

17th JUDICIAL DISTRICT

CRIME VICTIM COMPENSATION BOARD

POLICIES AND PROCEDURES

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SECTION 1.0

CLAIM REVIEW PROCESS

1.1 AREAS OF CONSIDERATION FOR AWARDING COMPENSATION:

The Crime Victim Compensation Board (hereafter CVC Board) conducts an open, fair and equitable application and award process for compensation claims, including but not limited to, the following areas of consideration:

- A. Eligibility based on criteria set forth in C.R.S. §24-4.1-108;
- B. Determination of a compensable loss as defined in C.R.S. §24-4.1-109(1);
- C. The Board may waive any of the requirements set forth in C.R.S. §24-4.1-108 or the limitations set forth in C.R.S. §24-4.1-109(1), or order a denial or reduction of an award if, in the interest of justice, it is so required.

1.2 USE OF APPLICATION:

The CVC Board will utilize the common application that contains standardized information for all crime victim compensation claims. The written application for all applicants includes the following elements:

- A. Clear and concise instructions as to how to complete the application form, a program telephone number and address for additional assistance or information.
- B. General victim identification information including: name, address, phone number, date of birth, gender, physical or emotional disability at the time of the crime, race/ethnicity, and source of referral;
- C. The date, location and type of crime, information about the crime report and the law enforcement agency that the crime was reported to, and information about the perpetrator, if known;
- D. Itemized documentation of compensable expenses, if known. If not known, instructions as to the process for submission at a later date.
- E. Disclosure of insurance coverage and any other collateral sources of payment or reimbursement;
- F. The claimant's or claimant's legal guardian's written authorization for release of information from service providers, creditors and employers;
- G. Attestation to the truthfulness of the information contained in the application;
- H. Signature of the claimant or claimant's legal guardian;
- I. A subrogation agreement;
- J. A statement advising of the availability of an alternative application process if there is a conflict of interest between the claimant or the claimant's legal guardian and two or more Board members;

- K. A statement advising the claimant or claimant's legal guardian's right to request a reconsideration of the Board's decisions and information regarding the specifics of the reconsideration process;
- L. A statement advising the claimant or claimant's legal guardian's right to have the Board's decisions reviewed by the district court after denial of the Board's reconsideration; and
- M. Authorization for release of CVC funds directly to a service provider for approved services provided.
- N. A statement informing the victim/claimant that any materials received, made, or kept by the CVC program or a district attorney concerning an application for victim's compensation made under Colorado Revised Statute 24-4.1-100.1 are confidential;
- O. A statement advising the victim/claimant of his/her right to be notified by the District Attorney's Office if a subpoena for their CVC claim file, or materials in their CVC file, has been issued by the court.
- P. A statement regarding resources for reasonable accommodations for those who are hearing impaired, blind, or have limited English proficiency;

1.3 LAW ENFORCEMENT REPORTS

The CVC Board will utilize only written documentation from a law enforcement agency to establish a compensable crime. The fact that the identity of the perpetrator is unknown, or that the perpetrator has not, or will not, be prosecuted or convicted shall not raise a presumption that a compensation claim is invalid. The written documentation will be submitted in a report style format or on official agency letterhead and is to include:

- A. Location of alleged crime;
- B. Date of alleged crime, or date of outcry;
- C. Date alleged crime was reported to law enforcement;
- D. Type of crime;
- E. Name of victim;
- F. Relationship of victim to alleged perpetrator, if any, and if known at the time that the written documentation is being prepared;
- G. Name of responding officer and/or assigned investigating officer; and
- H. Agency case or report number.

The Board shall accept a memo from the lead detective or investigator, at the discretion of the CVC Administrator, with the information listed above when a victim is requesting an emergency claim review. By majority vote the Board may accept a memo in lieu of a police report for non-emergency claims with special circumstances.

1.4 CLAIM FILE

All compensation claim files will include the following:

- A. Documentation of a compensable crime, i.e. report from a law enforcement agency;
- B. A completed application signed by the claimant or claimant's legal guardian;
- C. Written documentation of expenses that can be verified;
- D. If applicable, a written treatment plan from the primary mental health therapist; and
- E. Copies of correspondence received from and sent to the claimant.

1.5 REVIEW OF APPLICATIONS

The CVC Board will maintain a standard and equitable process for the receipt, verification and review of all compensation claimants and application requests as well as for the approval, denial and disbursement of compensation funds. The CVC Board delegates authority to the CVC Program Coordinator or designee to determine if an application is complete. This process shall include the following elements:

- A. Applications will be taken to the CVC Board when complete. A complete application includes:
 - 1) An application signed, initialed and dated by the claimant or claimant's legal guardian;
 - 2) The application indicates, or is submitted with, written bills or estimates, or specific compensable loss(es) are identified and can be verified either verbally or in writing;
 - 3) Insurance information including any private source or public aid that the claimant or victim is entitled;
 - 4) An offense report that states the date, location and type of crime and includes basic narrative information about the crime from the law enforcement agency responsible for the investigation of the alleged criminal act(s).
- B. The legal advisor will assist the Board and the CVC Program Coordinator as requested and needed in the determination of claim eligibility and to ensure there is no conflict of interest.
- C. The Board may address requests concerning waivers of (1) payer of last resort status, (2) restitution requests, and (3) subrogation on a case by case basis. All requests will be documented in the individual claim file and in the Board Meeting Minutes at which a decision was made.

1.6 ADMINISTRATIVE DENIAL

The CVC Board delegates administrative authority to the CVC Program Coordinator or designee to make a denial determination after review of a completed application, law enforcement report and request for payment from the fund according to statutory eligibility criteria. Compensation claims may be administratively denied based upon one or more of the following criteria:

A. **No Loss(es)**

Losses requested were paid from other source(s).

C.R.S. §24-4.1-110

Losses were not directly related to criminal incident. C.R.S. §24-4.1-105
 Losses are not provided for by statute. C.R.S. §24-4.1-109

B. **Non-Compensable Crime**

The criminal incident as described in law enforcement offense report is not defined as compensable pursuant to Colorado Revised Statutes. C.R.S. §24-4.1-102

B. **No Law Enforcement Offense Report**

There is no offense report available from a law enforcement agency that documents a criminal incident has occurred pursuant to Colorado Revised Statutes. C.R.S. §24-4.1-108(b)

D. **No Crime**

The facts as reported to law enforcement fail to show that a criminal act was committed as defined by Colorado Revised Statutes. C.R.S. §24-4.1-102.4

A letter will be sent to the crime victim or claimant from the Coordinator or designee to suggest ineligibility with notification that the claim has been denied and detail one or more of the above listed factors. This letter will contain information that the crime victim nor claimant will not be allowed to request reconsideration of the Board's decision unless the factor that directly contributes to the reason for denial has changed or will change. The applicant will be informed that they have a right to seek review of the Board's decision according to Colorado rules of civil procedure. All administrative denials will be reviewed by the Board and will be documented in the minutes of the Board meeting.

1.7 ADMINISTRATIVE APPROVAL

The CVC Board delegates administrative authority to the CVC Program Coordinator or designee to make an approval determination after review of a completed application, law enforcement report and request for payment from the fund according to statutory eligibility criteria. The CVC Board will review and confirm all claims administratively approved. Compensation claims may be administratively approved based upon one or more of the following criteria:

A. **Emergency Awards \$2000 or Less**

The CVC Administrator may approve any emergency award under \$1000.00 for compensable losses that the Board may approve as an Emergency (See Section 3) and where the claim does not have eligibility requirements that need to be waived by the Board.

B. **Initial Mental Health Therapy**

Request is for encumbrance of \$270.00 for initial mental health therapy and accompanies no other request for assistance. C.R.S. §24-4.109(g)

D. **Re-Assessment Mental Health**

Requests for change of therapist or requests to return to therapy after an expired encumbrance. Requests made by claimants that have reached the fiscal limitations for mental health will be reviewed by the Board.

E. **Court Related Therapy**

Request is for encumbrance of mental health therapy specific to scheduled court hearings, involving the criminal case out of which the compensation claim arose, up to ten sessions or a maximum of \$900.00. These funds must be requested, in a letter format, by the treating therapist. The letter must specifically request treatment for COURT SESSIONS and include the

name of the client, dates of service, length of treatment session and billing amount for each session.

F. Return Medical Requests

After the Board has made an initial medical approval on a claim the Coordinator/CVC designee will review additional medical requests and may process the claim for immediate payment. As long as subsequent medical requests have been verified as crime related and are compensable losses, the requests will not be presented to the Board. Medical treatment plans, mental health holds and invoices that the Coordinator/CVC designee deems questionable will be presented to the Board.

1.8 ALTERNATE APPLICATION PROCESS

If a claimant or claimant's guardian expresses a conflict of interest with two or more CVC Board members, the procedures outlined below will be followed:

- A. The claimant or claimant's legal guardian may submit a written request for an alternate application process to be considered by the Board. The CVC Program Coordinator or designee will take the written request to the Board at the next regularly scheduled meeting. At that meeting, the CVC Board will determine if such a conflict exists prior to consideration of any payment of the compensation claim. Written request of an alternate application process does not guarantee approval of the request.
- B. Review of any written request for an alternate application process will be documented in the minutes of the meeting at which the request was considered.
- C. The claimant will be notified, in writing, of the Board's decision regarding alternate review of the compensation application.
- D. If a conflict is determined to exist by the 17th Judicial District CVC Board, the CVC Program Coordinator or designee will forward a copy of the claimant's application to an adjacent CVC Board. If needed, the Division of Criminal Justice may be asked to assist in determining an alternate CVC Board.
- E. The alternate CVC Board will honor the written payment policies of the 17th Judicial District. Disbursement of compensation funds for decisions made in this manner remains with the 17th Judicial District CVC Board. If the claim is denied, the victim has the right to request a reconsideration of the decision by the CVC Board that made the denial determination. All documents will be returned to the originating Board.
- F. The alternate CVC Board will notify the 17th Judicial District of the decision following the approval or denial of a claimant's application.
- G. The 17th Judicial District CVC Board agrees to honor the decision of the CVC Board that it may serve in the review and determination of an alternate application.
- H. Disbursement of compensation funds for decisions made by the 17th Judicial District CVC Board regarding an alternate application remain with the originating CVC Board.
- I. Disbursement of compensation funds for decisions made by the deciding CVC Board regarding an alternate application remain with the 17th Judicial District CVC Board.

- J. If it is found that a conflict exists with staff of the CVC Program, every effort will be made to maintain an “ethical wall” between the applicant and the staff member with whom the conflict or potential conflict exists either by sending the application to an alternate judicial district or by having another CVC staff person or legal advisor process the claim.

1.9 PRIORITY OF CLAIMANT CONSIDERATION

The CVC Board will accept applications from primary and secondary victims, dependents and relatives. The definitions followed for each claimant category are established by statute and are listed in the Glossary of Terms. The CVC Board will review each application individually and consider disbursement of compensation funds with priority given to claims submitted by primary victims.

