



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

Crime Victims' Compensation General Overview



Crime Victim Services Mission Statement

To assist in the compassionate and effective delivery of crime victim services by offering information, resources, and financial assistance to crime victims and the organizations assisting them.



Enabling Legislation

**Texas Code of Criminal Procedure
Article 56 subchapter B
Articles 56.31 through 56.64
Crime Victims' Compensation Act**



CVC Mandates

Texas Code
Of Criminal
Procedure,
Art. 56.02
(a)(6)
and TFC
57.002(6)

A victim has the **RIGHT** to
receive **information** about
Crime Victims' Compensation



CVC Mandates

T.C.C.P. Art. 56.07 Law Enforcement Mandate

- Initial contact with victim
- Written notice

T.C.C.P. Art. 56.08 District and County Attorneys

- 10 day notice
- Assistance with application

T.C.C.P. Art. 56.60 Public Notice

- Posters in hospital emergency rooms



Goal of CVC

**TO REIMBURSE
VICTIMS OF CRIME
FOR CERTAIN
OUT-OF-POCKET EXPENSES**

The Attorney General shall award to victims and claimants compensation for pecuniary loss arising from criminally injurious conduct.



"So, where does the Fund get the money?"

It is not a tax based or general revenue funded program. No tax dollars are used. Major sources of funding in FY 2010 were:

Court Fees

Federal VOCA Grant

Restitution

Subrogation

Parole Fees



Restitution

- **CVC pays benefits to an eligible victim**
- **At some point, an offender is apprehended and convicted**
- **At sentencing, the judge can order the defendant to pay restitution to the CVC Fund for what the victim was paid in eligible benefits**



Subrogation

1. **CVC pays benefits to, or on behalf of, a victim**
2. **Victim files and wins a civil lawsuit for damages or receives a settlement from perpetrator**
3. **Victim reimburses funds to CVC**
4. **Victim and their attorney are subject to prosecution for failure to notify CVC**

Lawsuits and subsequent settlements must be related to the crime



Payer of Last Resort

- Medicaid
- Health Insurance
- Medicare
- Workers' Comp
- Auto Insurance

All collateral sources must pay first



CVC FY 2010 Summary

- **\$74.4 million awarded**
- **37,801 applications and sexual assault reimbursement claims received**
 - **29,464 CVC applications**
 - **8,337 S/A reimbursements**



Eligibility



Who Is A Victim?

Includes:

Peace officers, firefighters or individuals whose employment includes the duty of protecting the public

An individual who suffers physical or mental harm or death as a result of criminally injurious conduct.

Note that every application has to have one victim, and only one victim.



Who Is A Claimant?

- A dependent of a deceased victim
- An individual who legally or voluntarily assumes the obligation to pay expenses
- An immediate family or household member who requires psychiatric care or counseling
- An authorized individual acting on behalf of a victim
- An application can have multiple claimants but only one victim



Eligibility Requirements "Who is Eligible to receive CVC?"

- A Texas or U.S. RESIDENT who becomes a victim of crime in Texas
- A Texas resident who becomes a victim in a country with no benefits
- A Texas resident who becomes a victim of a crime defined as an act of terrorism committed outside the United States (as of 9/1/97)



Not An Eligibility Requirement

- A social security number is not required for a victim to apply and be eligible for the CVC Program.

Awards requirement:

- However, a tax ID or social security number is a requirement to receive a payment.



Criminally Injurious Conduct

Criminally Injurious Conduct refers to crimes that:

- **Are attempted or occur**
- **Pose a substantial threat of personal injury**
- **Would be punishable by fine or imprisonment**



CIC Crimes Eligible for Reimbursement

Crimes against persons that cover a range from simple assault to homicide and include such crimes as family violence and child sexual assault

Also included are

- **Crimes of intentional injury with an automobile, boat or plane**
- **Failure to stop and render aid (Hit and Run)**
- **Vehicular crimes involving drugs or alcohol**
- **Intoxication-related crimes (assault, manslaughter or criminally negligent homicide)**



Denial or Reduction Behavior Factors

If the person —

All are possible factors, the entire situation is reviewed

- **Was engaged in illegal activity (deny or reduce)**
- **Shares in the responsibility for the crime (deny or reduce)**
- **Fails to cooperate with law enforcement and prosecution efforts (deny)**



However...

There is no requirement that a suspect be

- **Identified**
- **Apprehended**
- **Charged**
- **Convicted**

for a victim to apply for and be awarded compensation.

There is a requirement for the victim to cooperate throughout the criminal justice process.



