

WHO PROVIDES THE COMPENSATION?

The Criminal Injuries Compensation Fund is administered by the Division of Claims Administration in the Tennessee Treasury Department. The Criminal Injuries Compensation Act of 1976 created the Fund. It is collected from fines, penalties, and fees paid by criminals to state and federal courts. All guidelines are based on statutory law found in Tennessee Code Annotated, Title 29, Chapter 13.

FOR MORE INFORMATION CONTACT

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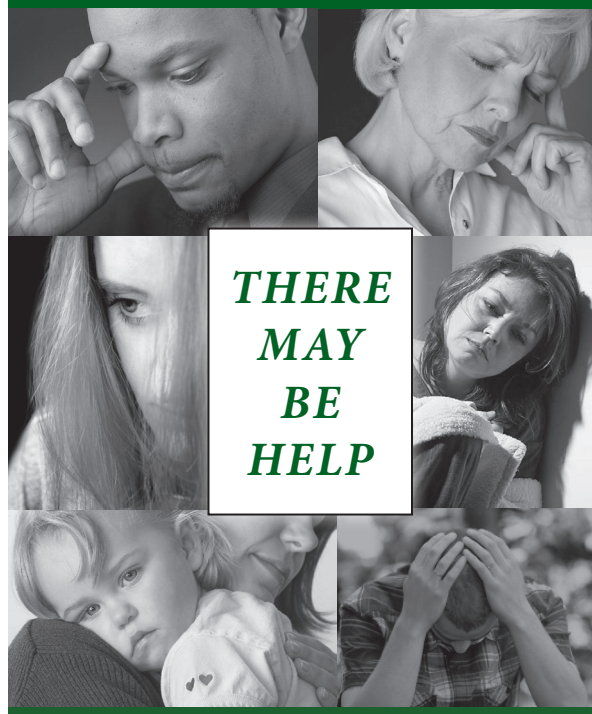
Forms and information are available at:
www.treasury.tn.gov/injury



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This pamphlet is intended to provide a general outline of the Criminal Injuries Compensation Program. The information in the pamphlet is subject to legislative change and judicial interpretation. It does not supersede nor restrict procedures or authority established under state statute. The statutes governing the program are contained in Tennessee Code Annotated, Title 29, Chapter 13, Parts 1 and 3. The Tennessee Department of Treasury operates all programs and activities free from discrimination on the basis of sex, race, or any other classification protected by federal or Tennessee state law. Individuals with disabilities who may require an alternative communication format for this or other Treasury Department publications, please contact the Treasury ADA coordinator at 615-741-2956.

ARE YOU AN INNOCENT VICTIM OF A VIOLENT CRIME IN TENNESSEE?



State of Tennessee Criminal Injuries Compensation Fund

*A Program of the
Tennessee Treasury Department*

David H. Lillard, Jr., State Treasurer

INNOCENT VICTIMS OF VIOLENT CRIME IN TENNESSEE MAY QUALIFY FOR ASSISTANCE WITH CERTAIN EXPENSES

YOU MAY QUALIFY IF YOU ARE:

- the victim of the crime (the person who received the injury)
- a dependent of a deceased victim
- the administrator of the victim's estate
- someone who was injured trying to prevent a crime or apprehend the criminal
- a relative responsible for funeral or burial costs (see eligible relatives)
- a relative of a homicide victim who has received mental health counseling (see eligible relatives)
- a victim's child who has received counseling as a result of witnessing domestic violence against the victim
- the sibling or parent of a victim of child sex abuse who has received counseling as a result of the offender's abuse of the victim



WHAT ARE THE ELIGIBILITY RULES?

- The crime must be reported within 48 hours to authorities (unless the victim is a minor child or there is a good cause).
- The crime must happen in Tennessee.
- The victim's actions cannot contribute to the crime.
- The victim/claimant must cooperate with police and efforts to prosecute.
- An application must be filed within one year of the date of injury or death (unless the victim or a dependent is a minor or there is a good cause).
- There must be an eligible expense. This program is a fund of last resort, so it does not consider any costs that are covered by another source.

WHAT EXPENSES MAY BE ELIGIBLE?

Medical Bills/Mental Health Counseling

This includes medical expenses directly related to the injury from the crime, up to the maximum award available. Any counseling services must be necessary due to the injury and may be considered for the victim up to the maximum award. In some cases, certain relatives may qualify up to a maximum of \$3,500 for mental health counseling.

Lost Wages

The victim may qualify if employed at the time of injury. The program only considers wages lost because the victim is not physically able to work after the injury. Appropriate documentation is required to prove the wages lost.

