

Standing Order 1.44. Unclaimed Restitution Payments

Chapter VII of the Guide to Judiciary Policies and Procedures, Part J, Unclaimed Funds, Sec. 2.3.3 states “Unclaimed restitution payments arise when restitution payments ordered by the court are not negotiated by the victim or other intended recipient or the recipient cannot be located. Restitution payments are held in the court’s deposit fund.”

Upon review of the court’s deposit fund account, the clerk of court is hereby authorized to transfer these funds to Treasury unclaimed moneys deposit fund (613300) or, for amounts less than \$25, to the general fund receipt account for forfeitures of unclaimed moneys (106600). Should a valid claim eventually be made against these funds, they are to be disbursed from the Treasury fund to which they are currently deposited. If the funds have been transferred to the forfeiture account (106600), the refund is disbursed from the Treasury fund for refund of moneys erroneously received and covered into the Treasury (180700).

Courts are occasionally contacted by finders who suggest that they have information on the parties to whom funds processed through the court belong. When working with funds locators, every effort should be made to ensure that proper authority, in the form of powers of attorney, has been granted to them. All claims also should have proper documentation as required for executing the affidavit for reimbursements. These should include at least the following documents:

1. Affidavit for reimbursements or a motion to release the funds.
2. Court order to release the funds.
3. Proper authority by the signer or claimant requesting release of the funds.
4. Photocopy of photo identification such as driver’s license or passport.
5. Letter of administration or probated will.
6. Corporate documents (if applicable) showing proof of ownership of the funds through amendment, merger, or dissolution.