

## Victim Compensation VS Training

### Q&A

September 27<sup>th</sup>, 2023

1. Can you clarify that last statement about loss wages?
  - a. Loss of wages is the last to be determined. Temporary work may not be awarded unless the employment was consistent.
  
2. Do they still need to participate in prosecution of their case in order to qualify?
  - a. Yes, that is one of the requirements to be eligible. However, there are some exceptions.
  
3. What if the victim originally worked with prosecution but later does not?
  - a. They may not be eligible.
  
4. What is the current turnaround time for reimbursement costs?
  - a. It varies because the analysts are at the mercy of law enforcement and prosecutor's offices. Initially, everyone gets 30 days to provide requested documentation.
  
5. If insurance pays \$15,000 of a \$20,000 medical bill, will the compensation fund pay the additional \$5,000?
  - a. Yes, that would be allowable as long as the victim/claimant meets the eligibility requirements.
  
6. Are deductibles reimbursable?
  - a. No, these are not reimbursable since the compensation program is the payee of last resort.
  
7. If a victim calls law enforcement and they do not make a police report, are they still eligible for the compensation program?
  - a. No, a report must be made to be eligible.

8. What is the typical time frame of a payment once an application has been approved?
  - a. It varies because payments for claimants are mailed a check while payments for providers are paid with a direct deposit.
  
9. Is there a list of exceptions on the website somewhere?
  - a. Yes, on the compensation page. <https://www.in.gov/cji/victim-compensation/>
  
10. Just to clarify, they must report to be eligible to receive funds? So in the case of a sexual assault, can the kit be anonymous?
  - a. Yes, the kit and applicant can be anonymous.
  
11. Does this assist people that are undocumented and victims of crime in Indiana as well?
  - a. Yes, the application does not require a SSN.
  
12. If charges were filed 2 years after the crime happened, can the victim still apply?
  - a. The application must be submitted no later than two years after the crime occurred.
  
13. What crimes are excluded- I had a victim child who was left for dead because of hit and run. Since an OWI was not charged, they could not submit application.
  - a. In the case of vehicular crimes there must be a charge of DUI/OWI/DWI and a suspect to qualify. Hit and runs do not qualify, but if a suspect used their vehicle as a weapon they may qualify.
  
14. If the police do not make a report upon responding to the call, is the victim eligible?
  - a. No, a report must be made within 72 hours to be eligible.
  
15. Does the victim pay for the cost of crime scene clean up and then request for reimbursement?
  - a. They can and we will reimburse them or they can submit the bill to us.

16. For VOCA, is sending victims information on the Violent Crime Compensation Fund considered assisting victims for reporting purposes even if they do not file and application?
  - a. Yes, that is considering assisting them.
  
17. Is an application considered ineligible if prosecution decides not to move forward with charges?
  - a. Not necessarily, the compensation department would need the documentation as to why they did not move forward with the charges for a final answer.
  
18. Will the victim services advocate who fills out the application be notified when the victim receives payment?
  - a. No, we are only allowed to discuss the claim with the applicant unless they give us permission in writing.
  
19. So if a client has Medicaid but also works part time and they have no out of pocket expenses because Medicaid paid 100% would they be able to claim lost wages, or counseling?
  - a. Loss wages would not be eligible but if the counseling was not covered by Medicaid, then that would be considered an out of pocket cost and would be eligible for reimbursement.
  
20. Can the family use any therapist for mental health reimbursement?
  - a. Yes, the only requirement is they have a therapist license.
  
21. Can a victim receive these funds in addition to restitution awarded?
  - a. If a victim receives restitution, they would then be required to pay back the compensation they received.
  
22. With funeral expenses will you help in conjunction with other assistance programs? And do they have to try and obtain other assistance first?
  - a. We are the payer of last resort so all other resources must be exhausted first. If the trustees or Medicaid assists with the funeral/burial they have a set amount

that they pay and the funeral home can only charge a certain amount so we may not have anything to pay.

23. We had a case where a sexual abuse offender barricaded himself into the home and SWAT had to intervene and ended up using tear gas to coax him out. The house was a mess, furniture ruined, windows broken, suspect arrested and the family had to move out as it was a rental. Is this a compensation situation?
  - a. One of the eligibility requirements is having a physical injury. If there was no physical injury this would not be allowable.
  
24. What if the perp is ordered to pay restitution and never pays and the victim receives assistance?
  - a. They only have to return compensation funding if they receive the restitution.