

Tennessee
Criminal Injuries
Compensation Fund
Victim Assistance Academy
June 2014

Class Information

- Victims' Compensation
- Sexual Assault Forensic Exam Payments
- Activity and/or Q&A

Victims' Comp Training Objectives

- Importance of financial assistance for victims of crime
- Role of professionals
- Basic CIC eligibility criteria for TN
- Application procedures

Compensation Programs

- Victims' compensation programs & Victims of Crime Act (VOCA) - 1984
- Program in TN and elsewhere

Tennessee CIC Fund Revenue

- CIC taxes from persons convicted of felonies
- litigation taxes
- proceeds from bond forfeitures
- parolee fees
- probationer fees
- federal VOCA grant
- juror reimbursement donations
- interest earned on Fund's moneys

Informing Victims

- Don't assume someone else informed
- Don't guarantee compensation or eligibility
- Don't make promises you can't keep
- Encourage keeping records of expenses
- Encourage timely filing of form

**INFORM HONESTLY AND
TIMELY**

Victims' Compensation Purpose

- Assist persons with out-of-pocket expenses not covered by any other source provided they meet the program criteria
- May include a victim of the crime, dependents/relatives of a deceased crime victim, or the estate of victim if it is responsible for certain expenses

Eligible Persons

- Violent crime victim who sustains personal injury from a crime occurring in Tennessee
- Dependents/relatives of a deceased crime victim who incurred funeral expenses or mental health counseling, and possibly loss of support
- Estate administrator for deceased crime victim if estate incurred funeral expenses
- Person injured when trying to prevent a crime or trying to apprehend a person who committed a felony

General Categories of Crimes

- **Homicide**
- **Assault**
- **Adult Sexual Assault**
- **Child Sexual Assault**
- **DUI**
- **Child Physical Abuse**
- **Robbery by Force**
- **Terrorism/mass violence (domestic)**
- **Domestic Violence**
- **Vehicular non-DUI (criminal intent to intentionally inflict injury & hit and run)**
- **Arson***
- **Kidnapping***
- **Stalking***

* if injury sustained

Basic Eligibility Criteria

- personal injury from violent crime in TN
- victim did not directly or indirectly contribute to crime in any respect
- crime reported within 48 hours (good cause)
- full cooperation with investigation/prosecution
- claim filed within 1 year of crime or death (minor status or good cause)
- vehicle/watercraft incident provisions

Reimbursable Items

- Medical, dental, physical therapy and mental health counseling expenses
- Lost wages and/or permanent impairment
- Pain & suffering (sexually-oriented crime victims only)
- Funeral & burial expenses – “relative” or victim’s estate
- Loss of support to dependent “relatives” of a deceased victim

Reimbursable Items Cont.

- Moving expenses (if crime occurs in victim's primary residence)
- Trial travel expenses
- Crime scene cleanup

Maximum & Caps

- \$30,000 overall, including all types of expenses (caps fall within this maximum)
- \$6,000 funeral & burial
- \$3,000 pain & suffering (sexually-oriented crimes)
- \$1,250 trial travel (cumulative up to 4 people)
- \$3,000 crime scene cleanup
- \$3,500 non-victim counseling

Notes:

- ① 75% reimbursement cap on eligible medical, etc. (provider cannot bill balance)
- ② DHS may file a lien if claimant has child support arrears

Items Not Reimbursed

- Loss of (or damage to) personal property, unless victim's glasses, hearing aid, medically-related, prosthetic or dental device
- Loss of (or damage to) real property (i.e. home/residence/structure)
- Patient convenience, collection or service charges
- Estimates for services not yet performed

CIC Filing Procedure

- Claimant (or his attorney) files a claim with Division of Claims Administration (received by DCA = “filed”)
- Claimant (or his attorney) documents claim with supporting info at time of filing or during claims process
- Spanish-speaking claimants’ filing, documentation and communication options

Claims Process

- Claim assigned to examiner for review & copy mailed to District Attorney's office where crime occurred
- Examiner requests additional info, if needed
- Decision made when documented and DA report received
- Claimant (or attorney) notified of decision in writing (provide both Spanish and English for Spanish-speakers)

Appeal Process

- Claimant files appeal form with copies with TN Claims Commission within 90 calendar days of date on denial decision letter.
- Commissioner sends to DCA and Eligibility or Dismissal Order after his/her decision.
- DCA reviews financial portion of claim, if eligible.

SA Forensic Exam (SAFE) Reimbursement

- Requirements
- Filing procedure (filed by provider)
- Maximum limit - \$750
- Reporting, cooperation & prosecution are not required for payment of eligible SAE expenses

What can you do?

- Inform about victims' comp ASAP
- Provide a form and assist with documentation
- Remind claimant to file timely
- Encourage claimant to keep expenses (bills) together and seek other available benefits
- Follow-up with victim about comp

Importance of Informing

- Timely information leads to timely assistance
- Inform often...a victim may forget
- Provide FACTS...so victim can decide whether to pursue assistance

Customer Service

- Position in Division – Gary Wheeler
- Follows-up after claim form requested
- Assists victims filing and those with claims
- Assists walk-in's
- Intervenes/follow-ups when requests for info are not answered before claim is closed or denied
- Builds rapport with target areas during pilot; focused attention on DA's offices in 4 districts at this time

Contact Information

Tennessee Treasury Department
Division of Claims Administration

502 Deaderick Street

Nashville, TN 37243-0202

PHONE: 615-741-2734

FAX: 615-532-4979

E-MAIL: Criminal.Injury@tn.gov

WEB:

<http://treasury.tn.gov/injury/index.html>