1.10 CONSIDERATION OF MENTAL HEALTH TREATMENT REQUESTS

Program policies and procedures are structured by the CVC Board to facilitate payment of mental health therapy with the highest priority on the best interest of the compensation applicant. Fiscal limitations preclude the availability of compensation funds that may be necessary to affect complete trauma recovery. Mental health treatment provider qualifications and payment guidelines are outlined in the Fiscal Policies of the CVC Board’s Policies and Procedures. Qualifications and payment guidelines are reviewed annually. Written documentation will be kept of the dates of review and any revisions made.

1.11 CONSIDERATION OF PROPERTY DAMAGE REQUESTS

Fiscal limitations preclude the availability of compensation funds that may be necessary to restore the exterior or interior of a residence that has been damaged during the course of, or as a result of, a criminal event. The CVC Board will review each request submitted for residential property damage based upon the application review criteria established in the CVC Board’s Policies and Procedures.

The CVC Board will consider requests for property damage in the following:

- A. Situations where the property is listed in a law enforcement offense report as a place of personal residency, the damage is documented in the offense report, and the damage is to exterior locks, windows or doors or other security devices;
- B. Situations where the property is listed in a law enforcement offense report as the victims personal vehicle, and the perpetrator is known to have keys to the vehicle, and
- C. The crime as reported in a law enforcement agency offense report is compensable pursuant to C.R. S. 24-4.1-102(4)(a) and repair, replacement or modification of items to a personal residence or personal vehicle are necessary to effect the physical safety of a victim immediately following a criminal event.
- D. Crime scene cleanup will be limited to situations involving the professional removal of body fluids, from residential properties, that are the result of a compensable crime.

1.12 CONSIDERATION OF DOLLAR AMOUNT LIMITATIONS

- A. The CVC Board may consider waiving any eligibility requirement(s) listed under C.R.S. §24-4.1-108, or the limitations set forth in C.R.S. §24-4.1-109(1), if it determines that good cause exists and/or undue hardship will result to the applicant if the claim is denied. The CVC Board may also deny or reduce all or part of a compensation claim request in the interest of justice if good cause exists. Waivers will be documented in the CVC Board meeting minutes.
- B. Policies established by the CVC Board for dollar amount limitations that are less than the maximum that could be awarded by statute will be documented in the CVC Board's Policies and Procedures, Section 13, Fiscal Policies.
- C. The CVC Board's Fiscal Policies are reviewed annually, or as determined as necessary by the CVC Board to ensure judicious allocation of monies from the Crime Victim Compensation fund. Written documentation will be kept of the dates of review and any revisions made to all Fiscal Policies of the CVC Board.

SECTION 2.0

MEETING PROCEDURES

- A. Pursuant to C.R.S. §24-6-402, the public is welcome to observe the CVC meetings of the 17th Judicial District. Public notice of the meetings will be posted at the Adams and Broomfield County Justice Centers and on the 17th Judicial District CVC website at www.crimevictimcompensation.org. CVC meetings are not open for public comment or discussion. Persons who wish to submit information for the CVC Board to review must do so in one of the following way:
- a. Provide a written letter to the CVC Board. If the information is related to a claim, it should contain factual information, substantiation, and/or explanation of losses related to the crime. The letter must be provided to the CVC Administrator by the first day of the month for review at the next scheduled CVC Board meeting.
 - b. Or, information may be relayed to any member of the CVC administrative staff by the first day of the month for review at the next scheduled CVC Board meeting. Information provided after the first day of the month will be reviewed by the CVC Board the following month. Information will be included in the claim summary.
- B. Claims will be reviewed/discussed and documented on meeting minutes by claim number.
- C. In order to preserve and respect the confidential nature of CVC claims and victim information the CVC Board shall review and discuss all claims, claim materials, claimant requests, medical reports, treatment plans, crime related debts, or appeals in Executive Session as allowed by C.R.S. §24-6-402(4)(c), C.R.S. §24-6-402(4)(g), C.R.S. §24-72-202(4)(b)(4), C.R.S. §24-7-204(1)(a), C.R.S. §24-4-107.5 when non-CVC staff or Board members are in attendance. The administrative portion and all funding decisions will be made outside of Executive Session.
- a. Executive session will be recorded digitally pursuant to C.R.S. §24-6-402 and maintained in a secure file for a period of 90-days, at which point it will be deleted.
- D. Persons in attendance at the CVC Board meeting demonstrating disruptive behavior or behavior that otherwise impedes the Board's ability to function will be asked to leave by the CVC Board Chair.

SECTION 3.0

PAYMENT POLICIES

3.1 RIGHT TO RESCIND PAYMENT APPROVAL

- A. The CVC Board reserves the right to rescind approval of payments on a claim where it has been determined by CVC administrative staff or members of the CVC Board that the victim or claimant has falsified documents and/or provided false information in order to obtain payment through the fund. Such actions may result in claim denial, a request that funds that have already been disbursed CVC funds be returned, a criminal investigation and/or criminal charges filed against the victim or claimant.
- B. The CVC Board reserves the right to rescind approval of payments to any service provider when it has been determined that the service provider falsified documents and/or provided false information in order to obtain payment through the CVC fund. Such actions may result in a request for repayment, the provider being ineligible for future payment through the CVC program, a criminal investigation and/or criminal charges filed against the provider.

3.2 WRITTEN AUTHORIZATION FOR FUND DISBURSEMENTS

- A. The CVC Board will issue a written authorization with an original or electronic signature from the CVC Board Chair for all payments approved by the CVC Board. A copy of the written authorization must be in the custody of Judicial Administrator and the District Attorney's office.
- B. The CVC Board Chair may, in writing, delegate-signing authority to the Vice Chair. A copy of the written authorization delegation must be in the custody of Judicial Administrator and the District Attorney's office.

3.3 WRITTEN DOCUMENTATION OF FUND DISBURSEMENTS

- A. The CVC Program Coordinator or designee shall receive, verify and maintain written documentation pertaining to all approved CVC disbursements by claim number and application.
- B. The CVC Board requires treatment plans that have been submitted and approved by the CVC Board at a regular or special meeting as part of the written documentation for payment of mental health treatment.

SECTION 4.0

EMERGENCY AWARDS

4.1 PURPOSE OF EMERGENCY AWARDS

Victim compensation funds may be used for specified expenses as authorized by this section within thirty days of a criminal act which was reported to, and documented by, a law enforcement agency. Requests for emergency crime victim compensation assistance will be facilitated by a court based or law enforcement victim assistance provider.

Emergency awards are intended to cover expenses incurred by victims in meeting their immediate, short-term needs for:

- A. Losses are for exterior residential property repair or damage that is necessary to ensure victim safety.
C.R.S. §24-4.1-109(1.5)(II)
C.R.S. §24-4.1-109(II)
- B. Losses are medically necessary devices as determined by a medical professional, including prescriptions, dentures, eyeglasses, hearing aids or other prosthetic devices.
C. R.S. §24-4.1-109(a)
- C. Loss of support for dependents or earnings that, if not immediately paid, will result in an undue hardship to the claimant.
C.R.S. §24-4.1-109(b)(f)
- D. Losses are for funeral expenses that, if not immediately paid, will result in an undue hardship to the claimant.
C.R.S. §24-4.1-109(e)

4.2 AMOUNT OF EMERGENCY AWARDS

Applicants are eligible to receive emergency assistance if it appears to the Board, prior to taking action upon the claim that undue hardship will result to the applicant if immediate payment is not made. The amount of the emergency award shall not exceed \$2000 and shall be deducted from any final award made as a result of a crime. C.R.S. §24-4.1-112(1) An explanation will be provided to the victim requesting emergency assistance if the amount of compensation authorized is less than the amount authorized by state statute.

4.3 AUTHORIZATION OF EMERGENCY AWARDS

- A. The CVC Board shall review requests for emergency awards within 72 working hours of receipt of a request for emergency assistance. An emergency request should include the following components:
 - 1) The receipt of a completed compensation application, including the required administrative cover sheet/checklist from a law enforcement or court based advocate;
 - 2) The law enforcement agency offense narrative report that outlines the basic facts of the criminal incident upon which the emergency request is based;
 - 3) Verification that no other source exists to assist the crime victim applicant with the request.
- B. A minimum of two CVC Board members will be contacted to authorize an emergency award request over \$2000. Approval of a Board member may be made by phone, email or fax.

- C. The CVC Board would delegate administrative authority to the CVC Program Coordinator and/or CVC advocates to approve an emergency award request less than \$1000.

4.4 DOCUMENTATION OF EMERGENCY AWARDS

Written authorization for all emergency awards must be documented at the next scheduled meeting of the CVC Board. Emergency awards approved will be noted in the minutes of that meeting.

SECTION 5.0

DECISIONS OF THE CVC BOARD

5.1 NOTIFICATION OF DECISIONS

- A. The CVC Program Coordinator or designee shall provide written notification to all compensation applicants or their legal guardians of the CVC Board decisions regarding their respective claim requests.
- B. Written notification will include information about the circumstances under which a victim may request a reconsideration of the decision of the Board in those cases involving a denied claim.
- C. The CVC Program Administrator or designee shall provide written notification to all service providers when there are pre-authorized and/or ongoing services.
- D. Notifications will be made in Spanish when the CVC Program is aware that a victim/applicant is mono-Spanish speaking. Notifications will be attempted via the Language line or alternative phone interpretive services for victim/claimants that the CVC Program is aware speak another language besides English or Spanish.

SECTION 6.0

RECONSIDERATION OF BOARD DECISIONS

6.1 RIGHT TO RECONSIDERATION

- A. An applicant that is denied compensation by a quorum of the CVC Board shall have the right to request reconsideration, in writing, of the CVC Board's decision. The written request for reconsideration is to include new or additional information that was not available to the CVC Board at the time of the original decision.
- B. The burden of proof is upon the applicant to show that the claim submitted is reasonable and is compensable pursuant to statute. The standard of proof is by a preponderance of the evidence.
- C. If the applicant has been convicted of an offense with respect to an act on which a claim is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or a proceeding with regard to it is pending.

6.2 RECEIPT OF REQUEST FOR RECONSIDERATION

- A. The CVC Board will review all requests for reconsideration at regularly scheduled monthly meetings. The CVC Board has determined that the following procedures will be implemented upon receipt of a written request for reconsideration.
 - 1) The CVC Program Coordinator will forward the written request for reconsideration to the CVC Board at their next regularly scheduled meeting;
 - 2) The CVC Board will review the request for reconsideration and determine if there is specific information that they believe is necessary from the applicant prior to making a final decision regarding the compensation application.
- E. Upon receipt of a written reconsideration request and a determination that the CVC Board requires specific information they believe is necessary from the applicant prior to making a final decision regarding the compensation application, at their discretion, one or more of the following actions may be chosen:
 - 1) A written inquiry can be forwarded to the applicant requesting reconsideration to ask for the specific information as determined necessary by the CVC Board; or
 - 2) The applicant requesting reconsideration can be asked to be available by telephone during a specific time period during a regularly scheduled meeting so that the CVC Board may contact the applicant directly; or
 - 3) The applicant requesting reconsideration can be asked to appear personally at a regularly scheduled meeting.

