



STATE OF WYOMING
DEPARTMENT OF CORRECTIONS

**ADMINISTRATIVE
REGULATIONS**

NUMBER

2.101

PAGE NUMBER

1 OF 4

**SUBJECT: Disbursement of
Inmate/Offender Earnings for Victim
Restitution and Child Support**

I. PURPOSE:

To establish a system for identification, collection and payment of all court-ordered fines, restitution, victims surcharges and child/spousal support obligations of inmates and offenders incarcerated in state penal institutions.

II. GENERAL:

A. Policy. It is the policy of the Department of Corrections to take all steps necessary for enforcement of court orders which require inmates and offenders to pay fines, victim restitution or compensation, victim surcharge and/or child/spousal support.

B. Statutory Authority.

1. Department of Corrections' general rule-making authority is found at W.S. §25-1-105.
2. Disbursement of inmate incentive pay is governed by W.S. §7-16-205. (copy attached)
3. Disbursement of inmate work-release earnings is governed by W.S. §7-16-308. (copy attached)
4. Disbursement of wages of inmates and offenders in community corrections programs is governed by W.S. §7-18-114. (copy attached)

III. PROCEDURE:

Each institutional chief executive officer will establish an operational memorandum (O.M.) to accomplish the following steps:

A. Identification of Obligations. All existing inmate files, and those of all incoming inmates, will be reviewed to determine any unpaid, court ordered fines, victim restitution or compensation, victim surcharge and/or child/spousal support obligations. Debts owing to the Victims Compensation Commission pursuant to W.S. §1-40-112(g) are obligations within the meaning of this regulation, and will be identified by reports from the Commission. Any other procedures necessary to identify obligations shall be implemented.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.101	SUBJECT: Disbursement of Inmate/Offender Earnings for Victim Restitution and Child Support	PAGE 2 OF 4
---	--------------------------------	---	--------------------

III. PROCEDURE: (Continued)

- B. Determination of Payment Status. In those cases where an unpaid obligation appears to exist, appropriate authorities (usually, the clerk of the court where conviction was obtained or child/spousal support was ordered, or other agency responsible for collection) will be contacted in writing with a request that current status of payments on the obligation be provided.
- C. Development of a Repayment Plan. In the case of each inmate/offender with obligations and with income from the incentive pay programs, any other sources of compensation, work release earnings or earnings while in community corrections, a payment plan will be developed. Each plan will consider the following factors:
1. Current income. Disburseable income includes inmate incentive pay, earnings from work release employment, wages earned while in a community corrections program, hobby sales earnings and any other remuneration for services performed or goods produced while under correctional supervision. Non-disburseable income, such as gifts or government benefits, should not be disbursed for restitution or child support unless the inmate or offender consents, or if ordered by a court or other governing agency. However, payments based on average monthly disburseable income as described above may be disbursed from institutional accounts which contain commingled disburseable and non-disburseable funds. Disbursements in any given month should not exceed the amount of disburseable income credited to the account in that month.
 2. Amount of obligation(s).
 3. Priorities for disbursements outlined in the pertinent statute (see II, B, 2-4).
 4. In the case of offenders in community corrections programs, any modification to statutory priorities ordered by the sentencing court pursuant to W.S. §7-18-174(b).
 5. To the extent possible, equal treatment for all inmates/offenders with similar circumstances.
- D. Disbursement of Payments. Payments pursuant to the repayment plans will be deducted from each inmate/offender's account on a monthly basis and will be transmitted to the appropriate authority for collection. The Wyoming State Penitentiary shall maintain accounting of all payments made and the balance owed on each obligation for the male inmate/offender. The Wyoming Women's Center shall maintain an accounting of all payments made and the balance owed on each

obligation for the female inmate/offender. The Wyoming Honor Farm and Wyoming Honor Conservation Camp shall provide a monthly report during the

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.101	SUBJECT: Disbursement of Inmate/Offender Earnings for Victim Restitution and Child Support	PAGE 3 OF 4
---	--------------------------------	---	--------------------

fiscal year to WSP showing total obligations collected. Each Community Alternative Center shall provide a monthly report during the fiscal year to either the WSP or WWC showing the total obligations collected on transitional offenders. Also, each Community Alternative Center shall provide a monthly report during the fiscal year to the Central Office showing the total obligations collected on diversional offenders. DOC form, ADM-103, appended hereto, will be utilized for presentation of monthly reports. DOC form ADM-104, appended hereto, showing new court ordered restitution and DOC form ADM-105, appended hereto, showing In House Disciplinary Assessment will be used to notify WSP and WWC of new restitution owed by the inmate/offender on a monthly basis. The WSP and the WWC will provide a quarterly report during the fiscal year to Central Office showing total obligations collected. DOC form ADM-102, appended hereto, will be utilized for presentation of quarterly reports.

- E. Inter-Institutional Transfers. Copies of all information related to obligations and payment under this Administrative Regulation shall be maintained in inmate/offender base files. Procedures shall be established to insure transmittal of pertinent information and continuity of repayments as inmates/offenders are transferred between programs and institutions or to parole. Repayment plans should be adjusted according to changed circumstances of the inmate/offender. The institutions shall act cooperatively to develop uniform forms needed to implement this regulation.
- F. Confidentiality. Information regarding inmates'/offenders' earnings and amounts in their institutional accounts is confidential and will not be subjected to public inspection.
- G. Due Process. The following procedural steps will be afforded prior to any disbursements pursuant to this Administrative Regulation:
1. Written notice to the inmate/offender of the amount to be disbursed, the repayment plan and the legal basis therefore.
 2. Notification of the opportunity to have any objections to such disbursements heard through the inmate grievance procedure.
- H. Refusal to Work. Inmates or offenders with obligations covered by this Administrative Regulation should, to the extent possible, be provided the opportunity to earn income. Refusal of such inmates or offenders to accept available work assignments should be considered in awards of good time credits.

STATE OF WYOMING DEPARTMENT OF CORRECTIONS	A.R. No. 2.101	SUBJECT: Disbursement of Inmate/Offender Earnings for Victim Restitution and Child Support	PAGE 4 OF 4
---	---------------------------	---	--------------------

Judith Uphoff, Director
Wyoming Department of Corrections

Effective Date

Comments:

Revised 2/9/94 (Replaced Policy 2.101)

Summary of Revision:
Page 2, III, C., 1. Replaced.

Revised 11/15/94 (Replaced Policy 2.101)

Page 2, III, D. Amended

Revised 09/28/95 by John Lighty (Replaced
Policy 2.101)

Pages 2 & 3, III, D. Amended (Needed a
better way to track the payments. This way
one institution will track and there will be less
confusion.)