

KENTUCKY CLAIMS COMMISSION CRIME VICTIMS COMPENSATION

FREQUENTLY ASKED QUESTIONS

- *What statutes and regulations does the Kentucky Claims Commission operate under?*
 - The Kentucky Claims Commission operates under Kentucky Revised Statutes Chapter 49 and under Kentucky Administrative Regulations Title 802.

- *Who are eligible Claimants/victims for purposes of receiving compensation benefits from the Commission?*
 - KRS 49.310(1) outlines eligibility requirements for receiving compensation benefits from the Commission. They are:
 - A victim of criminally injurious conduct;
 - A surviving spouse, parent, or child of a victim of criminally injurious conduct who died as a direct result of such conduct;
 - Any other person dependent for his principal support upon a victim of criminally injurious conduct who died as a direct result of such crime; and
 - Any person who is legally responsible for the medical expenses or funeral expenses of a victim.

- *Can my crime related bills be sent to collections before my claim is investigated and decided?*
 - Yes, and in the event that they are, KRS 49.380 provides that: “[u]pon the filing of an application for a claim with the commission, all debt collection actions by a creditor or the creditor's agent, against the claimant for a debt or expense covered under KRS 49.370(3) and related to the substance of the claim shall cease pending a resolution of the claim by the commission, if the claimant: (a) Provides written notice to the creditor or creditor's agent that a claim has been submitted to the commission; and (b) Authorizes the creditor or creditor's agent to confirm with the commission the claimant's application with the commission and that the debt or expense upon which the collection action is based may be covered under KRS 49.370(3).”
 - To this effect, once a claim is accepted for review, a letter entitled Notice of CVC Investigation will be sent to the Claimant and/or victim. This Notice of CVC Investigation will need to be completed by the Claimant and/or victim and submitted to each of the creditors that the Claimant and/or victim has a debt to for crime related expenses.
 - This statute’s purpose is two-fold: to prevent the re-victimization of the Claimant and/or victim and to mitigate the negative impacts to a Claimant’s and/or victim’s credit when they cannot afford to pay their crime related expenses.

- *Is filing a claim with the Commission an automatic guarantee that my expenses will be paid?*
 - No. Filing a claim with the Commission does not mean that payment on the expenses submitted for consideration is automatic. The Commission is required to conform to KRS 49 and KAR 802 when determining eligibility for an award.

- *When do claims need to be filed with the Commission?*
 - All claims for crime victims compensation must be filed within five (5) years of the date of the criminally injurious conduct or the date that such conduct is learned. If, however, a claim is not filed within five (5) years, then good cause for the delay in filing must be shown.

- *What are the requirements for receiving compensation for the Commission for my expenses?*
 - If a Claimant and/or victim meets the criteria for eligibility provided for in KRS 49.310, the Claimant and/or victim must do the following:
 - Be an innocent victim of a crime or some type of conduct that could be charged as a crime. ***A conviction is not required.***
 - The incident must be reported to the appropriate law enforcement agency within forty-eight (48) hours of when the incident occurred. If the incident was not reported within forty-eight (48) hours, then a justifiable reason must be provided.
 - Claimants generally must cooperate fully with law enforcement and the prosecution. However, exceptions are made for victims of domestic violence and sexual assault.

- *What types of expenses are compensable by the Commission?*
 - The following types of expenses are compensable: medical/dental expenses, funeral/burial expenses, mental health counseling expenses, lost wages, or loss of support.

- *What types of expenses are **not** compensable by the Commission?*
 - Property damage or loss (with the exception of eyeglasses damaged or destroyed during the commission of the crime)
 - Expenses relating to court proceedings (fuel, parking, lodging, etc.)
 - Household living expenses (rent/mortgage, car note, utility bills, etc.)
 - Relocation expenses
 - Pain and suffering
 - Emotional distress
 - Loss of consortium

- *What information will I be required to furnish to the Commission for my claim?*
 - Specific requirements will vary depending on what type of expenses the Claimant is requesting compensation for from the Commission. Generally speaking, however, the requirements are:

