

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT**

_____, Plaintiff, v. _____, Defendant.	No. _____ Ad Damnum: \$ _____
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PETITION TO REGISTER JUDGMENT IN RESTITUTION

NOW COMES the Plaintiff _____, through its attorneys, and pursuant to 730 ILCS 5/5-5-6 petitions this court to enforce the civil judgment in restitution entered in the Criminal Division of the County Department of the Circuit Court of Cook County, Illinois under case number _____ against the Defendant _____, and states as follows in support thereof:

Background

1. Plaintiff, _____, is a _____ with its principal place of business located in Chicago, Illinois.
2. Defendant, _____, is an _____, who upon information and belief, is domiciled in the State of Illinois.
3. Defendant, _____, worked with a company that performed services for Plaintiff, _____.
4. The States Attorney of Cook County filed an Indictment against Defendant, _____, for violations of various provisions of the Illinois Criminal Code (collectively the "Criminal Case") in the Criminal Division of the County Department of the Circuit Court of Cook, County, Illinois ("Criminal Court"). (**Ex. A**, Certified State of Conviction / Disposition, p. 1).

5. The Criminal Case against Defendant, _____, included charges for forgery and theft to the detriment of Plaintiff, _____, in the scope of services. (Ex. A).

6. The Criminal Court entered a civil judgment in restitution against Defendant, _____, and in favor of Plaintiff, _____, for \$_____ under count two of the criminal indictment. (Ex. A, p. 4).

7. The adult probation department terminated Defendant's, _____, court ordered supervision/probation.

Relevant Law

8. Pursuant the Illinois Unified Code of Correction, an order for restitution is a “judgment lien in favor of the victim” and “[m]ay be enforced to satisfy any payment that is delinquent under the restitution order *by the person in whose favor the order is issued* or the person's assignee.” 730 ILCS 5/5-5-6(m)(3)(emphasis added). *See also* § 5/5-5-6(n)(“ A restitution order under this Section may be enforced in the same manner as judgment liens are enforced under Article XII of the Code of Civil Procedure.”)

9. Moreover, the “provisions of Section 2-1303 of the Code of Civil Procedure, providing for interest on judgments, apply to judgments for restitution.” § 5/5-5-6(n).

10. “The restitution order is not discharged by the completion of the sentence imposed for the offense.” § 5/5-5-6(m).

11. In sum “[a] restitution order is enforceable as a civil judgment.” *Indesco Prods. v. Novak*, 316 Ill. App. 3d 53, 56 (2d Dist. 2000) (“When plaintiffs filed their complaint seeking a judgment for that amount [of the restitution order], they prayed for what they already possessed”) and (“although defendant completed his probation . . . plaintiffs retained an enforceable judgment for the balance of the restitution order.”)

Argument

12. The Illinois Uniform Code of Corrections specifically states that a restitution judgment is a civil judgment in favor of the victim.

13. The Petitioner, _____, was the victim in the Criminal Case.

14. Defendant, _____, has not satisfied a significant portion of the restitution judgment.

15. Pursuant to 730 ILCS 5/5-5-6, Plaintiff, _____, is entitled to initiate supplementary proceedings to enforce its judgment.

16. The judgment entered on _____, accrued interest pursuant to 735 ILCS 5/2-1303 as of that date.

Prayer for Relief

WHEREFORE, for the reasons set for above, Plaintiff, _____, respectfully requests that this Court enter an order:

(a) recognizing and entering *nunc pro tunc* the judgment against Defendant, _____, and in favor of Plaintiff, _____, in the amount of \$_____ plus post judgment interest under 735 ILCS 5/2-1303 and less any payments made by Defendant, _____; and

(b) allowing Plaintiff, _____, to initiate enforcement proceedings pursuant to the Illinois Code of Civil Procedure Article XII, the Citation Act, 735 ILCS 5/2-1402 and Illinois Supreme Court Rule 277.

Respectfully Submitted:

Dated: _____
