

# 40-Hour Adult/Adolescent SANE/SART Course

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# **Kansas Attorney General**

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## **Derek Schmidt**

# **Kansas Crime Victims Compensation Program**



# Learning Objectives

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**Upon completion of this session, participants will understand the following concepts:**

- The purpose and operation of the Crime Victims Compensation Board (CVCB).
- Requirements that determine a victim's eligibility to receive benefits.
- Expenses covered by the Crime Victims Compensation Board.
- How victims can receive compensation through application procedures.



# *Welcome*

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## **Crime Victims Compensation Overview**

Crime victim compensation programs across the country offer crucial financial assistance to victims of violence. This overview provides information on how the programs operate and what victims can do to seek help.



# How Compensation Can Help

By paying for care that helps restore victims' physical and mental health, and by replacing lost income for victims who cannot work, and for families who lose the breadwinner, compensation programs are assisting victims in direct ways.

- Victims of violent crime may suffer financial stress as devastating as their physical injuries and emotional trauma.
- Recovering from violence or abuse is difficult enough without having to worry about how to pay for the costs of medical care and counseling, or about how to replace lost income due to disability or death.
- While no amount of money can erase the trauma and grief victims suffer, this aid can be crucial in the aftermath of crime.



# Composition of the Crime Victims Compensation Board

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- The Crime Victims Compensation Board is a three-member Board appointed by the Attorney General.
- Members are subject to confirmation by the Kansas Senate.
- No more than two members of the Board are to be of the same political party.
- The chair is required by statute to be a person regularly admitted to practice law in Kansas. Each board member is appointed for a term of four years.

The Crime Victims Compensation Board consists of six staff members: an executive director, two investigators, one accounting specialist, and two secretaries. The Board meets monthly to review claim summaries, make claim determinations, and hear appeals.



# CVCB Board Composition

Kristen Czugala, Executive Director

**Suzanne Valdez, J.D., Chair**

**Nan Porter, M.A., Member**

**Thomas R. Williams, Member**



# Revenue Sources

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- CVCB does not receive state General Funds
- Kansas District Courts
  - 11.99% of fines, penalties, and forfeitures
- U.S. Department of Justice Victims of Crime Act (VOCA) Grants
- Restitution and Subrogation
- Kansas Department of Corrections:
  - Inmate Wages
  - Admin. and Supervision Fees





# Crime Victims Compensation Board

K.S.A. 74-7301 to 74-7337

## ***Mission Statement:***

- ***To award just compensation to victims for economic loss arising from violent crime.***



# Definition of Victim

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**A person who suffers personal injury or death as a result of criminally injurious conduct.**



# Eligibility

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- Claim must be filed within two years of the incident.
- Crime event occurred in Kansas, or outside of the U.S. to a Kansas resident.
- Reported to law enforcement within 72 hours, unless good cause as determined by the Board.
- Victim must be cooperative with law enforcement.



# Eligibility

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- CVCB is the “payer of last resort.”
- Economic loss must exceed \$100 except in cases of sexual assault.
- \$25,000 maximum award.
- Claimant must not be the offender or an accomplice of the offender.
- Claimant meets various eligibility requirements per Department of Justice, Kansas Statutes, and Kansas Administrative Regulations.



# Diminishment of Compensation

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## **To the extent, if any:**

The economic loss is recouped from other sources, including collateral sources, such as medical insurance or civil awards.

## **The board deems reasonable:**

Because of the contributory misconduct of the claimant or of a victim whom the claimant claims (more information on contributory misconduct on the next page)

**Or**

Because the victim was likely engaging in or attempting to engage in unlawful activity (i.e., gang member, selling illegal narcotics, assault/battery) at the time of the crime. (does not apply to claims for sexual assault or domestic violence)



# Contributory Misconduct

K.A.R. 20-2-8

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## The following acts or behaviors may signify contributory misconduct:

- Consent, provocation or incitement, including the use of fighting words or obscene gestures;
- Willing presence in a vehicle operated by a person who is known to be under the influence of alcohol or an illegal substance;
- Abuse of alcohol or an illegal substance;
- Failure to retreat or withdraw from a threatening situation when an option to do so is readily available;
- Failure to act as a prudent person (may be excused in claims for domestic abuse or sexual assault).



# Benefits

# COMPENSABLE COSTS



Medical  
Expenses



Mental Health  
Counseling



Medical  
Transportation



Rehabilitation  
Expenses



# COMPENSABLE COSTS



**Modification  
Costs**

**Economic  
Support**

**Replacement  
Services**

**Wage Loss**

# COMPENSABLE COSTS



**Funeral**



**Crime  
Scene  
Clean-up**



**Moving  
Expenses**



# Eligible and Ineligible Expenses

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- Medical expenses not covered by other sources are eligible expenses.
- Reasonable costs for replacement of clothing and bedding seized as evidence are compensable.
- Victims or claimants who are required to testify in sexually violent predator cases may be eligible for compensation for mental health counseling.
- Property loss, property damage and pain and suffering are ineligible expenses.



# Award Maximum Award

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## **Overall maximum award of \$25,000.00**

- Funeral expense maximum of \$5,000.00.
- Grief therapy for family members of homicide victims is available. Requires separate grief therapy application. (Maximum award is \$1,500.00.)\*
- Mental Health:
  - Outpatient mental health counseling maximum of \$5,000.00.\*
  - Inpatient mental health care maximum of \$10,000.00.\*
    - All therapy is subject to a \$90.00 per hour maximum allowance.
- Lost wages/loss of support maximum of \$400.00 per week.
- Crime scene clean-up maximum of \$1,000.00.