CVC Reporting Requirements

To Law Enforcement

- **72 hours prior to 9/1/97**
- **On or after 9/1/97, a reasonable period of time but not so late as to interfere with or hamper the investigation and prosecution**
- **The program has the discretion to waive the reporting requirements if:**
 - **The victim is a child**
 - **Extraordinary circumstances hampered the reporting**



CVC Filing Requirements

To CVC Program

- **Prior to 9/1/97, One Year**
- **On or after 9/1/97, Three Years**
- **Exceptions:**
 - **Good Cause**
 - **Child victim through age 18 (pre-1997)**
 - **Child victim age 18 to 21 (1997-present)**
 - **Victim physically incapacitated**



Awards



Awards

Up to:

- **25,000 for crimes prior to 9/1/97**
- **\$50,000 for crimes on or after 9/1/97**

For reimbursement of medical costs, counseling, lost wages, funeral costs, and other costs resulting from the crime

Does not include property loss or damage



Award Types

- **Medical**
(Includes Psychiatric Care/Counseling and Dental)
- **Loss of Earnings**
- **Loss of Support**
- **Funeral and Burial**
- **Relocation and Rental**
- **Child or Dependent Care**
- **Crime Scene Clean-Up**
- **Items Rendered Unusable**
- **Travel**



Medical Expenses

Includes:

- Hospital expenses
- Doctor's fees
- Prescriptions
- Emergency Room
- Dental
- Ambulance
- X-Rays
- Rehabilitation
- Nursing home



Medical Expenses

- Paid according to Worker's Comp medical fee guidelines
(www.tdi.state.tx.us/wc/indexwc.html)
- Victim not responsible for difference unless victim had benefits reduced or med max
- Medical expenses are only limited by the funding available in the claim
- Reimbursements for medical expenses must be submitted within 5 years of the date of service unless extenuating circumstances exist



Psychiatric Care/Counseling

When counseling is needed, get preauthorization if required

- **Inpatient:**
**\$600 per day with a maximum 30 day stay
(for victim only)**
- **Outpatient:**
\$3,000 (victim and claimant)



Psychiatric Care/Counseling

- **Psychiatrist**
- **Psychologist**
- **Clinical Nurse Specialists in Psychiatry**
- **Licensed professional counselor**
- **Marriage and Family Therapist**
- **Licensed Master Social Worker/Advanced Clinical Practitioner**



Loss of Earnings

- Physical or psychological disability
- Care of a medically incapacitated adult or minor child by claimant
- If employed, weekly net earnings multiplied by the disability period
- Limited to \$500 per week
- If unemployed, will consider situations that demonstrate the victim would have been employable. Benefit would be based on anticipated loss of future earnings.



Loss of Earnings – cont'd

May be paid for time lost from work—

- **While seeking medical treatment for physical and/or emotional injuries**
- **While participating with criminal justice system requirements**
- **While attending funeral of the victim (effective 9/1/2003, household members and immediate family only, 10 days or \$1,000)**



Loss of Support

- To dependents of a murder victim- up to the value of the claim
- To dependents of victims (usually family violence) 90 days
- Limited to \$500 per week



Funeral and Burial

- **Maximum of \$4,500**
 - *additional funds available to transport body**
- **What is covered?**
 - **Funeral service**
 - **Casket, urn**
 - **Graveside service**
 - **Cemetery expenses**
 - **Marker/headstone**
 - **Cremation**
 - **Flowers, musician fees, burial clothing for the deceased**



Relocation

Relocation Costs

- Cost of Move
- Travel Expenses
- Security Deposits
- Utility Deposits
- Moving Van

- **For victims of family violence (6/19/99)**
- **For victims of sexual assault in their residence (9/1/2001)**
- **One time award per offender**
- **\$3,800 Total Benefit**
 - **Up to \$2000 for Relocation**
 - **Up to \$1800 for Rent**



Child or Dependent Care

- Only available as a new expense resulting from the crime
- Children (14 years and under) or dependent adults
- Care must be provided by licensed or registered provider
- \$100 per week per child or dependent (effective 5/8/05 limited to 90 days, except for dependents of deceased victims)



Crime Scene Clean-Up

- **\$750 limit**
- **Commercial cleaning company**
- **Will reimburse for cleaning supplies when work is done by volunteers**



Items Rendered Unusable

- **\$750 limit**
- **Items seized as evidence and rendered unusable by law enforcement**
- **This is the only property for which reimbursement can be paid by CVC**



Travel

Travel expenses due to participation in or attendance at:

- **The investigation prosecution, or judicial processes; also post conviction and post adjudication-involvement (effective 9/1/1997)**
- **The execution of the perpetrator. (effective for dates of travel 6/21/2003)**
- **Seeking necessary medical treatment and counseling services (effective 9/1/1997)**
- **The funeral of the victim for immediate family and household members only. (effective 9/1/2003)**



Travel

- **Exceeds twenty miles**
 - **Necessary & reasonable transportation**
 - **Commercial transportation/personal vehicle**
- **Exceeds sixty miles**
 - **Meal and lodging expenses**
 - **Commercial lodging**
 - **State rate**

Crimes On or
After 9/1/97



Catastrophic Injuries

Total and Permanent Disability

Above the base award, catastrophic benefits are

- **Additional \$25,000**
(for crimes occurring September 1995-97)
- **Additional \$50,000**
(for crimes occurring on or after September 1, 1997 to Aug 31, 2001)
- **Additional \$75,000**
(for crimes occurring on or after September 1, 2001)



