and severally liable for the amount in 3a (name each):

(C) The child is one of two or more co-offenders among whom liability is apportioned. The child is _____ percent
 responsible. The total amount of the child's liability is the amount in 3a.

(2) On (date): _____, child (name): _____ was
 placed on informal supervision under Welfare and Institutions Code section 654.2 and agreed to the restitution
 order as part of the supervision program.

2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of the right to a judicial determination of the amount of restitution and

- a. a hearing was conducted.
- b. stipulated to the amount of restitution to be ordered.
- c. waived a hearing.

3. THE COURT ORDERS defendant/child to pay restitution to

- a. the victim (name): _____ in the amount of: \$ _____
- b. the California Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$ _____
- c. plus interest at 10 percent per year from the date of _____ loss or sentencing.
- d. plus attorney fees and collection costs in the sum of: \$ _____

CASE NAME:

CASE NUMBER:

4. The amount of restitution includes

- a. the value of property stolen or damaged.
- b. medical expenses.
- c. mental health counseling expenses.
- d. lost wages or profits.
- (1) incurred by the victim due to injury.
- (2) of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.
- (3) incurred by the victim due to time spent as a witness or in assisting police or prosecution.
- (4) of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.
- e. noneconomic losses (felony violations of Pen. Code, §§ 288, 288.5, and 288.7 only).
- f. Other (*specify*):

Date:

JUDICIAL OFFICER**NOTICE TO VICTIMS**

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b).

YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c).

UNDER WELFARE AND INSTITUTIONS CODE SECTION 730.6(b)(3), YOU ARE ENTITLED TO RESTITUTION UP TO 100 PERCENT OF THE MONEY YOU LOST OR HAD TO SPEND AS A RESULT OF THE OFFENSE; IF LIABILITY FOR RESTITUTION IN JUVENILE COURT IS APPORTIONED, THE AGGREGATE AMOUNT FOR ALL CHILDREN INVOLVED CANNOT EXCEED 100 PERCENT.

DRAFT Not approved by the Judicial Council CR-112/JV-792.v11.120624.jh CR-112/JV-792
INSTRUCTIONS: ORDER FOR VICTIM RESTITUTION

A. Attorney or Party Without Attorney

Write the name of your attorney. If you are representing yourself, your name goes here.

B. Telephone Number

Your telephone number goes here. You may also give a number where the court can leave a message for you.

C. Fax Number

You may write in your fax number here or you may leave this line blank.

D. Email Address

You may write in your email address here or you may leave this line blank.

E. Name and Address of Court

Ask the clerk of your court for this information, including the court's address.

F. Case Name

Use the assigned case name. Example: *In re John D.* or *People of the State of California v. Doe.*

G. Case Number

Write the assigned case number in this space. You need to write this number at the top of every page of this form.

H. For Court Use Only

Leave blank. After this form is filed, the clerk will stamp this box on the copies so everyone knows they are copies of an official court document.

I. Order for Restitution

Item a. If the person was convicted in criminal court, check this box and write in the date of the defendant's conviction and the defendant's name. If co-offenders were found jointly and severally liable, write their names in the space provided.

Item b. If the person was a child in juvenile court, check this box and write in the child's name and the date of the hearing.

Item b(1). If the child was adjudicated a ward under Welfare and Institutions Code section 602, check this box. If wardship is terminated, check (A). If parents or guardians were found jointly and severally liable, check (B) and write their names in the space provided. If more than one person is responsible for the victim's damages and the court assigns a percentage of liability to the child, check (C) and write in the percentage assigned to the child.

Item b(2). If the court and the child agreed to informal supervision and the amount of restitution, check this box.

This section must be completed by either you or the court. A separate order and abstract of judgment should be completed for each defendant or child ward found guilty of an offense.

J. Judicial Determination of Restitution

The defendant or child has a right to a restitution hearing. The hearing can be waived if the defendant or child agrees to give up the right to have a hearing. The amount of restitution may also be stipulated if the amount of restitution to be ordered is agreed to by all parties and the judge makes an order for the amount based on an agreement by all parties. It is very important to check the appropriate boxes to indicate whether the defendant or child has had a hearing or has waived the hearing. If you do not have all of the relevant information to complete this section, then the court should complete it for you.

<p>(A) ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: _____ STATE BAR NO.: _____</p> <p>(B) FIRM NAME: _____</p> <p>(D) STREET ADDRESS: _____</p> <p>(E) CITY: _____ STATE: (C) ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____ (H)</p> <p>(F) SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p> <p>(I) CASE NAME: _____</p> <p style="text-align: center;">ORDER FOR VICTIM RESTITUTION</p>	<p style="text-align: right;">CR-110/JV-790</p> <p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;">(G)</p> <p style="text-align: center;">CASE NUMBER</p>
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1. Choose a or b and provide the information requested.

a. Criminal court proceeding

On (date): _____, defendant (name): _____ was convicted of a crime that entitles the victim to restitution.

Co-offenders found jointly and severally liable (name each): _____

b. Juvenile court proceeding (choose (1) or (2) and provide information requested)

(1) On (date): _____, child (name): _____ was found to be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution. (Check all that apply.)

(A) Wardship is terminated.