6.3 NOTIFICATION OF THE RIGHT TO RECONSIDERATION

The CVC Program Coordinator or designee shall provide written notification to a compensation applicant of the denial of all or part of their claim and the specific statutory reason for the denial. The written notification shall also inform the applicant of the following:

- A. The applicant's right to request reconsideration of the CVC Board's decision within 90 days of the date of the letter,
- B. Instructions regarding the reconsideration process; and
- C. The time frame within which the CVC Board will review and make a decision regarding the written request for reconsideration.

6.4 WRITTEN DOCUMENTATION OF RECONSIDERATION (Minutes)

The CVC Board shall maintain written documentation of all reconsideration decisions, by recording such information in the CVC Board meeting minutes. The meeting minutes will include the specific statutory reasons for decisions made regarding written requests for reconsideration.

6.5 NOTIFICATION OF RIGHT TO SEEK JUDICIAL REVIEW

In the event the CVC Board denies a claim after reviewing a written request for reconsideration, the CVC Program Coordinator or designee shall notify the compensation applicant in writing of their right to have the CVC Board's decision reviewed in accordance with the Colorado rules of civil procedure.

SECTION 7.0

CLAIM CLOSURE

7.1 NOTIFICATION

The CVC Program Coordinator or designee may close a claim if no requests for consideration of payment from the CVC fund have been submitted within sixty days. A minimum of two written requests for payment information will be forwarded to the claimant before a final claim closure notification letter is sent. The final notification letter will include a statement informing the claimant that the claim can be reopened if a request for payment is submitted to the CVC program.

7.2 ADDITIONAL BILLS

If a claimant requests additional services after an approved claim has been closed (one year after the last bill is paid), it shall be the responsibility of the claimant to provide written documentation from an appropriate service provider that the additional services requested are directly related to the original crime.

SECTION 8.0

RECORDS RETENTION

8.1 RECORDS RETENTION

The following schedule of records retention is approved by the CVC Board. Records may be maintained for a period longer than set forth herein by a majority vote of the CVC Board or by direction of the District Attorney or the Colorado Division of Criminal Justice. These are the minimum times for maintaining records:

A. Minutes of CVC Board meetings:	Permanent
B. Statewide CVC Reports received from DCJ:	Permanent
C. All Financial Reports received from the Court Executive:	Permanent
D. Court Executive disbursement requests for the District Attorney's administrative fund:	Permanent
E. Annual Program Reports:	Permanent
F. Court Executive disbursement requests for compensation claims:	Seven years + current
G. Compensation applications approved for CVC fund disbursements:	Seven years + current
H. Compensation applications approved for CVC fund disbursements and that include mental health treatment plans:	Seven years + current
I. Compensation applications denied for any CVC fund disbursement:	Three years + current
J. Public Notice of Meetings	One year + current
K. General correspondence	One year + current

The 17th Judicial District will maintain records in the format of images for the minimum required time and will image all documents so as to keep a lasting record.

SECTION 9.0

CONFIDENTIALITY OF MATERIALS

9.1 COMPENSATION MATERIALS

Crime Victim Compensation materials are defined by statute as any records, claims, writings, documents or information concerning a compensation application.

9.2 CONFIDENTIALITY

Pursuant to Colorado Revised Statute 24-4.1-100.1, any materials received, made or kept by the 17th Judicial District CVC Board or the District Attorney's office concerning an application for compensation made pursuant to statute are confidential. Access to confidential CVC materials are limited to only authorized CVC staff personnel. Any such materials shall not be discoverable unless a judge conducts an in camera review of the materials sought to be discovered and the judge determines that the materials sought are necessary for the resolution of an issue then pending before the court. Pursuant to C.R.S. §24-4.1-302(1.5)(e.5), CVC Program staff will notify the applicant of the subpoena requesting in camera review of their application and enclosed materials in order that they may be present at the hearing wherein the applicant's materials may be released to defense and prosecution.

Confidential CVC materials are maintained in a separate and secure location, hard drive and/or server. Only authorized CVC personnel, CVC Board, and CVC legal advisor shall have access to confidential CVC materials.

9.3 DISTRICT ATTORNEY

The District Attorney's office shall have standing in any action to oppose the disclosure of any materials received, made or kept by the 17th Judicial District CVC Board concerning a compensation application.

9.4 IN CAMERA REVIEW

In camera review means a hearing/review before a judge in a courtroom, hearing room or chambers to which the general public is not admitted. After such a hearing/review, the statements and evidence of the judge and counsel shall be held in confidence by those participating or present at the hearing or review, and any transcript of the hearing/review shall be sealed until and unless disclosure is ordered by a court having jurisdiction over the matter.

9.5 RELEASE OF COMPENSATION MATERIALS

It is the decision of the CVC Board that release of compensation materials will be in accordance with C.R.S. §24-4.1-107.5. The CVC Legal Advisor will inform the CVC Board and CVC Administrator of the manner in which all Colorado Open Records Act requests are to be handled as these requests are to be received.

- A. Requests for release of compensation materials involving criminal justice proceedings will be conducted in the following manner:

- 1) A copy of the minute order reflecting a judicial request to produce compensation materials regarding a specific claim will be provided to the CVC Program Coordinator; or

- 2) A Subpoena Ducus Tecum will be served upon the CVC Program c/o the CVC Program Administrator or CVC Program Coordinator for compensation materials regarding a specific claim.
 - 3) Upon receipt of a minute order or a Subpoena Ducus Tecum, the specific claim compensation materials will be filed electronically to the requesting judge.
 - 4) The CVC Program Coordinator or designee will notify the claimant, in writing, that compensation materials have been requested by judge for an in-camera review. Written notification will include the day, date, time and location of the in-camera review, if known. Per the Victim's Rights Amendment, The District Attorney's office will attempt to contact the victim to provide the day, date, time and location of the in-camera review, if known.
- B. Requests received from victims for claim file materials will be verified by the CVC Administrator or designee to ensure that the request is being made by the victim or claimant and it is the victim or claimant that receives the requested materials pursuant to C.R.S. 24-4.1-107.5 (1)(b), (2) and (3)(b). Only those materials that were previously submitted by the victim or claimant, by service providers on behalf of the victim or claimant, or notifications previously sent to the victim or claimant will be released to the victim or claimant.
 - C. Requests from service providers or a service provider billing agent for claim file materials will be limited to providing claim file information that is for claim services which have been, or will be, submitted to the CVC program by the service provider or service provider billing agent for payment consideration pursuant to C.R.S. 24-4.1-107.5(1)(b), (2) and (3)(b).
 - D. Requests from community and/or criminal justice system-based victim service providers (advocates) regarding a claim file will be limited to confirmation that a CVC application has been submitted. Advocates will be encouraged to provide CVC Program contact information to a victim or claimant asking for any claim file information regarding a submitted CVC application pursuant to C.R.S. 24-4.1-107.5(1)(b), (2) and (3)(b).
 - E. Information provided to CVC Board members to assist in the performance of statutory duties regarding claim eligibility and determination of CVC fund payments is considered confidential pursuant to C.R.S. 24-4.1-107.5(1)(b), (2) and (3)(b). CVC Board members will refer all CVC claim inquiries to the CVC Administrator or designee for determination of information to be released.

SECTION 10.0

COLLECTION ACTIONS AGAINST CRIME VICTIMS

10.1 COLLECTION ACTIONS AGAINST CRIME VICTIMS

Medical service providers shall cease collection attempts to a victim for a period of 90 days when the victim applies for assistance for a compensable crime resulting in a compensable loss within 180 days of seeking crime related medical treatment.

- A. Pursuant to statute, the victim has a responsibility to perform the following actions:
- a. The victim provides written notice to the medical service provider or their billing agent that a claim has been submitted, including a claim number.
 - b. The victim authorizes medical service providers or their billing agent to confirm the claim status and date of resolution
- B. The CVC Program will:
- a. Upon request, provide written notice to the victim/applicant verifying the CVC application has been submitted and also provide the CVC claim number.

OR

As proof of application, the CVC advocates will provide a Medical Verification of Application letter to victims upon entering their application/claim. This document will contain the victim's claim number and may be submitted to medical service providers as evidence that an application has been submitted for board review.

- b. Upon request, confirm a victim / applicant's claim status and date of resolution as it relates to a specific medical provider's debt.
- c. Notify victim/applicant regarding CVC administrative and/or CVC Board decisions related to claim expenses for which there are collection actions against the crime victim.
- d. Information about CVC policies and procedures related to collection actions is provided upon receipt of the Medical Verification of Application letter sent after receipt of a CVC application.

SECTION 11.0

RESTITUTION

11.1 RESTITUTION WAIVERS

- A. The CVC Board will not authorize the prosecution in a criminal case to waive the requirement to seek restitution to the CVC fund where payment has been made on behalf of the victim, except in minor sibling cases or cases involving victims who are the parents of a minor offender, where restitution would be required by the party or parties seeking assistance from the CVC fund.
- B. Requests for restitution may be waived by CVC, in minor sibling cases when payments would be made by the party responsible for both the victim and the perpetrator.
- C. The Board may waive the requirement to seek restitution if the claimant or the Board believes that requesting restitution could put the victim at further risk from the offender or cause undue hardship.
- D. The Board may address requests for waivers of restitution on a case-by-case basis. All requests will be documented in the individual claim file and in the Board Meeting Minutes at which a decision was made.

11.2 UNCLAIMED RESTITUTION

- A. Pursuant to C.R.S. § 16-18.5-109(2) all restitution paid to the clerk of the 17th Judicial District that has been unclaimed for a period of two years or more after the final determination of a criminal case in which said restitution was collected or money deposited may be distributed to the 17th Judicial District CVC fund.
- B. Pursuant to C.R.S. § 16-18.5-109(3) the chair of the 17th Judicial District VALE Board and the 17th Judicial District CVC Board chair, in consultation with Board members, shall designate on or before December 1 of each year how unclaimed restitution monies received shall be divided between the two funds during the next calendar year. The designation shall be documented in the programs annual review.
- C. If the Board chairs are unable to agree upon a distribution, the matter will be brought to the Crime Victim Services Advisory Board administered by DCJ for resolution regarding how unclaimed restitution funds will be divided between VALE and CVC.
- D. If the Board chairs do not meet and designate which fund receives unclaimed restitution monies for the following calendar year, these monies shall be deposited into the 17th Judicial District VALE fund.
- E. The administrator will provide the Court Executive with an agreement form documenting the Board chairs decision. This form will be signed by both the CVC and VALE Board chairs.
- F. If the victim is located after unclaimed restitution has been deposited into the CVC fund, the Board authorizes the CVC Administrator to submit a written request to the Court Executive for disbursement of unclaimed restitution funds payable to the victim upon :
 - a. Written notice received from the victim or courts or Court Executive providing the criminal case number that provides the dollar amount of restitution ordered to the victim and verifies the dollar amount of court ordered restitution that has not been paid; and
 - b. Verification from the Court Executive that the unclaimed restitution funds being requested payable to the victim were deposited into the CVC fund.

