

1 **600 RESTITUTION**

2 REVISION DATE: xx/xx/19, 3/2/2015, 1/31/2014

3 EFFECTIVE DATE: July 31, 1993

4 REFERENCES: A.R.S. § 36-551

5 **Restitution**

6 A. Means the act of paying or compensating for property loss or damage;

7 B. Does not include voluntary compensation by a parent or guardian; and

8 C. May not infringe on an individual's rights protected by A.R.S. § 36-551.

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

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

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

16 A. Behavior Plans may include some level of restitution so long as:

17 1. Restitution furthers a goal identified in a member's Individual Service Plan.

18 2. The team establishes the restitution amount only after consideration of the  
19 member's resources and determination that the member's needs will not be  
20 adversely impacted by the plan.

DRAFT POLICY FOR PUBLIC COMMENT