

Victim Compensation in Virginia



VIRGINIA VICTIMS FUND

Helping Innocent Victims of Crime

OFFICIALLY CRIMINAL INJURIES COMPENSATION FUND

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Agenda

- What is VVF?
- Who can apply?
- What can be covered?
- How are decisions made?
- How is payment rendered?
- Protections for Claimants
- Forensic Exam Payment in VA
- Questions

What is VVF?

- Created in 1977 by the Virginia Compensating Victims of Crime Act § 19.2-368.1.
- Virginia's victim compensation program, every state has one
- Access to file guaranteed in Virginia's Crime Victim and Witness Rights Act
- Funded by fines and fees levied on convicted felons and federal grants under the Victims of Crime Act (VOCA)

*******NO TAX DOLLARS!!!**

What does VVF do?

Help victims cover crime-related expenses,
make the offender accountable through
repayment of awards

Who can apply?

A person who has suffered a physical injury as the result of any crime,
or has been stalked,
or suffered an emotional injury as the result of a violent felony

and meets all the following criteria:

- Innocent (not engaged in criminal activity that leads to their injury)
- Cooperates with law enforcement and Commonwealth's Attorney
- Crime occurred in Virginia (or to VA resident somewhere without a victim's compensation program)
- Reported to law enforcement within 5 days (unless good cause)
- Files with VVF within 1 year of the incident (unless good cause)

How does a victim apply?

- Submit a Claim Form
 - ***Make sure it's notarized!!!***
- Adults file on their own behalf
- Parents/guardians file on behalf of minors
- Anyone paying for a funeral can file
- Obtain a Claim Form by:
 - Contacting your local Victim/Witness Assistance Office
 - Contacting VVF to mail one
 - Downloading and printing from VVF website

What do we cover?

- Medical expenses
- Funeral expenses
- Lost Wages
- Prescriptions
- Crime Scene Clean-up
- Moving
- Temporary Housing
- Replacement of prosthetics
- Loss of support
 - Offender
 - Homicide
- Mileage
 - to medical appointments
 - to court for child victims
- Counseling
 - Direct victims
 - Children who witness DV
 - Grief counseling
- Other “reasonable and necessary” expenses

What can't we cover?

- Medical care not related to the crime
- Pain and suffering
- Attorney's fees
- Missed appointments
- Replacing stolen items
- Automobile accidents (except DUI, hit-and-run, vehicle as a weapon)

How do we make a decision?

- Step 1: Deem eligibility
 - Review information from law enforcement and the Commonwealth's Attorney to show innocence and cooperation
- Step 2: Affirm that care/losses are related to the crime
 - Gather medical and other records
- Step 3: Document financial losses
 - Gather bills and receipts
- Step 4: Examine collateral resources to determine victim/claimant responsibility
 - *Claimants are required by law to exhaust applicable collateral resources.*

Collateral Resources

- Which ones depend on the crime type...

- Health insurance
- Hospital financial assistance
- Medicaid/Medicare
- Social security
- Life insurance
- Annual/sick leave
- Homeowners/renters insurance
- Auto insurance
- Short term disability
- Civil litigation
- Restitution

Claimants are required by law to exhaust applicable collateral resources.

How is payment rendered?

- Directly to the provider, unless paid out of pocket
- Cannot pre-pay for services
- Can award in installments if treatment is ongoing
- Claim never dies, as long as there are new crime related expenses
- Maximum award is \$25,000
 - Bills are negotiated to avoid surpassing the max. award

Protections for the Claimant

- No collection activity while a claim is open per §19.2-368.5:2
- Payment from VVF is payment in full § 19.2-368.3:1
- Ensures victim's expenses are covered without continued contact with the offender

Forensic Medical Exams

Supreme Court of Virginia

- Suspect PERKs*
- Child/Elder physical abuse/assault*
- Domestic assault*
- Gun shot wounds*
- Any other forensic exam for any other purpose*

*Require authorization by law enforcement or prosecutor. NOTE: CPS, physicians, parents/guardians not allowed by law to authorize an exam that will be paid by the state.

The SAFE Payment Program

- Sexual Assault VICTIM Forensic medical Exams (SAFE)
 - Acute (exam done within 120 hours of crime; PERK completed)
 - non-acute (exam done more than 120 hours after crime)*

The SAFE Payment Program

- “SAFE” stands for Sexual Assault Forensic Exam
- Established because Violence Against Women Act (VAWA) says victims *shall not* pay for their forensic exam, and they can have a physical evidence recovery kit (PERK) collected *without* reporting to or cooperating with law enforcement
- Different eligibility requirements than VVF
- Documentation submitted directly by the provider, usually a Forensic Nurse Examiner

Yes, this means a sexual assault victim has two claims.

Eligible Expenses

- Forensic examiner fee
- Physician fee
- STD/Pregnancy tests
- STD/Pregnancy prophylactic medication
- Anti-nausea and anti-anxiety medication
- Ambulance transfer from a facility unable to collect evidence to one that can
- Follow-up forensic examinations
- Other expenses necessary may be considered

Why don't we pay for more than this?

HIV nPEP (non-occupational Post-Exposure Prophylaxis)

- Full course of prescribed medication
- 28-30 day supply of anti-nausea medication
- Specific and limited follow-up medical care during treatment and at conclusion
 - Physician fee
 - Lab work for Complete Blood Count, Comprehensive Metabolic Panel

Work with forensic program to identify a pharmacy

Contact pharmacy to work out prescription dispensing/payment process

Explain payment process

How to help victims in places where process is not set up

Sexual Assault Recap

- If the victim has a forensic exam, it will be covered by SAFE
- Additional expenses can be covered by VVF if the victim reports the crime and cooperates with law enforcement

We would love to hear from you!

For further training, contact me!

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- brienna.stammer@virginiavictimsfund.org

For help with claim filing:

- 800-552-4007
- info@virginiavictimsfund.org

For Medical Providers checking
status of payment

status@virginiavictimsfund.org

*Please allow 30 days for a response



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