Catastrophic Injuries Total and Permanent Disability

- **Durable Medical Equipment (Sept.1, 2001)**
- **Rehabilitation Technology (Sept. 1, 2001)**
- **Long-term Medical Expenses (Sept. 1, 2001)**
- **Home and Vehicle Wheelchair Accessible**
- **Rehabilitation**
- **Lost wages**
- **Job Training**
- **Home Health Care**
- **Training in the Use of Special Appliances**



Emergency Award

- **\$1500 maximum**
- **Must be paid from an existing or anticipated benefit- it is not a “free award”**
- **All applications are evaluated for EA need**
- **May be considered for situations that pose an undue hardship**
- **Decision made by CVC staff based on “best interest of the victim”**



Appeals Process

The victim or claimant has the right to appeal a decision (eligibility or awards)

- 1. Reconsideration**
- 2. Final Ruling Hearing**
- 3. District Court**



Claim closure due to fraud

Fraud statutes – CVC closes claims pursuant to:

- **Texas Code of Criminal Procedure, Article 56.41 (b)(7)**
(b) The attorney general shall deny an application for compensation under this subchapter if:
(7) the claimant or victim knowingly or intentionally submits false or forged information to the attorney general.
- **Texas Code of Criminal Procedure, Article 56.38 (b)**
The attorney general may investigate an application.
- **Texas Code of Criminal Procedure, Article 56.47(a)**
The attorney general, on the attorney general's own motion, or on request of a claimant or victim, may reconsider;
(1) a decision to make or deny an awards; or
(2) the amount of the award.



Claim closure due to fraud

Lost wages

- Victim was awarded lost wages.
- CVC received information that victim submitted two false employment verification documents and also forged HR Director's signature to falsely show they were employed.
- Victim was charged and arrested with Tampering with a Governmental Record.
- Victim submitted false medical documentation in order to continuing receiving lost wages.
- Victim, a nurse, had been terminated from their job due to felony forgery convictions but falsely indicated that it was due to a crime related injury



Claim closure due to fraud

Relocation:

- Victim awarded relocation but claimed she never received the check.
- CVC processed a stop payment and issued a 2nd check
- Victim claimed they never received the 1st check, Comptroller's records revealed both checks had been cashed.
- Victim was charged with Theft.
- Victim submitted a falsified lease.
- CVC called apartment complex and was advised victim was not approved
- Victim was charged with Tampering with a Governmental Record



Sexual Assault Exam Reimbursement

Reimburse law enforcement for the reasonable costs of a sexual assault examination of a victim

Full details and application at OAG web site

A separate claims process from victim claims

Contact person: Juanita Sepeda 512-936-1246



CVC Claims Management System

What is Claims Management System (CMS)? (also referred to as Remote Users Access)

- CMS is a tool applicable users can access to view basic CVC claim information via the internet.
- There are three levels of security access to system:
 1. Service Providers
 2. Law Enforcement
 3. Non-Profit Victim Advocates



CVC Claims Management System

- All users are able to view general case information.
- Service Provider accounts allow the user to view only those claims for which they have provided services based on their tax ID.
- Law Enforcement and Advocate accounts allow the user to view general billing information and case notes.
- CVC distributes new or updated information via CVC Claims Management System.

**Request CVC Claims Management System
by e-mail:**

CVCRemoteUsers@oag.state.tx.us



Address Confidentiality Program ACP

- **The Address Confidentiality Program (ACP) creates a legal avenue for victims of family violence, stalking, and sexual assault to keep their residential, business, and/or school address out of public record through a free mail forwarding system operated by the Office of the Attorney General.**
- **The Address Confidentiality Program is a safety tool for victims of family violence, sexual assault, or stalking.**
- **It is not a witness protection program or guarantee of safety.**
- **The goal of the program is to work in conjunction with a safety plan to assist victims of family violence, sexual assault and stalking in their effort to keep their address confidential.**
- **For more information please contact:**

**Address Confidentiality Program
P.O. Box 12199 MC 069
Austin, Texas 78711-2199**

**Crimevictims@oag.state.tx.us
512-936-1750
888-832-2322**



**Office of the Attorney General
Crime Victim Services Division**

**CVC Program
P.O. Box 12198
Austin, TX 78711-2198
www.TexasAttorneyGeneral.gov**

**(512) 936-1200 or 1-800-983-9933 Main Number
(512) 320-8270 General Fax Number**

**National Association of Crime Victim Compensation Board web site has
links to each state's CVC program**

www.nacvcb.org



CERTIFICATE of PARTICIPATION

The Office of the Attorney General presents this certificate to:

(Print your name)

with sincere appreciation for your on-line training
on this ____ day of _____, 20__
of the
CVC General Overview

(Your Signature)

(Name of Your Agency/Organization/Employer)

Mail a copy of your certificate to :
Crime Victim Services Division
Attention: Training & Outreach Coordinator
P O Box 12198
Austin, Texas 78711-2198