(B) Parents or guardians jointly and severally liable for the amount in 3a (name each): _____

(C) The child is one of two or more co-offenders among whom liability is apportioned. The child is _____ percent responsible. The total amount of the child's liability is the amount in 3a.

(2) On (date): _____, child (name): _____ was placed on informal supervision under Welfare and Institutions Code section 654.2 and agreed to the restitution order as part of the supervision program.

(J) 2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of the right to a judicial determination of the amount of restitution and

a. a hearing was conducted.

b. stipulated to the amount of restitution to be ordered.

c. waived a hearing.

(K) 3. **THE COURT ORDERS** defendant/child to pay restitution to

a. the victim (name): _____ in the amount of: \$ _____

b. the California Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$ _____

c. plus interest at 10 percent per year from the date of _____ loss or _____ sentencing.

d. plus attorney fees and collection costs in the sum of: \$ _____

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ORDER FOR VICTIM RESTITUTION

Form Approved for Optional Use
Judicial Council of California
CR-110/JV-790 (Rev. July 1, 2025)

Penal Code, §§ 1202.4(f), 1214;
Welfare and Institutions Code, §§ 654.2, 730.5(h), (i), (j);
Civil Code, § 1714.1; Code of Civil Procedure, § 671(a)(7)
www.courts.ca.gov

K. Restitution Ordered to Pay

- a. If the court ordered the offender to pay you, write your name as the victim and the amount of restitution ordered by the court. Make sure the amount of restitution is not left blank or “to be determined.” A dollar amount must be listed for the order to be enforceable.
- b. Check this box if the court ordered the California Victim Compensation Board to receive reimbursement for funds previously paid to you or your service provider by the Restitution Fund. Make sure the amount of reimbursement is not left blank or “to be determined.” A dollar amount must be listed for the order to be enforceable.

L. Case Name and Number

Use the case name and case number that you wrote on the front of the form.

M. Amount of Restitution

Check the applicable boxes 4a through 4e that specify why the restitution was ordered. Example: If the court ordered that you collect medical expenses and lost wages, check boxes 4b and 4d. If the amount of restitution includes something that is not listed, check box 4f and briefly specify what additional costs are covered.

(L) → CASE NAME: _____	CASE NUMBER: CR-110/JV-790	
(M) → 4. The amount of restitution includes:		
a. <input type="checkbox"/> the value of property stolen or damaged.		
b. <input type="checkbox"/> medical expenses.		
c. <input type="checkbox"/> mental health counseling expenses.		
d. <input type="checkbox"/> lost wages or profits.		
(1) <input type="checkbox"/> incurred by the victim due to injury.		
(2) <input type="checkbox"/> of the victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child.		
(3) <input type="checkbox"/> incurred by the victim due to time spent as a witness or in assisting police or prosecution		
(4) <input type="checkbox"/> of the victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution.		
e. <input type="checkbox"/> noneconomic losses (felony violations of Pen. Code, §§ 288, 288.5, and 288.7 only).		
f. <input type="checkbox"/> Other (specify): _____		
Date: _____ JUDICIAL OFFICER: _____		
NOTICE TO VICTIMS PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE, AND IN THE SAME MANNER AS, A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER. THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d). YOU MUST FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHEN THIS ORDER IS SATISFIED, AS REQUIRED BY PENAL CODE SECTION 1214(b). YOU ARE ENTITLED TO A CERTIFIED COPY OF THIS ORDER UPON REQUEST, AS REQUIRED BY PENAL CODE SECTION 1214(b) AND WELFARE AND INSTITUTIONS CODE SECTION 730.7(c). UNDER WELFARE AND INSTITUTIONS CODE SECTION 730.6(b)(3), YOU ARE ENTITLED TO RESTITUTION UP TO 100 PERCENT OF THE MONEY YOU LOST OR HAD TO SPEND AS A RESULT OF THE OFFENSE; IF LIABILITY FOR RESTITUTION IN JUVENILE COURT IS APPORTIONED, THE AGGREGATE AMOUNT FOR ALL CHILDREN INVOLVED CANNOT EXCEED 100 PERCENT.		
CR-110/JV-790 (Rev. July 1, 2025)	ORDER FOR VICTIM RESTITUTION	Page 2 of 2

Order for Victim Restitution (form CR-110/JV-790) is the court order or judgment directing the offender to repay you for any losses that you suffered because of the offense. Once this judgment is entered in the court records, you may use it to collect the money you are owed from the offender. If the court does not give you a certified copy of the order, ask the clerk for one and check to make sure the judgment is entered. If the offender does not pay you, you have several options, including getting the offender to pay you voluntarily, getting more information about the offender, and collecting from the offender's property. If you choose to try to collect from the value of real estate owned by the offender, you will need to record an abstract of the judgment with the county recorder in the county where the property is located. For more information about this process, see *Abstract of Judgment—Restitution* (form CR-111/JV-791) and *Instructions: Abstract of Judgment—Restitution* (form CR-113/JV-793). For more information about this and other options for collecting your restitution judgment, see the California Courts Online Self-Help Center at www.selfhelp.courts.ca.gov/small-claims/after-trial/if-you-win.