SECTION 12.0

ANNUAL REVIEW AND PLANNING

12.1 FINANCIAL REVIEW

The CVC Board, assigned administrative staff within the District Attorney's and Court Executive's offices shall annually review and assess the effectiveness of financial policies as they pertain to their respective CVC responsibilities and conduct an annual financial review to assess the effectiveness of the CVC Board's financial policies to determine if current financial policies are appropriate to maintain a reasonable fund balance. This review will take place during the first quarter of each year at the CVC Board's annual business meeting.

- A. In conducting the financial review, the CVC Board shall use monthly financial reports from the Court Executive that have been summarized by the CVC Program Coordinator. Such review shall contain the following elements:
- 1) A review of the amount of funds received since the last review;
 - 2) An analysis of the increase or decrease in the amount of dollars coming into the fund;
 - 3) A review of the number of claims received and paid since the last review;
 - 4) An analysis of the claims paid in relation to the funds available;
 - 5) An analysis of significant increases or decreases in requests for compensation;
 - 6) A review of the amount of funds encumbered;
 - 7) A review of the length of time the unpaid obligations are maintained;
 - 8) An analysis of the CVC Board's ability to meet existing unpaid obligations when due;
 - 9) An analysis of the CVC Board's ability to meet future unpaid obligations prior to making new financial commitments;
 - 10) A review of the current fund balance;
 - 11) Fund balance projections for six months and one year; and
 - 12) A determination if current payment policies are appropriate to maintain a reasonable fund balance based upon the review of the present and future fund balances.
- B. The CVC Board will strive to maintain a minimum of one month of expenditures based upon the previous six months of prior expenditures. This reserve amount will be reviewed each year as a part of the CVC Board's annual financial review process.

12.2 PROGRAM REVIEW

The CVC Board, along with the assigned administrative staff from the District Attorney's office shall conduct an annual program review that shall be documented in the meeting minutes. This review will take place during the first quarter of each year at the CVC Board's annual business meeting. This review shall be documented in the meeting minutes and shall include, but not be limited to:

- A. A review of the average claim processing time from the receipt of a completed application to the CVC Board's initial eligibility determination to verify if the time is within 45 working days, but no longer than 60 working days;
- B. A review of the claims denied during the past year to determine if patterns of denial exist;
- C. A review of policies that affect the amount of funds a claimant may receive, including but not limited to, dollar limitations related to type of crime or type of service.

12.3 ANALYSIS

The CVC Board shall use the financial and program reviews to amend By-Laws, Policies and Procedures as appropriate. All supporting materials shall be documented in the meeting minutes that effect a change in the By-Laws, Policies and Procedures and shall be available for review upon request.

12.4 POLICY CHANGES

The CVC Program Coordinator or designee will disseminate notification of any policy changes that may affect the amount of funds a compensation applicant may receive to the general public, claimants and service providers affected in a manner the CVC Board determines appropriate.

SECTION 13.0

PUBLIC EDUCATION

13.1 GENERAL INFORMATION

- A. The CVC Program Coordinator or designee will develop and annually update written material(s) that provide a general description of the compensation program including basic eligibility requirements, compensable services, maximum award amount, and notice of the victim's right to request emergency assistance pursuant to statute, and under what conditions an applicant is eligible for emergency assistance. The written material(s) will also include a contact name, telephone and address for the 17th Judicial District Compensation Program.
- B. Written material(s) used for general information purposes will be updated each year following the CVC Board's annual business meeting. Written materials may include, but not be limited to, brochures, websites, public service announcements and annual reports.
- C. The CVC Board will review and approve all written material(s) developed for general information or outreach prior to use or dissemination of those material(s).
- D. Written material(s) developed for general information purposes will be disseminated, at a minimum, once a year to those agencies and service providers that work directly with crime victims and witnesses.

13.2 OUTREACH

- A. Written material(s) developed for general information will also be made available to the general public, victims, witnesses, and service providers upon request.
- B. The CVC Program Coordinator or designee will provide training regarding the 17th Judicial District Crime Victim Compensation Program to requesting agencies and service providers in the community as time is available and resources allow.
- C. The CVC Program Coordinator or designee will provide, at a minimum, one training each year regarding the 17th Judicial District Crime Victim Compensation Program to deputy district attorneys per year.
- D. The Court Executive or designee will provide, at a minimum, one training each year regarding the 17th Judicial District Crime Victim Compensation Program to state judicial employees.

SECTION 14.0

INFORMATION FOR THE COLORADO DIVISION OF CRIMINAL JUSTICE

14.1 REPORTS

- A. Quarterly, the CVC Program Coordinator or designee will send to the Colorado Division of Criminal Justice, on the forms provided by the Colorado Division of Criminal Justice, reports of the program activities of the CVC Board (DCJ 10).
- B. Quarterly, the Court Executive or designee, will send to the Colorado Division of Criminal Justice, on the forms provided by the Colorado Division of Criminal Justice, reports of the financial activities of the Board
- C. The CVC Program Coordinator or designee will annually send to the Colorado Division of Criminal Justice a copy of administrative fund expenditure reports as submitted by the District Attorney and the Court Executive and an annual activity report (DCJ 10).
- D. The Victim Compensation Board shall comply with requests from the Division of Criminal Justice for standardized data and reports. Requested information shall be provided by the date specified by the Division of Criminal Justice.

14.2 AUDIT FOR FEDERAL COMPENSATION FUNDS

The District Attorney will annually send to the Colorado Division of Criminal Justice a copy of the District Attorney Office annual audit that included federal victim compensation funds.

SECTION 15.0

PROCESS TO AMEND THE POLICIES AND PROCEDURES

- 15.1 ADOPTION OF POLICIES and PROCEDURES:** These Policies and Procedures may be amended at any regular or special meeting of the CVC Board by an affirmative vote of at least two-thirds of the appointed members. A minimum of five working days' notice of the proposed amendment(s) must be given to all CVC Board members. Written documentation will be kept of the dates of review, revision and amendments made to the Policies and Procedures of the CVC Board.

SECTION 16.0

FISCAL POLICIES

16.1 ACUPUNCTURE SERVICES

§24-4.1-109(1)(a)

§24-4.1-105(2)(a)

Payment for acupuncture will not be included in the current maximum consideration by the Board for medical expenses. Initial requests for services will be approved for three sessions. Ongoing sessions will be contingent upon submission and approval of a treatment plan that is prepared by the treatment provider. A maximum of nine additional sessions will be allowed, for a total of 12 sessions. Payments will be made in accordance with medical policies; payment will be made at 80% of balance. The Board will only consider one treatment plan and encumber funds for one year. Expenses related to acupuncture services will be considered if:

- A. Directly related to the criminal incident;
- B. The claim is otherwise compensable, and
- C. The need for service, past three initial sessions, is supported by written documentation via a treatment plan from the treatment provider.

16.2 AIDS/STD TESTING (sexually transmitted disease)

§24-4.1-109(1)(a)

§24-4.1-105(2)(a)

CVC funds may be used for AIDS or STD testing when:

- A. Directly related to a criminal incident, and
- B. The claim is otherwise compensable.

16.3 ASSIGNMENT, ATTACHMENT OR GARNISHMENT OF AWARD

§24-4.1-114

CVC funds received by claimants are not assignable or subject to execution, garnishment, attachment, or any other process, including process to satisfy an order or judgment for support or alimony.

16.4 CHIROPRACTIC SERVICES

§24-4.1-109(1)(a)

§24-4.1-105(2)(a)

Payment for chiropractic will not be included in the current maximum consideration by the Board for medical expenses. Initial requests for services will be approved for three sessions. Ongoing sessions will be contingent upon submission and approval of a treatment plan that is prepared by the treatment provider. A maximum of nine additional sessions will be allowed, for a total of 12 sessions. Payments will be made in accordance with medical policies; payment will be made at 80% of balance. The Board will only consider one treatment plan and encumber funds for one year. Expenses related to chiropractic services will be considered if:

- A. Directly related to the criminal incident;
- B. The claim is otherwise compensable, and
- C. The need for service, past three initial sessions, is supported by written documentation via a treatment plan from the treatment provider.

16.5 COLLATERAL SOURCE(S) OF PAYMENT

§24.4.1-110(1)

A. Federally Financed Program

Federal Statute pursuant to Public Law 103-322, Subtitle B-Crime Victims' Fund, Section 1403 of the Victims of Crime Act of 1994 (42 U.S.C. 10602)(e). Notwithstanding any other law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal Program, or a federally financed state or local program, would otherwise pay,

- 1) such crime victim compensation program shall not pay that compensation; and
- 2) the other program shall make its payments without regard to the existence of the crime victim compensation program.

B. Payer of Last Resort

The compensation fund is to be considered the payer of last resort for economic detriment victims suffer as a result of a criminal incident. The following will be considered when victim has access to alternative sources of payment for compensable losses:

- 1) If a claimant incurred a bill with a service provider that was not a covered provider through an insurance plan, the CVC Board may consider payment of that bill with the understanding that the claimant is pursuing insurance now.
- 2) If insurance will not pay for necessary medical or mental health services, then a letter of denial or explanation of coverage limitations will be provided to the CVC Board by the claimant.
- 3) For purposes of compensation application and claim review, life insurance and/or funds established on behalf of claimant or victim will not be consider an alternative source of payment for losses compensable pursuant to C.R.S. §24-4.1-109.
- 4) CVC administrative actions and CVC board decisions regarding waiver of CVC as a payer of last resort will be documented in the individual claim file and in the CVC Board Meeting Minutes at which a decision was made.
- 5) The Department of Social Services will be requested to make every effort to obtain medical and mental health care for qualified claimants through Medicaid. If a Medicaid provider is not available at the time services are required, or if the Medicaid provider available lacks appropriate expertise or education, written documentation stating such will be provided to the claimant.