Permanent Impairment/Disability

This requires a rating of the injury by a doctor and any payment is based on the victim's weekly wage, the impairment rating, and provisions in the law.

Funeral / Burial

Certain relatives may qualify (see eligible relatives) up to a maximum of \$6,000 for funeral and burial expenses.

Loss of Financial Support to Dependents

There must be proof the victim was supporting the dependent(s) at the time of death. Those filing for a dependent child (or as an adult child) of the victim must provide proof of paternity. Any benefits for loss of support fall within the program maximum and may be divided among all eligible persons.

Pain and Suffering

A victim of a sexually-oriented crime may be eligible for up to \$3,000, if it is determined he or she experienced pain and suffering as a result of the crime.

Moving Expenses

If the crime occurs in the victim's primary residence, payment may be considered for a victim's reasonable moving costs, storage fees, and utility transfer fee.

Crime Scene Clean Up

If the crime occurs in the victim's or an eligible relative's home, the program may consider up to \$3,000 in costs for cleaning and removal of materials. This does not include repairs or replacement.

Trial Travel Expenses

Up to \$1,250 in travel expenses to attend the trial and certain proceedings after it may be considered for up to four eligible persons, including the victim and certain relatives. Persons who are eligible to receive witness fees from the state or county are not eligible.

WHAT EXPENSES ARE NOT ELIGIBLE?

- Travel to doctor appointments
- Costs from identity theft or fraud
- Wages lost by anyone except the victim
- Relocation expenses such as deposits, rent, breaking a lease, and utility bills
- Lost, stolen, or damaged property
Exceptions may include eyeglasses, dental devices, some medically-related devices, and prosthetics (if it is clear they were damaged in the crime)
- Expenses that are (or will be) paid by:
*TennCare, Medicare, or other Health Insurance
Auto Insurance
Life or Burial Insurance
Sick or Vacation Pay
Workers' Compensation
Court-Ordered Restitution
Donations
Home-Owner's Insurance
ANY other public or private resource*

FREQUENTLY ASKED QUESTIONS

What is the maximum compensation?

The overall maximum benefit for the combined expenses for a victim and/or other eligible persons is \$30,000, increasing to \$31,900 for crimes occurring on or after July 1, 2016.

Who files the claim?

The person who is legally responsible for the eligible expenses that are not covered by other resources.

Should I file a claim if my bills have been paid by insurance?

The program can only consider those portions of a bill that are not covered by another source. The program is a fund of last resort.

Do I need a police report?

Yes, or other official documentation to show the crime was reported to the appropriate law enforcement authorities.

Does an arrest have to be made before I file a claim?

No. It is possible the offender may not be identified or arrested.

Must the case in court be finished before I file a claim?

No. In fact, the trial may not be finished until long after the time limit to file a claim has expired.

How will I be compensated?

The program can only consider the reimbursement or payment of those eligible expenses that are properly documented. There is no automatic award when a victim has been injured.

Who are the eligible relatives?

As defined in Tennessee Code Annotated (T.C.A.), Section 29-13-102 (11), the victim's "relatives" are limited to the spouse, parent, grandparent, stepparent, child, grandchild, brother, half-brother, sister, half-sister, and the spouse's parents or stepparents.

How are payments made?

Payments may be made directly to the service provider, directly to the victim, or to both. See the next question for payments to minor children.

How are awards paid to minor children?

Usually, an award that is paid directly to a minor child is placed in trust with the juvenile court. The court will determine if the funds may be used before the child reaches age 18.

Is a victim injured in a car or boating accident eligible?

Maybe, if the victim is injured in one of these specific crimes: DUI, hit and run (with a serious injury), or a driver intentionally struck the victim. Certain exclusions apply for passengers riding with an intoxicated driver. You may call our office for more information.

How does the process begin?

An eligible person submits a completed application with notarized signature and the other required paperwork. The claim is assigned to an examiner who sends the claimant or the attorney the first letter in about two weeks.

How long does it take to process a claim?

Usually, a claim may be processed in 90 days. Incomplete applications, missing documentation, and suspended claims may delay the process.

What if I need help filling out the forms?

Call (615) 741-2734 and ask for the Customer Service Representative.

SEXUAL ASSAULT FORENSIC EXAM (S.A.F.E.)

If you are a sexual assault victim and you are given a sexual assault forensic exam for the collection of evidence, the provider cannot bill you for the services. The provider must bill the Criminal Injuries Compensation Fund directly and cannot bill any balance left to the patient after payment. Any provider with questions should phone our office about the process.

Since the first claims were paid in 1982, the program has awarded more than \$266 million to crime victims.