**\*Additional compensation may be awarded based on extenuating circumstances**

# CRIME VICTIMS COMPENSATION APPLICATION SUMMARY

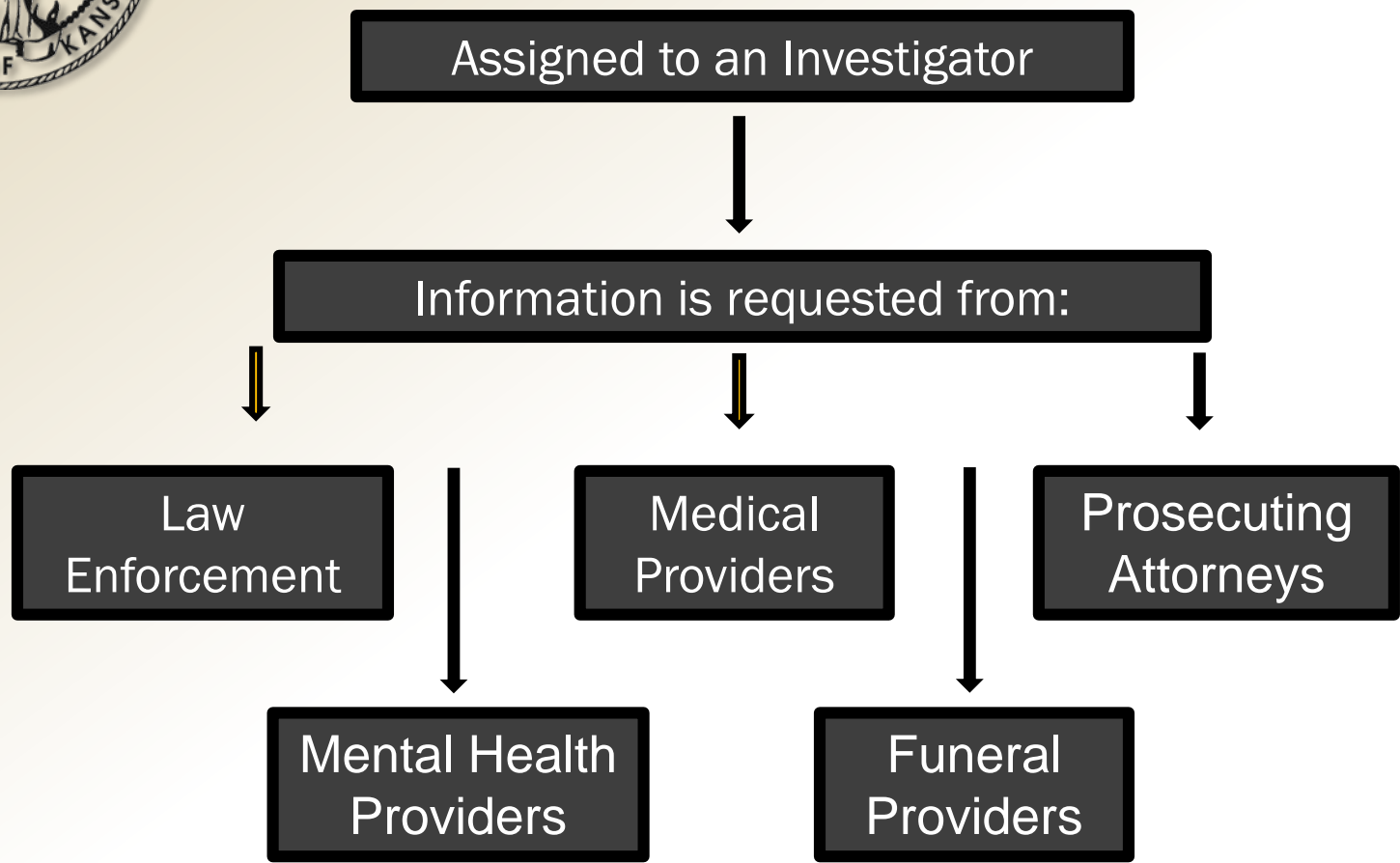
Fiscal Years 2015 - 2018

	FY 2018	FY 2017	FY 2016	FY 2015
<b>*New Applications Received</b>	1,444	1,390	1,243	1,113
<b>Total Number of Applications Approved</b>	864	744	794	636
<b>Total Number of Applications Denied/Closed</b>	589	546	468	411
<b>Total Amount Awarded</b>	<u>\$3,554,244</u>	\$3,197,062	\$3,881,203	\$3,043,630

\*Applications neither approved nor denied are still in the processing phase



# Claim Processing Procedure Information Requested





# Claim Processing Procedure

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- A personal telephone interview is conducted with each applicant.
- Expenses are calculated.
- A summary is written, and a packet is compiled which is submitted to the board.
- The board meets monthly to make determinations on the claims submitted.
- The board's decisions are processed, and payments are issued.
- Restitution is requested of the court.
- Claimants continue to submit expenses for payment until the maximum amounts are reached.



- The Attorney General, Board, and staff strive to serve our victim applicants each day with compassion, empathy, and efficiency.
- Investigators screen each victim to determine if they would benefit from a victims advocate or other similar services.
- We work hard each day to help victims during their time of need.
- No amount of money can erase the trauma and grief victims suffer. However, compensation programs can help victims by paying for care that helps restore victims' health and lives.
- If you know of a victim, please refer them to us or call our office.





# **Kansas Attorney General**

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# Quiz

Click [here](#) to access  
the Kansas Crime Victims  
Compensation Program  
Quiz