



Department of
Social Services

Human Resources Administration
Department of Homeless Services

Office of
Program Accountability

INVESTIGATION, REVENUE AND ENFORCEMENT ADMINISTRATION

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Form Instructions: Restitution & Repayment with Ongoing Criminal Prosecution (BFI-212a)

AUDIENCE	The instructions in this informational is intended for the BFI staff responsible for accepting restitution payments and is informational for all other BFI staff.
PURPOSE	The purpose of this informational is to provide instruction on when to use and how to properly complete the Restitution and Payment with Ongoing Criminal Prosecution BFI-212a .
BACKGROUND	In limited circumstances, the District Attorney's Office may require the client/defendant to make restitution payment(s), either in part or whole, prior to accepting a plea or otherwise resolving pending criminal charges after it has been referred by BFI. A Restitution and Repayment should not be accepted once a case has been referred for criminal prosecution without the approval of the Prosecutions & Administrative Hearings Division Director or Criminal Remedies Unit Director.
PROCESS	<p>The Assistant District Attorney handling the matter will speak with either the Prosecutions & Administrative Hearings Division Director or Criminal Remedies Unit Director in advance to inform them of the anticipated plea or resolution.</p> <p>The client/defendant will be represented by an attorney, who must be present when completing the Restitution and Payment with Ongoing Criminal Prosecution [BFI-212a] and all other required forms.</p> <p>When completing the BFI-212a, the attorney must enter the following information:</p> <ul style="list-style-type: none"> • District Attorney's Office; • Full name of the assigned Assistant District Attorney; and • Attorney's name and contact information. <p>The attorney or client must complete the requested information regarding the client's name, address and social security number.</p> <p>Both the client and their attorney must initial the bottom of the form to indicate their understanding that the acceptance of any restitution payment(s) does not have any effect on pending criminal charges, sanction or resolution with the District Attorney's Office.</p> <p>In addition to the BFI-212a, the Restitution and Payment Form [BFI-212] and the Repayment Agreement with Pending Criminal Investigation [BFI-201c] must be completed.</p>