RECOVERY

HOW DO I REQUEST RESTITUTION?

If charges are filed, contact the prosecuting attorney's office about ordering restitution as soon as possible. Their office will assist you in preparing a restitution statement to inform the judge of your reimbursable expenses and enable the judge to order the appropriate restitution. When you are awarded restitution after receiving benefits from the Crime Victims Compensation Program, the Crime Victims Program must be reimbursed for expenses paid on behalf of the victim. The victim/claimant may also receive restitution for expenses not covered by the program.

WHERE DO I SEND MY COMPLETED APPLICATION?

Send completed application forms to the address below, or to one of the Field Offices listed on the back of this brochure. You may also contact the Crime Victims Compensation Program if you have questions or need further clarification.

Idaho Industrial Commission
Crime Victims Compensation Program
P.O. Box 83720
Boise, Idaho 83720-0041
208-334-6080
800-950-2110
FAX 208-332-7559
www.crimevictimcomp.idaho.gov

WHAT HAPPENS AFTER AN APPLICATION IS FILED?

Upon receipt of a Crime Victims Compensation Application, the program requests documentation of the crime, since there must be proof the victim meets eligibility requirements before financial assistance can be provided. Documentation may be obtained from law enforcement agencies, prosecuting attorneys, related community agencies (e.g. the Department of Health & Welfare-Child Protective Services), witnesses, physicians, service providers, etc. The victim/claimant may be requested to provide additional information about the criminal incident. Once the requested information is received, a determination is made regarding eligibility for benefits. The victim/claimant will receive written notification from the Crime Victims Compensation Program of the decision.

DOES THE OFFENDER HAVE TO BE CONVICTED FOR THE VICTIM TO BE ELIGIBLE FOR COMPENSATION?

No, the offender does not have to be convicted for the victim to be eligible for compensation. However, a victim/claimant must cooperate with law enforcement and court officials, and there must be sufficient evidence to show a crime was committed.

IF THE VICTIM HAS AN INSURANCE POLICY, WILL THE PROGRAM STILL COVER EXPENSES?

Insurance benefits and other available resources must be used or exhausted prior to payment of benefits by the Crime Victims Compensation Program. If benefits from these sources do not cover the full amount of losses, funds from the Crime Victims Compensation Program may be applied to the remaining obligations.

Other sources for payment include: health insurance, life insurance, auto insurance, Medicaid/Medicare, veterans benefits, workers' compensation, social security, disability insurance, sick leave paid by employers, restitution from the offender, proceeds from a civil lawsuit, and employee assistance programs.

Field Offices

Burley
127 W. 5th N., Suite A
Burley, ID 83318
Phone: 208-678-3332
Fax: 208-677-3616

Caldwell
904 Dearborn St., Suite 202
Caldwell, ID 83605
Phone: 208-454-7609
Fax: 208-454-7635

Coeur d'Alene
1111 W. Ironwood Drive, Suite A
Coeur d'Alene, ID 83814
Phone: 208-769-1452
Fax: 208-769-1465

Idaho Falls
1820 E. 17th, Suite 300
Idaho Falls, ID 83404
Phone: 208-525-7248
Fax: 208-525-7013

Kellogg
35 Wildcat Way, Suite B
Kellogg, ID 83837
Phone: 208-786-4600
Fax: 208-786-7110

Lewiston
1118 "F" Street
Lewiston, ID 83501
Phone: 208-799-5035
Fax: 208-799-3482

Payette
501 N. 16th, Suite 107
Payette, ID 83661
Phone: 208-642-0181
Fax: 208-642-6163

Pocatello
1070 Hiline, Suite 300
Pocatello, ID 83201
Phone: 208-236-6399
Fax: 208-236-6040

Sandpoint
613 Ridley Village Road, Suite C
Sandpoint, ID 83864
Phone: 208-263-5747
Fax: 208-265-9637

Twin Falls
1411 Falls Avenue East, Suite 915
Twin Falls, ID 83301
Phone: 208-736-4700
Fax: 208-736-3053

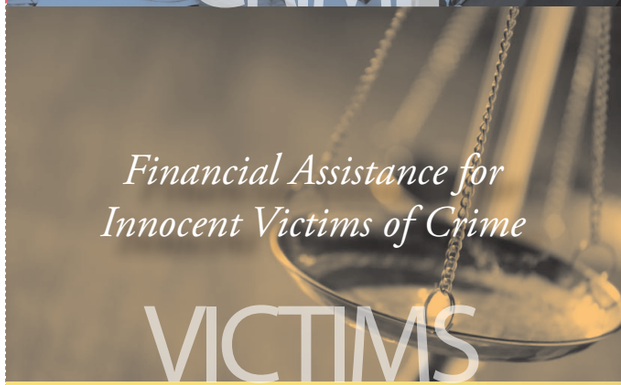
This publication is for informational purposes only and is not a detailed description of all your rights under the law. This publication is available upon request in large print and on audio cassette.