C. Subrogation Waivers

The victim / applicant must submit all civil settlement documents (e.g. settlement demand and associated documentation showing the basis for the settlement award, final settlement document, insurance contributions, Explanation of Benefits (EOB), etc.) for the CVC Board to determine if the total amount of compensable losses were equal to or greater than the amount received from collateral sources for consideration of CVC funding of those losses. The Board will consider waiving subrogation when a written request is received from a victim/applicant and the victim/applicant provides the following documentation verifying:

1. The compensable crime related losses exceed the amount available from, or paid by, collateral sources, including insurance adjustments; or
2. The civil settlement specifically indicates the financial award is for non-compensable losses (i.e. pain and suffering); or
3. The settlement is a general award and does not indicate what losses are to be covered.

Board decisions regarding waivers of subrogation will be documented in the individual claim file and in the CVC Board Meeting Minutes at which the decision was made. Notifications of the Board's decision to the victim or claimant will be documented in the claim file.

16.6 COOPERATION

§24-4.1-108(1)(c)

Cooperation is defined as an applicant who has fully assisted the police in the apprehension of a suspect and has made or makes themselves available to provide truthful testimony throughout the prosecution of a criminal case.

The CVC Board may find that good cause existed or exists for the failure of an applicant to cooperate and waive the cooperation eligibility requirement. It is the responsibility of the applicant to provide the CVC Board with information necessary to determine if good cause existed or exists for failure to cooperate. Good cause may be, but is not limited to:

- A. Threats or perceived threats made to the victim, victim's family or significant others by the perpetrator, perpetrator's family and/or friends;
- B. Applicant's physical, mental or emotional limitations as verified by medical doctor(s) or mental health therapist;
- C. Failure of law enforcement or prosecution to communicate clearly with the applicant or serve the applicant a subpoena.
- D. Employment issues regarding work the victim missed or may be missing directly related to prior or present cooperation with law enforcement and/or prosecution.

16.7 CORRECTIVE MEDICAL DEVICES

§24-4.1-109(1)(a)

- A. Payment for corrective medical devices will not exceed the current maximum considered by the CVC Board for medical expenses. Compensation for medically necessary devices will be paid at 100% of balance up to current medical maximums. Compensation of corrective eyewear will not exceed \$500.00
- B. Expenses for repair or replacement of dentures, eyeglasses, contact lenses, hearing aids or other prosthetic or medically necessary devices damaged or lost as a result of a crime will be at the original or estimated value of the item being replaced per the recommendation of the service provider. Requests for payment of additional expenses required to replace or repair medically necessary devices, i.e. eye examinations, may be considered by the CVC Board.
- C. Payment for prescription eyeglasses or contact lenses will not exceed \$500.00 for each pair damaged or stolen during the commission of a crime. Payment of eye exams maybe considered by the Board when required by a treatment provider. The cost of eye exams will be deducted from the maximum award of \$500.00.

- D. Corrective medical devices may include items or adaptations to the vehicle or home in order to make them accessible and to allow for daily routine activities. For example, the Board may approve the installation of handicap bars in a bathroom.

16.8 DATE OF OFFENSE

§24-4.1-108(1)(a)

§24-4.1-108(1.5)(a)

The CVC Board will consider compensation claim requests only for compensable crimes that were perpetrated on or after July 1, 1982 and that resulted in a compensable loss. Claims for compensable crimes limited to property damage property damage will be considered only for criminal acts committed on or after July 1, 1983.

16.9 EMERGENCY CLAIMS

§24-4.1-112(1)

Victim compensation funds may be used for specified expenses within thirty days of a criminal act which was reported to, and documented by, a law enforcement agency. Requests for emergency crime victim compensation assistance will be facilitated by a court based or law enforcement victim assistance provider. The amount of an emergency award shall not exceed \$2000.00

16.10 FILING OF COMPENSATION APPLICATION

§24-4.1-108(1)(f)

§24-4.1-108(1.5)(d)

The CVC Board will consider compensation claim requests that are submitted within one year of the date of injury to, or death of, the victim as documented by an appropriate law enforcement agency report. The CVC Board may extend or waive the one-year date if good cause is shown. It is the responsibility of the applicant to provide the CVC Board with information necessary to determine good cause exists to extend or waive the one-year application deadline.

For compensation claims involving property damage, application must be submitted within six months of the date of property damage as documented in a law enforcement agency offense report. The CVC Board may extend or waive the six-month date if good cause is shown. It is the responsibility of the applicant to provide the CVC Board with information necessary to determine good cause to extend or waive the six-month application submittal date.

Good cause may be, but is not limited to:

- A. Applicant was unaware of the availability of compensation;
- B. Applicant's expenses were covered by collateral resources for the first year following the date of injury or victim's death;
- C. Applicant's physical, mental or emotional limitations as verified by medical doctor(s) or mental health therapist.

16.11 FINAL PAYMENT DETERMINATIONS

§24-4.1-109

- A. In claims that have not yet reached the maximums as set forth by statute or CVC Board policies, the CVC Board may make a final payment determination after review of the complete payment history and any other requested documentation.
- B. Applicants will be informed of the final payment determination in writing, and may request reconsideration of the CVC Board's decision, in writing, pursuant to SECTION 5 of the 17th Judicial District Crime Victim Compensation Program By-Laws.

16.12 FUNERAL/CREMATORY/BURIAL SERVICES

§24-4.1-109(1)(e)

A. Funeral/Crematory/Burial Services

The Board may consider **\$6000 for funeral**, crematory and/or burial services. An **additional \$4000** may be considered for direct cemetery costs, permanent headstone or similar type item.

B. “Celebration of Life” events will be considered by the Board in lieu of traditional funeral or memorial services on a reimbursement basis. Some items associated with the “celebration” may not be compensated (alcohol etc).**C. Funeral or Memorial receptions may be approved by the Board if the applicant’s funeral expenses have not reached the policy maximum. The Board will review these requests on a case-by-case basis and may not approve receptions that occur on a date or time that does not follow the funeral service. Reception costs will be on a reimbursement basis only; not all items may be compensated (alcohol etc).****16.13 HOME HEALTH CARE SERVICES**

§24-4.1-109(1)(d)

§24-4.1-105(2)

The CVC Board may consider a **maximum of the medical policy limits** for home health care expenses.

A. Professional Home Health Care Services

The CVC Board may review requests for payment of home health care services based upon a written report from the claimant’s primary medical physician. This report must include the type, intensity, frequency, and length of home health care necessary for the claimant’s recovery from crime related medical injuries.

B. Family or Friend Home Health Care Services

The CVC Board may consider requests for payment of home health care provided by the claimant’s relative or significant other, if the primary medical physician documents, in writing, that non-medical care is required for the claimant’s recovery from injuries incurred in a compensable crime. Documentation is to include the type, intensity, frequency and length of non-medical care necessary.

16.14 INCOME TAX

§24-4.1-114.5

No compensation payable to an applicant shall be included in the applicant’s income for purposes of Colorado tax income imposed in article 22 of title 39, C.R.S.; nor shall it be considered as income, property, or support for the purposes of determining the eligibility of the applicant for public assistance or the amount of assistance payments pursuant to section C.R.S. § 26-2-108. CVC funds received by claimants are not subject to federal income tax pursuant IRS Revenue Ruling 74-74 and IRS Publication: Taxability and Non-Taxability of Income.

16.15 INTEREST OF JUSTICE

§24-4.1-108(2)

A. The CVC Board may consider waiving any eligibility requirement(s) listed under C.R.S. §24-4.1-108, or the limitations set forth in C.R.S. §24-4.1-109(1), if it determines that good cause exists and/or undue hardship will result to the applicant if the claim is denied.**B. The CVC Board may also deny or reduce all or part of a compensation claim request in the interest of justice if good cause exists.**

- C. The CVC Board's decision to approve, deny or reduce a claim in the interest of justice will be documented in the minutes of the CVC Board meeting at which the decision was made and will include claimant's name, expenses requested / approved / denied and the CVC Board's factual basis for the waiver.

16.16 LOSS OF SUPPORT

§24-4.1-102(5)

§24-4.1-109(l)(f)

- A. The CVC Board may consider **up to four weeks** (1 month) at 80% of gross earnings based on victim's employment.
- B. Loss of support to dependents is defined as financial assistance for individuals and/or relatives who were dependent upon the wages of a victim who was killed in a compensable criminal act. Loss of support will be divided among surviving dependents. The Board may request verification of dependency. Victim must have been lawfully employed.

16.17 LOSS OF WAGES

§24-4.1-109(l)(b)

The CVC Board may consider up to 2 weeks at 80% of gross earnings paid with proper documentation from the victim's place(s) of employment.

- A. General Lost Wages will be considered only for actual wages lost due to physical or emotional injuries directly caused by a compensable crime. The victim must supply the CVC Board acceptable written documentation of unpaid time missed from work due to physical or emotional injuries that are the result of a compensable crime. Acceptable documentation may include written verification from their employer, a recent pay stub and/ or from a physician or mental health therapist.
- B. Self-Employment
In those cases where a victim is self-employed, a copy of the most recent federal and/or state tax returns, quarterly deposits, 1099s, etc. will be required to substantiate the amount of lost wages being requested.
- C. Use of Accrued Sick, Paid Vacation or Personal Time
- The CVC Board may not compensate for accrued sick, paid vacation or personal time lost due to injuries related to the compensable criminal incident *on a case by case basis*.
 - Compensation for wages lost will not be available to witnesses subpoenaed to testify in court by the prosecution or defense.
- D. Cooperation With Criminal Justice System
Request for compensation of wages lost by victims when subpoenaed to testify in court by the prosecution, for appointments with criminal justice personnel, or appointments with service providers will be handled on a case-by-case basis.
- E. Bereavement
Secondary victims may request five days of lost wages for purposes of bereavement. Eligibility is limited to spouses, domestic partners, parents/guardians, working children and siblings. Claimants shall use all vacation, sick and bereavement leave available through their employer. Verification of lawful employment is necessary.

F. Employer Failure to Protect, Employer Perpetrator or Termination

The Board may approve lost wages for a victim when their employer fails to recognize a protection order or otherwise fails to protect the victim from their assailant. The Board may also approve lost wages when a victim is terminated due to defendant's actions or due to defendant's continued harassment while the victim works. Additionally, the Board may approve the victim's lost wages when the perpetrator is the victim's employer.

16.18 MASSAGE THERAPY

§24-4.1-109(1)(a)

§24-4.1-105(2)(a)

Payment for massage therapy will not be included in the current maximum consideration by the Board for medical expenses. Initial requests for services will be approved for three sessions at the recommendation of a physician. Ongoing sessions will be contingent upon submission and approval of a treatment plan that is prepared by the treatment provider. A maximum of nine additional sessions will be allowed, for a total of 12 sessions. Payments will be made in accordance with medical policies; payment will be made at 80% of balance. The Board will only consider one treatment plan and encumber funds for one year. Expenses related to massage therapy services will be considered if:

- A. Directly related to the criminal incident;
- B. The claim is otherwise compensable, and
- C. The need for service, past three initial sessions, is supported by written documentation via a treatment plan from the treatment provider.