- Completed claim form with all sections completed in their entirety, unless a section is marked as optional.
 - Police report of the incident.
 - Billings from each service provider that the Claimant and/or victim is requesting compensation for. These include itemized medical bills, funeral service contracts, itemized counseling bills, etc.
 - More specifically:
 - Medical/dental: see above
 - Funeral/burial: see above with the additional requirement of a copy of a life insurance policy in effect at the time of the victim's death, if applicable.
 - Mental health counseling: see above with the additional requirements of a Mental Health Counselor's Report (provided with the claim form) and a treatment plan from the mental health professional providing services.
 - Lost wages: completed and notarized Employment Verification Form and Physician's Statement (for claims where the lost wages were incurred due to physical injury and both of which are provided with the claim form). If a Claimant and/or victim incurred lost wages due to psychological trauma from the crime, then the Mental Health Counselor's Report, treatment plan, and itemized billings will be required.
 - Loss of support: completed and notarized Employment Verification Form. If the Claimant or victim was self-employed, then the two preceding years' worth of both state and federal tax returns will be required.
- *What is the general claims process?*
 - Once a claim is filed, the Clerk enters each claim into our tracking system and assigns it a claim number. The Clerk drafts an acknowledgment letter, Notice of CVC Investigation, and notification letter to the County or Commonwealth Attorney's Office in the event that criminal proceedings have begun against the individual/s responsible for the crime and sends to the appropriate parties.
 - The Clerk then assigns each claim to one of the Commission's three investigators for investigation. The investigation of the claim involves, but is not limited to: verification of balances due to service providers/insurance payments/Claimant out of pocket payments; discussion with law enforcement and the prosecution regarding the circumstances surrounding the crime; and obtaining additional information needed from the Claimant and/or service providers. Clerk may also investigate claims.
 - Upon the completion of each investigation, the Clerk assigns each claim to one of the Commission's three members for a preliminary review and the issuance of a Recommended Order.
 - After the preliminary review, the Commission's three members return each claim to the Clerk for placement on a future agenda for a final determination on the awarding or dismissal of a claim.
 - Once a claim is set to appear before the Commission, the Clerk drafts and mails the Commission Member's Recommended Order to the Claimant and all other required parties. Each Claimant has fifteen (15) days with which to file

exceptions to the Recommended Order in the event that information is incorrect or if the Claimant disagrees with the recommendation for any reason.

- During the monthly Commission meeting, the full Commission will discuss the claim and any exceptions that may have been filed. Upon such discussion, and after being sufficiently advised, the full Commission will render a Final Order. The Clerk then drafts and mails the Final Order to the Claimant and all required parties.
 - Upon receipt of the Commission's Final Order, the Claimant has the right to appeal the decision by filing a petition for judicial review in either the county where the claim accrued or in Franklin Circuit Court within thirty (30) days from the date that the Final Order is mailed.
 - If a claim is awarded by the Commission, payment information is drafted by the Clerk and is forwarded to the Finance Cabinet for processing. Treasury checks are issued and sent to the Clerk. The Clerk then mails the checks upon receipt.
- *Does the Commission have any caps on payments of claims?*
 - Yes. The Commission is limited to rendering a maximum award of \$25,000.00 for all expenses that are submitted for a particular claim. Within that \$25,000.00 is a cap of \$5,000.00 for funeral and/or burial expenses. Funeral and/or burial expenses include funeral costs, monument, and a grave plot.
 - *How can I obtain a claim form?*
 - You can either go to our website <http://cvcb.ky.gov/Pages/default.aspx> and access the claim form there or you can call the Commission's office at 502-782-8255 and one of the Commission's staff will be happy to assist you. Please note that the Commission does not possess the ability to accept claim forms completed online at this time.
 - *How should I file my claim?*
 - There are several ways that a Claimant and/or victim can file their claim: walk-in, USPS or other mail delivery service, facsimile, or email at CrimeVictims.ky.gov. The Commission's fax number is provided on page one of the claim form.
 - *Whom should I contact with any questions about the Commission's Crime Victims Compensation Program?*
 - Questions regarding the Commission's Crime Victims Compensation Program can be forwarded to either Staff Attorney Mitch Mattingly or Clerk Raymond Shields at 502-782-8255 or to their respective emails: mitchell.mattingly@ky.gov, raymond.shields@ky.gov.
 - *Can a Claimant submit additional bills to the Commission after filing the claim?*
 - Yes. Any additional bills that the Claimant or victim incurs subsequent to the crime, and are crime related, can be considered as well.