Information on costs associated with this publication are available from the Idaho Industrial Commission in accordance with Idaho Code § 60-202.

AA/EEO/VET Employer *01-15/CVCB/10,000*

Compensation Benefits

CRIME



Financial Assistance for Innocent Victims of Crime

VICTIMS

COMPENSATION

PROGRAM

Frequently Asked Questions

WHAT IS THE CRIME VICTIMS COMPENSATION PROGRAM?

The mission of the Idaho Crime Victims Compensation Program is to assist innocent victims of crime to recover from the traumatic effects of crime by providing appropriate guidance and financial assistance in accordance with state and federal law. Since 1986 the program has provided assistance to crime victims who suffer personal injuries. **NO TAX DOLLARS ARE USED TO FUND THE PROGRAM.** The program is funded by:

- Fines imposed as a result of felony and misdemeanor convictions;
- Judgements imposed on offenders;
- A federal grant; and
- Restitution from offenders.

WHAT IS THE IDAHO INDUSTRIAL COMMISSION?

The Idaho Industrial Commission is the state agency responsible for administering the Idaho Crime Victims Compensation Act. The Commission administers the Act because of its expertise in dealing with traumatic injuries and resolving disputes.

COMPASSION ASSISTANCE

WHAT ARE THE CONDITIONS FOR ELIGIBILITY?

To be eligible to receive financial assistance, the following conditions must be met:

- The crime must have been committed in the state of Idaho after July 1, 1986. (Victims of crime occurring in other states can contact the Crime Victims Compensation Program in that state for information on where to file a claim.)
- The crime must be reported to law enforcement officials within 72 hours of the crime or show good cause why it was not.
- The victim/claimant must fully cooperate with law enforcement officials in the investigation and prosecution of the crime.
- The victim/claimant must file a claim with the Idaho Crime Victims Compensation Program within one year of the crime or show good cause why they did not.
- The victim/claimant's own misconduct must not have caused or contributed to the injury. (Depending on the misconduct, eligibility may be denied or benefit amounts may be reduced.)

WHO MAY FILE A CLAIM FOR FINANCIAL ASSISTANCE?

In Idaho, a claim may be filed by a victim, the spouse, family members, or direct dependents of a deceased victim, or authorized persons, such as a parent or legal guardian of a victim who is a minor or deceased.

HOW DO I FILE A CLAIM FOR BENEFITS?

To file a claim for benefits you will need to complete a Crime Victims Application for Compensation form. Forms may be obtained from an Idaho Industrial Commission office, our website, law enforcement agencies, prosecuting attorney offices, or hospitals.

WHAT ARE THE REIMBURSABLE EXPENSES?

The Crime Victims Compensation Program provides benefits to the victim/claimant after all other sources of payment have been exhausted, up to $25,000. When a claim is approved, payment may be made for expenses which are the direct result of the crime.

Eligible payments are based on rates established in the Crime Victims Compensation Program Medical Fee Schedule. Providers are prohibited from collecting any unpaid portion of a bill from the victim or claimant, unless the program is unable to make the full allowable payment based on applicable laws and rules. Benefits include:

- **Medical Benefits**: Payment may be made for physician and hospital services, medicine and other approved treatment for an eligible crime victim.
- **Mental Health Benefits**: Payment may be made for mental health counseling services for eligible crime victims. Mental Health benefits are subject to a $2,500 maximum. Eligible victims may request additional benefits if there are extenuating circumstances affecting their mental health care.
- **Funeral Benefits**: Payment may be made for funeral expenses, up to a maximum of $5,000.
- **Wage Loss Benefits**: Compensation may be provided for lost wages if the victim is unable to work as a result of his/her injuries and has a total loss of wages. Compensation is paid at a rate of 66% of the victim's weekly wage at the time of the crime, up to a maximum of $175 per week.
- **Dependent Death Benefits:** Compensation may be provided for dependents (a spouse or child under the age of 18) of a victim who is deceased due to the crime, and was employed at the time of the crime.
- **Family Assistance Benefits**: Family members of victims of sexual assault, homicide, domestic violence, kidnapping and child abuse may be eligible for counseling benefits, up to $500 per individual, not exceeding $1,500 per family.

WHAT EXPENSES ARE NOT COVERED?

Under the Crime Victims Compensation Act, there are certain expenses related to a crime that are not covered. This includes:

- Replacement of damaged or stolen property;
- An injury that results from the use of a motor vehicle, unless it was intentionally inflicted by the operator of the vehicle; the operator was driving under the influence of alcohol/drugs; or the operator left the scene of the accident;
- Payment under the program that would benefit an offender or accomplice;
- Treatment for victims who are confined in a prison or other correctional facility;
- An injury sustained by the victim while engaged in felony activity or driving under the influence of alcohol/drugs (benefits and payments may be reduced, depending on the circumstances);
- Court-ordered treatment.

WHAT IS RESTITUTION?

Under Idaho law, the victim/claimant is entitled to reimbursement from the guilty party for expenses directly related to the crime through the criminal court. This reimbursement is called restitution.