**16.19 MEDICAL EXPENSES
LIMITATIONS OF ASSISTANCE**

§24-4.1-108(4)

§24-4.1-109(1)(a)

§24-4.1-109(1)(c)

§24-4.1-109(1)(d)

- A. A **maximum of \$20,000** may be considered by the CVC Board for treatment of physical injuries that are a direct result of a compensable crime committed, applications received or payments disbursed. For consideration of claims involving crimes committed the following schedule will be applied:
 - 1. Maximum of \$20,000 Crimes committed after 8/31/19 through present
 - 2. Maximum of \$30,000 Crimes committed after 8/1/13 through 3/29/2015
 - 3. Maximum of \$15,000 Crimes committed after 2/1/12 through 7/31/13
 - 4. Maximum of \$12,500 Crimes committed after 11/1/10 through 1/31/12
 - 5. Maximum of \$15,000 Crimes committed after 08/01/07 through 10/31/10
 - 6. Maximum of \$10,000 Crimes committed after 01/01/06 through 7/31/06

7. Maximum of \$7,500 Crimes committed after 03/15/05 through 12/31/05
8. Maximum of \$10,000 Crimes committed after 07/01/04 through 03/15/05
9. Maximum of \$20,000 Crimes committed after 11/01/03 through 06/30/04
10. Maximum of \$10,000 Crimes committed after 10/01/02 through 11/01/03
11. Maximum of \$20,000 Crimes committed after 07/01/01 through 09/30/02
12. Maximum of \$10,000 Crimes committed after 01/01/01 through 06/30/01
13. Maximum of \$ 5,000 Crimes committed after 01/01/99 through 12/31/00
14. Maximum of \$ 5,000 Crimes committed after 01/01/94 through 12/31/98
15. Maximum of \$10,000 Crimes committed prior to 12/31/93

16.20 MEDICAL EXPENSES - PAYMENT

§24-4.1-109(a)

Payment of medical expenses is based upon the submission of written, itemized billing statements or estimates verified as directly related to a compensable crime as well as reasonableness of service costs. Payment of medical expenses are subject to the availability of compensation funds.

A. Service Providers

Payment of necessary medical, hospital, outpatient care, and home health care services may only be approved by the CVC Board at a maximum of 80% of the total amount submitted, except as indicated below. All service providers will be requested to accept 80% of billed balance as payment in full. If 80% is not accepted as payment in full, it is the responsibility of the service provider to inform the claimant and make payment arrangements accordingly. At the discretion of the CVC Board, a second opinion by a designated physician may be required. In cases where insurance has paid a portion of the bill, the service provider will be asked to accept 80% of the balance, paid with compensation funds, as payment in full. If 80% is not accepted as paid in full, and the patient pays of the remaining balance, the applicant may submit their out of pocket expenses reimbursement from the Board.

- **Payment of Medical balances at 80% for bills processed after 2/1/12.**
- Payment of Medical balances at 70% for bills processed for 11/1/10 thru 2/1/12.
- Payment of medical balances at 80% for bills processed prior to 11/1/10.

Specific to Health One treatments:

If Health One gives the victim a “self-pay” discount because the victim does not have a medical insurance policy and may not be eligible for other collateral sources of payment, the CVC Board may approve payment of 100% of the discounted balance. Because Health One will remit the “self-pay” discount if they receive payment from CVC, a check will be issued payable to the victim. A letter will be sent to the victim explaining the check and the outlining the victim’s responsibility in paying this service provider.

B. Self-Pay Discounts

The Board may approve payment of a medical bill at 100% of the remaining balance after a self-pay discount has been applied, if the self-pay discount is in excess of 20%.

C. 72-Hour Hold Following a Suicide Attempt

Payment for a 72 Hour Hold following a suicide attempt or suicidal ideation may be considered a compensable medical expense by the CVC Board if there is documentation from a medical provider to suggest that the attempt was directly related to the applicant's victimization and is limited to only the first 72 hours of treatment. The CVC will review these requests on a case-by-case basis.

D. Reimbursement to Victims

Reimbursement for out-of-pocket expenses incurred by a claimant will be at 100%.

E. Prescriptions

The medical maximum may be considered for medical prescriptions paid for by a claimant that are directly related to the crime. This includes co-pays. Reimbursement for prescription expenses or co-pays will be at 100%.

Any prescription that could be refilled over the period of 4 or more months will be deemed an ongoing prescription and will require the submission of a prescription treatment plan. The CVC administrative staff will use discretion in request a prescription treatment plan when a claimant submits a prescription for reimbursement that was written/filled more than a month of the date of crime.

G. Non-Medicinal Remedies

A **maximum of \$350** may be considered for non-medicinal remedies that may assist with physical, emotional and/or psychological symptoms directly related to the crime and that are purchased or requested based upon a written recommendation from a medical doctor or mental health therapist. This may include vitamins, herbal supplements, or medicated lotions. Reimbursement or payment of non-medicinal remedies will be at 100%.

H. Marijuana

Marijuana is a schedule 1 controlled substance, the FDA does not have approved guidelines for the pharmaceutical disbursement of marijuana, it is illegal pursuant to federal law. CVC receives federal funds that could be jeopardized if we disregard state or federal laws. The Board will not compensate claims related to medical marijuana.

16.21 MENTAL HEALTH THERAPIST QUALIFICATIONS

The CVC Board considers mental health therapy for crime victims to be an area of specialization within the mental health field. The CVC Board does require that all treating therapists have a therapy license with the Department of Regulatory Agencies or have minimum of a master's degree and be directly supervised by a doctorate or licensed therapist. The doctorate or licensed therapist providing direct supervision must review all Treatment Plans or written requests for medication referrals submitted by the treating therapist.

A. The CVC Board may inquire or require that any therapist requesting compensation payment to demonstrate the following:

1. A basic knowledge of crime victimization issues and the criminal justice system; and
2. Documentation regarding education or experience in crime victimization issues or the criminal justice system.

B. The CVC Board shall not consider payment for a claim:

1. By a therapist or therapist organization where the therapist or therapist organization is under investigation by any governmental agency, including, but not limited to, any law enforcement agency, the District Attorney's Office, the Attorney General's Office, or the Department of Regulatory Agencies;
2. By a therapist or therapist organization where the therapist or therapist organization has admitted to fraudulent or inaccurate billing, or been convicted of a crime that resulted from fraudulent or inaccurate billing;
3. By a therapist or therapist organization where the therapist or therapist organization has admitted or been convicted of crimes committed against clients; and
4. By a therapist that provided victim services to their client in a dual role either through profession or as a volunteer. For example, the Board will not consider payment of counseling sessions by a therapist that also operated as a police officer, law enforcement advocate, non-profit advocate, or forensic interviewer for the same victim. This list is not all inclusive.

16.22 MENTAL HEALTH TREATMENT GUIDELINES

The following guidelines apply to requests for payment of mental health therapy.

A. Mental Health Assessments

- CVC Board approval for initial mental health therapy assessments will be approved at a maximum rate of **\$270.00 for three sessions**.
- The CVC Board delegates administrative authority to the CVC Program Coordinator or designee to make an approval determination for initial mental health therapy, or re-assessments, after review of a completed application, law enforcement report and request for payment from the fund according to statutory eligibility criteria.
- Assessments shall be encumbered for no longer than six months.

B. Ongoing Mental Health Therapy

- Requests for on-going therapy requires the submission of a Treatment Plan.
- An Extension Request is required for additional therapy after a Treatment Plan award has been exhausted.

C. Mental Health Treatment Plans and Extensions

1. CVC Board approval of mental health therapy beyond the initial three assessments is contingent upon submission of a Treatment Plan prepared by the treating therapist.
 - a. The Treatment Plan must be signed by the claimant (or guardian), and the treating therapist. The CVC Board requires the signature of a supervising therapist when the treating therapist is not licensed.

- b. The CVC Board may require the treating therapist to use a standardized treatment plan provided by CVC staff.
- 2. CVC Board approval of extended therapy beyond a Treatment Plan award is contingent upon submission of a Mental Health Extension Request.
 - a. The Treatment Plan must be signed by the claimant (or guardian), and the treating therapist. The CVC Board requires the signature of a supervising therapist when the treating therapist is not licensed.
 - b. The CVC Board may require the treating therapist to use a standardized treatment plan provided by CVC staff.
- 3. Funds approved and encumbered for ongoing mental health therapy shall be encumbered for no less than six months. Unused funds will expire after one year unless the claimant has been receiving regular ongoing treatment at which time the CVC Program Coordinator may extend the encumbrance time.

D. Award Consideration for Mental Health Therapy

The Crime Victim Compensation Board may consider additional factors other than the eligibility requirements outlined in §24-4.1-108 when making mental health awards. The CVC Board may consider the Crime Victim Compensation Fund balance, age of claimant and the familial relationship of a secondary victim to a primary victim.

1. Primary Victims

An individual against whom a crime was perpetrated or attempted and, as a result of the criminal act or attempt, has suffered property damage, economic loss, bodily or emotional injury or death.

- a. Contingent upon the submission and approval of a Treatment Plan, the CVC Board may encumber **\$1350.00** toward mental health therapy. Contingent upon the submission and approval of an Extension Request the CVC Board may encumber an additional **\$1350.00**.
- b. The total amount of mental health therapy to be incurred by the CVC Board for a primary victim, including the initial three assessments, is **\$2970.00**.
- c. The CVC Board reserves the right to modify limits set for primary victim mental health therapy assistance as deemed necessary on a case-by-case basis.

2. Secondary Victims

Eligibility for mental health assistance as a secondary victim may be limited to parents, children, siblings, guardians, dependents, persons of intimate or domestic relationships. A secondary victim may also be any person who attempted to assist or assisted a primary victim.

- a. Contingent upon the submission and approval of a Treatment Plan, the CVC Board may encumber **\$900.00** toward mental health therapy. Contingent upon the submission and approval of an Extension Request the CVC Board may encumber an additional **\$900.00**.

- b. The total amount of mental health therapy to be incurred by the CVC Board for a secondary victim, including the initial three assessments, is **\$2070.00**.
- c. The CVC Board reserves the right to modify limits set for secondary victim mental health therapy assistance as deemed necessary on a case-by-case basis.

3. Witness

An individual, who heard, saw or was present during a criminal incident committed against another individual.

- a. Contingent upon the submission and approval of a Treatment Plan, the CVC Board may encumber **\$900.00** toward mental health therapy. Extension Requests will not be approved for witnesses.
- b. The total amount of mental health therapy to be incurred by the CVC Board for a witness, including the initial three assessments, is **\$1170.00**.
- c. The CVC Board reserves the right to modify limits set for witness mental health therapy assistance as deemed necessary on a case-by-case basis.

1. Court Sessions

The CVC Board may approve mental health therapy specific to scheduled court hearings involving the criminal case of which the compensation claim arose. **Up to \$900** may be approved for court related therapy sessions. The CVC Board delegates to the CVC Program Coordinator or designee the administrative authority to encumber funds for court sessions.

