

600 RESTITUTION

REVISION DATE: 7/3/2019, 3/2/2015, 1/31/2014

EFFECTIVE DATE: July 31, 1993

REFERENCES: A.R.S. § 36-551

Restitution

- A. Means the act of paying or compensating for property loss or damage in order to learn alternative behaviors;
- B. Does not include voluntary compensation by a parent or guardian; and
- C. May not infringe on an individual's rights protected by A.R.S. § 36-551.

Providers are required to have insurance to cover property loss or damage. If a member damages the property of another, the injured party may have a legal remedy in the small claims division of the Justice Courts.

The Division and its contracted providers cannot make restitution a condition for provision of services or supports. A Member's Behaviors cannot prevent that member from receiving services through the Division.

Behaviors that result in property damage or loss should be addressed by the Planning Team.

- A. Behavior Plans may include some level of restitution so long as all of the following are met:
 - 1. The member's behavior support plan includes the use of restitution, and has been approved by the planning team, including the member and/or family member/guardian and treating behavioral health professional if applicable;
 - 2. The restitution furthers a goal identified and is individualized in a member's behavior plan;
 - 3. The member has an understanding of the restitution plan and purpose so that the member can accept their responsibility and learn;
 - 4. The behavior plan was implemented as written;
 - 5. The team establishes the restitution amount only after consideration of the member's resources and determination that the member's needs will not be adversely impacted by the payment amount, including that the amount will not adversely impact the member's ability to pay for other items or activities that are necessary to further other plan goals;
 - 6. An invoice and explanation of the cost for each restitution payment is reviewed and approved by the planning team before each restitution payment is made.