- a. These funds must be requested in letter format by the treating therapist. The letter must specifically request treatment for court sessions and include the name of the client, number of requested sessions, length of each treatment and upcoming court events.
- b. The treating therapist must bill court sessions separately from their regular ongoing sessions.
- c. These sessions/funds are in addition to regular therapy encumbrances.
- d. Sessions shall take place in an office setting. The CVC Board will not compensate therapists for time spent in court.

2. Parent Groups

The Board may approve non-offending parent classes at a total of \$480 per parent.

- a. These funds may be requested by the submission of a treatment plan prepared by the treating therapist. The treatment plan should outline the necessity and potential benefit of parenting classes for non-offending parents.
- b. These sessions/funds are in addition to regular therapy encumbrances.

3. Family Sessions

The CVC Board recognizes that family sessions can be an integral part of a victim's recovery. The CVC Board may approve, when requested as part of a treatment plan, family sessions. Family sessions will be paid at a rate of **\$45 per hour** for each family member that participated in the session. The following conditions apply to family sessions:

- a. Therapy must remain crime related and focus on the primary victim's recovery;
- b. Each family member must have a CVC claim and be pre-approved for family sessions;
- c. The therapist must submit a separate bill for each participant;
- d. Family sessions may include immediate family or guardians;
- e. The Board will not pay for reunification or clarification sessions; and
- f. The Board will not pay for family sessions involving the offender.
- g. Family sessions without the victim will be considered when they meet or exceed 45 minutes and cannot be considered a "parent update" on the victim's progress.

4. **Group Sessions**

The CVC Board may approve, when requested as part of a treatment plan, group sessions. Group sessions will be paid at the rate of \$45 per hour for the victim's participation in a group therapy setting.

5. **Incurred Mental Health**

The CVC Board may approve payment of **up to fifteen sessions at the rate of \$90/session for a maximum of \$1350.00** for mental health therapy **incurred without a Treatment Plan**. These funds must be requested, in a letter format, by the treating therapist.

The letter must specifically include the following elements:

- a. Name of client;
- b. Itemized dates of service and billing amount for each session;
- c. Length of treatment, if treatment has ended;
- d. Information from the treating therapist that verifies the incurred mental health therapy was directly related to the compensable crime;
- e. Length of anticipated future treatment, if treatment is ongoing. Approval of ongoing treatment requires a treatment plan; and
- f. All dates of service must have occurred after the date of crime

6. **Non- Traditional Therapy**

a. Consideration

The CVC Board may consider mental health therapy other than traditional talk therapy upon request from the claimant or if prescribed by a medical doctor. *Non-traditional therapy may include:* Native American healing, acupuncture, self-defense courses or Outward Bound Programs. Other types of non-traditional therapy may be considered on a case by case basis.

b. Payment

- 1. Payment of non-traditional mental health therapy services may be approved by the CVC Board at the same hourly rate and maximum as traditional talk therapy, except for self-defense classes which will be limited to **\$500.00**.

2. Payment of non-traditional mental health therapy will be assessed against the total maximum allowed for all mental therapy approved by the CVC Board.

c. Outward Bound / Self- Defense Courses

Payment of courses specifically for crime victims offered through Outward Bound or for self-defense may be approved.

E. Payment Consideration For Mental Health Therapy

- a. Therapists are strongly encouraged to by the CVC Board to accept compensation funds as payment in full for services rendered.
- b. It is the responsibility of the treating therapist to notify the claimant if compensation funds will not be accepted as payment in full for services rendered. It is also the responsibility of the treating therapist to notify the claimant of any charges that are not eligible for compensation funds.
- c. Immediate payment for mental health is waived by the treating therapist while claim eligibility/approval is being determined. The claim review process can take 30-60 days.
- d. It is the responsibility of the treating therapist to promptly submit billing for all initial assessment sessions, a complete treatment plan and monthly itemized statements. Itemized statements must include the name of the client, dates of service, length of treatment session and billing amount for each session.
- e. Itemized statements should be submitted no more than 180 days after the date of service. Statements received with service dates more than 180 prior will be paid at the Board's discretion regardless of any previously approved and/or encumbered funds.
- f. Alternative sources available to the claimant for payment of mental health therapy must be disclosed to the CVC Board. This includes private insurance coverage, Medicaid, or Workman's Compensation.
- g. Treatment providers must submit all bills to collateral sources of payment before submitting them to the CVC Board.
- h. CVC Board approval of therapeutic assessment sessions does not guarantee payment of ongoing mental health therapy. CVC Board approval of initial mental health therapy does not guarantee payment of any extended therapy. CVC Board approval of incurred mental health therapy does not guarantee payment of continued or additional therapy.
- i. Service providers shall obtain the treatment plan and extension forms from the CVC Program Coordinator or designee.
- j. Individual sessions will be paid at \$90 per session.
- k. Group and Family sessions will be paid at the rate of \$45 per session, per person.

16.23 Mental Health Treatment Limitations of Assistance

- A. The CVC Board will not consider payment for the following expenses:

1. Missed appointments.
2. Telephone consultations or contacts.
3. Court appearances, travel time or report writing by the treating therapist.
4. Reports or evaluations requested by law enforcement agencies, the Department of Social Services, the court or the District Attorney's Office.
5. Any psychological testing or evaluations not requested in writing by the treating therapist and pre-approved by the CVC Board.
6. Any sessions involving the criminal perpetrator and/or perpetrator's therapist not requested in writing by the victim's therapist and pre-approved by the CVC Board.
7. Interest charged to a client's bill which is not the product of a delay caused by the CVC Board's administrative staff.
8. In-patient hospitalization.
9. Therapy not directly related to a compensable crime.
10. Individual sessions in excess of \$90.00 per contact.
11. Group or Family therapy in excess of \$45.00 per contact.
12. Sessions that are less than 45 minutes.

B. The CVC Board shall not consider payment for a claim:

1. By a therapist or therapist organization where the therapist or therapist organization is under investigation by any governmental agency, including, but not limited to, any law enforcement agency, the District Attorney's Office, the Attorney General's Office, or the Department of Regulatory Agencies;
2. By a therapist or therapist organization where the therapist or therapist organization has admitted to fraudulent or inaccurate billing, or been convicted of a crime that resulted from fraudulent or inaccurate billing;
3. By a therapist or therapist organization where the therapist or therapist organization has admitted or been convicted of crimes committed against clients; and
4. By a therapist that provided victim services to their client in a dual role either through profession or as a volunteer. For example, the CVC Board will not consider payment of counseling sessions by a therapist that also operated as a police officer, law enforcement advocate, non-profit advocate, or forensic interviewer for the same victim. This list is not all inclusive.

C. The CVC Board retains the discretion to limit, suspend or deny payment of bills submitted by a mental health therapist who is under review by a licensing board or under investigation by a law enforcement agency. Should the CVC Board decide to limit, suspend or deny payment of bills, the following procedures will apply:

1. The CVC Board will notify the mental health therapist, in writing, of any change in payment status.
2. The CVC Board will also notify any claimants receiving services from the mental health therapist of any change in CVC payment status.

3. It is the responsibility of the mental health therapist who receives written notification from the CVC Board to make payment arrangements with clients for services provided after the date that CVC payment status is changed.
4. It is also the responsibility of the mental health therapist to provide the CVC Board with written documentation of the final findings and outcome of licensing review and/or criminal investigation prior to the CVC Board reconsidering reinstatement of payment.

16.24 MOTOR VEHICLE CLAIMS

§24-4.1-102(4)(I)
 §24-4.1-102(4)(II)
 §24-4.1-102(8.5)

- A. The CVC Board may consider the following crimes involving motor vehicles for compensation expenses:
 1. Vehicular assault or vehicular homicide;
 2. DUI involving injury or death;
 3. Criminally negligent homicide;
 4. Failure to stop at the scene of an accident that results in the death or injury of another person;
 5. Careless driving that results in the death or injury of another person.
 6. Reckless driving;
 7. Failure to stop leaving the scene with injury, and
 8. Hit and Run
- B. Claims involving an adult who knowingly enters a vehicle with an intoxicated driver and is subsequently killed or injured will be considered on a case-by-case basis.
- C. Claims involving failure to stop at the scene of an accident resulting in injury or hit and run may be viewed by the Board as a reckless act; "wanton or willful disregard for the safety of persons or property. These claims will be reviewed and approved by the Board on a case-by-case basis.
- D. All claims involving an automobile where one or more parties have auto insurance are required to have a Subrogation Agreement Form on file that is signed by the claimant prior to any payment on the claim.

16.25 NOTIFICATION OF LAW ENFORCEMENT

§24-4.1-108(1)(b)
 §24-4.1-108(1.5)(b)

The CVC Board will consider compensation claim requests in which appropriate law enforcement officials were notified of the perpetration of the crime that allegedly caused the death or injury to the victim and/or property damage within 72 hours after its perpetration. The CVC Board may waive the 72 hours reporting requirement if good cause is shown. It is the responsibility of the

applicant to provide the CVC Board with information necessary to determine good cause exists to waive the 72 hours reporting eligibility requirement.

Good cause may be, but is not limited to:

- A. Threats or perceived threats made to the victim, victim's family or significant others by the perpetrator, perpetrator's family and/or friends;
- B. Applicant's physical, mental or emotional limitations as verified by medical doctor(s) or mental health therapist;
- C. Law enforcement failed to respond to applicant's request for assistance or to take a report when contacted by applicant;
- D. Applicant relied upon social services to make a referral to the appropriate law enforcement for criminal investigation to be conducted and social services failed to make the referral.

16.26 OCCUPATIONAL THERAPY

§24-4.1-105(2)(a)

§24-4.1-109(1)(a)

Payment for occupational therapy will not exceed the current maximum considered by the Board for medical expenses. Initial requests for services will be approved for three sessions. Ongoing sessions will be contingent upon submission and approval of a treatment plan that is prepared by the treatment provider. A maximum of nine additional sessions will be allowed, for a total of 12 sessions. Payments will be made in accordance with medical policies; payment will be made at 80% of balance. The Board will only consider one treatment plan and encumber funds for one year. Expenses related to occupational therapy services will be considered if:

- A. Directly related to the criminal incident;
- B. The claim is otherwise compensable; and
- C. The need for service, past three initial sessions, is supported by written documentation via a treatment plan from the treatment provider.

16.27 PHYSICAL OR REHABILITATIVE THERAPY

§24-4.1-105(2)(a)

§24-4.1-109(1)(a)

Payment for physical therapy will not exceed the current maximum considered by the Board for medical expenses. Initial requests for services will be approved for three sessions. Ongoing sessions will be contingent upon submission and approval of a treatment plan that is prepared by the treatment provider. A maximum of nine additional sessions will be allowed, for a total of 12 sessions. Payments will be made in accordance with medical policies; payment will be made at 80% of balance. The Board will only consider one treatment plan and encumber funds for one year. Expenses related to physical therapy will be considered if:

- A. Directly related to the criminal incident;

- B. The claim is otherwise compensable; and
- C. The need for service, past three initial sessions, is supported by written documentation via a treatment plan from the treatment provider.

16.28 PREGNANCY / CHILD DELIVERY SERVICES

§24-4.1-109(1)(a)

- A. The CVC Board may consider only those medically necessary prenatal and child delivery expenses that are directly related to the perpetration of a compensable crime.
- B. The CVC Board may not consider payment for terminating a pregnancy that is a direct result of a compensable crime pursuant to the Colorado Constitution Article V, Section 50 which states:

No public funds shall be used by the State of Colorado, its agencies or political subdivisions to pay or otherwise reimburse, either directly or indirectly, any person, agency or facility for the performance of any induced **abortion**, PROVIDED HOWEVER, that the General Assembly, by specific bill, may authorize and appropriate funds to be used for those medical services necessary to prevent the death of either a pregnant woman or her unborn child under circumstances where every reasonable effort is made to preserve the life of each. **HISTORY:** SOURCE:INITIATED 84: Entire section added, effective upon proclamation of the Governor, L. 85, p. 1792, January 1, 1985.

16.29 PSYCHIATRIC SERVICES

A. Psychiatric Consultation Services

The CVC Board may consider payment of a psychiatric visit upon receipt of a written letter from the claimant's primary treating therapist, or upon receipt of a billing statement from the psychiatrist. Funds for psychiatric referral must be billed by the treating psychiatrist separately from sessions of ongoing mental health therapy.

1. A letter from a therapist must specifically request CVC Board consideration and approval of a psychiatric referral for medication purposes and must include the name of the client. The Board will approve one initial session. Ongoing visits to a psychiatrist will be contingent upon submission of a Treatment Plan that is prepared by the treating psychiatrist and signed by the claimant.
2. Receipt of a bill, without prior approval of the Board, from a psychiatrist for purposes of medication must include reference to HICFA, and include the name of the client, date(s) of visit(s) and billing amount for each visit. A treatment plan will be requested and presented to the Board for ongoing medication checks.

B. Management Of Psychotropic Medication

The CVC Board may consider payment of a psychiatric visits to manage prescribed medication, and other crime related consultation, upon receipt of a prescription treatment plan. Psychotropic medication management is considered a medical expense by the CVC Board. Psychiatric prescription approval may be contingent upon regular scheduled visit with a therapist. Approval without regular therapy or at the conclusion of therapy will be at the CVC Board's discretion.

C. Payment

Payment of psychiatric services for medication management may be approved by the CVC Board at a maximum of 80% of the total amount billed. Psychiatrists will be requested to accept 80% of bill balance as payment in full. If 80% is not accepted as payment in full, it is the responsibility of the psychiatrist to inform the claimant and make payment arrangements accordingly. All bills for CVC Board consideration are to include dates of service, length of treatment session and billing amount for each session.

16.30 RESIDENTIAL / VEHICLE PROPERTY DAMAGE

§ 24-4.1-108(1.5)

§ 24-4.1-109(I)(II)

The **maximum considered for residential property damage is \$1000**. Residential property is defined as the victim's primary place of residence and may include items which are necessary to ensure victim safety. Damage must be documented in the offense report filed with a law enforcement agency.

A. Repair or Replacement

Repair or replacement of property damaged is limited to locks, windows, exterior doors and garage doors or other security features/devices.

B. Victim Safety

Safety modifications will be considered to increase the security of a residential home. This may include motion lights, flood lights, security bars, dead bolts, chain locks, security systems, gun safe, security cameras etc. This will not include guard pets, mace or weapons.

C. Victim Vehicle

Re-keying of a victim's vehicle will be considered when the offense report indicates that the perpetrator is known to have access to or is in possession of the keys.

D. Crime Scene Clean Up

Crime scene clean-up will be limited to situations involving the removal of body fluids, from residential properties, that are the result of a compensable crime.

16.31 SUBSTANTIAL PROVOCATION

§24-4.1-108(1)e)

The CVC Board may deny or reduce a claim for compensation if the law enforcement agency report of the alleged crime reflects that the claimant's injury or death was directly related to his/her actions immediately preceding the criminal incident, and/or that a reasonable person would foresee those actions as creating a considerable risk of bodily harm or death.

16.32 THEFT CRIMES

§24-4.1-109(1)(a)

The CVC Board will consider as compensable property crimes involving the repair or replacement of prescriptions, eyeglasses, dentures, hearing aids, prosthetic devices or other medically necessary devices if:

A. A report was made within 72 hours to a law enforcement agency; and

B. A crime was determined to have occurred by the law enforcement officials taking the report.

16.33 WRONGFUL ACT

§24-4.1-108(1)(e)

The CVC Board may deny or reduce a claim for compensation if the law enforcement agency report of the alleged crime reflects that the claimant was engaged in an act punishable as a crime in this state and the claimant's injury or death was a direct result of his/her involvement in this act.

16.34 YOU HAVE OPTIONS

To better provide resources and support to victims of crime of sexual assault and in collaboration with police agencies that utilize the victim-centered reporting and investigative approach, You Have Options, the CVC Board may waive the cooperation eligibility requirement so that victims may receive assistance from Crime Victim Compensation in hopes that the victim will eventually make a full disclosure and assist law enforcement and the District Attorney's office with a full investigation and prosecution.

At the point a victim makes a partial report to a law enforcement agency that has adopted the You Have Options Program, the victim is eligible for Crime Victim Compensation.

SECTION 17.0

MEETING AND TRAVEL POLICIES

17.1 MEETING AND TRAVEL POLICIES

Meeting expenses or travel expenses incurred by CVC staff or Board members while conducting CVC business matters, attending meetings, trainings or conferences may be reimbursed or paid directly as agreed upon in the annual District Attorney or Judicial Administration budget and in accordance with the agreed upon expenditure agreement of that year.

- A. Local meetings and training expenses: Meeting expenses may include the purchase of nonalcoholic beverages, food, or supplies that are necessary or provided to the meeting/training group. Board members and staff may be reimbursed for the cost of lunches/dinners (including tips), that occur during a meeting or training and are paid by the Board member or staff. Receipts must be submitted to be reimbursed.
- B. Non-Local meeting and training expenses:
1. Travel Advances
Travel advances to Board members and staff can be obtained for per diem expenses only. Whenever possible per diem advances should be submitted ten days in advance of the travel date.
 2. Per Diem
Per diem expenses include normal daily living expenses such as meals, tips, nonalcoholic beverages and other incidental expenses, excluding transportation and lodging. Per diem rates will be based on the amounts outlined at www.gsa.gov.
 3. Lodging
Hotel / motel accommodations will be paid / reimbursed at actual rates. When Possible, lodging will be paid directly to the lodging establishment and will be paid in advance.
 4. Travel
 - a. Airfare: Airfare shall be reimbursed at actual rates. Reimbursement for airfare shall be at the lowest coach fare available. Board members and staff should plan as far in advance as possible to take advantage of discount fares.

- b. Other: If a Board member or staff elects to travel by automobile or other means, rather than by air, reimbursement shall be limited to the mode of transportation which incurs the lowest cost to the Board. The Board member or staff electing to utilize the more expensive mode of travel shall be responsible for payment of the excess amount. Staff electing to travel by automobile or other means during the regular work week shall be charged with accrued vacation, accrued sick leave, or leave without pay for that time spent en-route in excess of one travel day each way.
 - c. Taxi: Taxi fares for non-local travel required for attendance at scheduled conferences shall be reimbursed at cost with a receipt.
 - d. Rental Car: Board members and staff may utilize a rental car for non-local travel if such vehicles are necessary and only when pre-approved by the Board.
- C. Mileage Reimbursement

Mileage may be paid to Board members and staff when local travel is necessary to conduct business, attend meetings, trainings or conferences. Mileage must be documented on the Adams County Mileage Reimbursement Form and must be submitted with proof of insurance. Mileage will be reimbursed at the same rate used by Adams County.
- D. Cancellations

Whenever possible Board members and staff will cancel trainings, conferences and travel plans as early as possible to minimize cancelation fees incurred by the Board. Per diem monies will be returned or reimbursed to the District Attorney Administrative CVC Fund by the Board member or staff if they are unable to attend the event for which per diem money was given.
- E. Expectation of Attendance

District Attorney Administrative Funds used for meetings, trainings, conferences and travel are approved by the Board with the expectation that the attendee will be present during the meeting, training or conference classes.

SECTION 18.0

MASS CRIMINAL CRITICAL INCIDENT

- A. Upon the event of a mass criminal incident in Adams or Broomfield County, the Crime Victim Compensation Program Administrator of the 17th Judicial District may approve and disseminate a condensed version of the current CVC application. The condensed application is only available via the CVC Administrator and shall only be used for victims/families/witness of the mass incident. Law enforcement advocates will have access to the CVC Administrator, via work cell phone, to request such application or other CVC assistance at the time of incident.
- B. The CVC Administrator or any CVC Board member may request a special meeting to be held prior to the next regular scheduled board meeting.
 - 1. The CVC Administrator will project the possible financial impact of the incident and the availability of financial resources.
 - 2. For financial purposes, the CVC Board may create policies specific to the incident. The CVC Administrator shall disseminate incident specific policies immediately to all law enforcement agencies and victim services programs providing assistance to incident victims.

SECTION 19.0

CIVIL RIGHTS

If the Victim Compensation Program (director, staff, board members, etc...) receives notice from an individual alleging discrimination based on race, color, national origin, religion, sex, age, or disability in provision of services, the Victim Compensation Program will refer the individual to the state and federal Office for Civil rights as well as provide the individual with the contact information for the state and federal Offices for Civil Rights as follows:

Federal:

Phone number: (202)307-0690

TTY number: (202)307-2027

Website: <http://www.ojp.usdoj.gov/ocr>

State:

Phone number: (303)894-2997

TTY number: 711(303)894-2997

Website: <http://www.dora.state.co.us/civil-rights/>

17TH JUDICIAL DISTRICT

CRIME VICTIM COMPENSATION

POLICIES & PROCEDURES SIGNATURE PAGE

THESE POLICES AND PROCEDURES SUPERSEDE PREVIOUS POLICIES AND PROCEDURES AND SHALL
REMAIN IN EFFECT UNTIL AMENDED OR ABOLISHED.

Date of Adoption **05/18/2021**

CVC Board Member

DocuSigned by:
Shirley Peters
1A10FAA344C3438...

CVC Board Member

DocuSigned by:
Gerry Smith
E3D6DD690F79402...

CVC Board Member

DocuSigned by:
Gary Jacobson
58BC693DA4F041A...