

PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Crime Victims Compensation Board
(New Administrative Regulation)

802 KAR 3:030. Crime victims compensation awards.

RELATES TO: KRS 49.260 - 49.490, 216B.015, 216B.400

STATUTORY AUTHORITY: KRS 49.010(4)(b), 49.020(7)(a), 49.300(1), 49.370(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: During the 2024 Regular Session, the General Assembly passed Senate Bill 319, which amended KRS 49.370 by expanding the types of expenses the Crime Victims Compensation Board is authorized to award to crime victims. KRS 49.010(4)(b) and 49.020(7)(a) authorize the board and office to promulgate administrative regulation to carry out their statutory authority. KRS 49.300(1) authorizes the Crime Victims Compensation Board to promulgate regulations to carry out the provisions and purposes of the Board's enabling statutes. KRS 49.370(2)(b) authorizes the Board to promulgate regulations to establish additional guidelines for awards. This administrative regulation promotes efficiency in processing certain claim types by establishing eligibility criteria, subsets of eligible expenses, and providing guidelines for which forms of documentation crime victims need to substantiate claims.

Section 1. Relocation.

- (1) For purposes of a claim for relocation expenses pursuant to KRS 49.370(2)(a)(1),
 - (a) The minor is a victim's dependent if: The minor is the victim's biological child;
 - (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
 - (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
- (2) A victim or their dependent must provide written proof of relocation from one primary residence to another that occurred within six (6) months of the crime, which resulted from the victim or dependent's concern for the safety of themselves or other persons living at the residence as a result of the crime.
- (3) A claimant may recover the following types of expenses related to their relocation:
 - (a) Moving and travel expenses;
 - (b) Security deposit;
 - (c) Application fee;
 - (d) First and last month's rent;
 - (e) Utility deposit;
 - (f) First month's utilities;
 - (g) Down payment on the purchase of a residence;
 - (h) Closing costs;
 - (i) First month's mortgage payment; and
 - (j) Any other relocation-related expenses the Board deems should be paid in the interests of justice.

Section 2. Temporary Housing.

- (1) For purposes of a claim for relocation expenses pursuant to KRS 49.370(2)(a)(1), a minor is a victim's dependent if:
 - (a) The minor is the victim's biological child;
 - (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
 - (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
- (2) A victim or their dependent must provide written proof of temporary housing costs incurred within thirty (30) days of the crime, which resulted from the victim or dependent's inability to stay in their primary residence due to the crime.
- (3) A claimant may recover the following types of expenses related to their temporary housing:
 - (a) Lodging expenses, including at hotels, homestays, or similar accommodations;
 - (b) Travel expenses between the temporary housing and primary residence;
 - (c) Meal expenses;
 - (d) Expenses incurred for products necessary to maintain basic hygiene and health, which arose due to the victim's inability to stay at their primary residence; and
 - (e) Any other temporary housing-related expenses the Board deems should be paid in the interests of justice.

Section 3. Rehabilitative or Wellness Practices.

- (1) For purposes of a claim for rehabilitative and wellness practices pursuant to KRS 49.370(2)(a)(6), a minor is a victim's dependent if:
 - (a) The minor is the victim's biological child;
 - (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
 - (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
- (2) If a claimant engages in rehabilitative or wellness practices as the result of the crime, the Board may reimburse for expenses incurred for such practices only if a licensed healthcare provider prescribed or ordered the treatment as a result of the crime.

Section 4. Court Proceedings Related to the Crime. A victim and the victim's caregiver, if applicable, may recover the following types of expenses incurred for purposes of attending criminal court proceedings related to the crime:

- (1) Travel;
- (2) Parking;
- (3) Lodging;
- (4) Meals; and
- (5) Any other expenses related to attending crime-related criminal court proceedings that the Board deems should be paid in the interests of justice.

Section 5. Tattoo Removal for Victims of Human Trafficking.

- (1) Victims of human trafficking submitting claims for expenses for removal of tattoos received as a result of or related to the human trafficking crime shall submit the following:
 - (a) A police report or other documentation verifying the individual was trafficked;
 - (b) Documentation or evidence that the tattoo(s) resulted from being trafficked; and
 - (c) Receipts or invoices for removal of the tattoo(s).
- (2) An award under this section shall only be made for tattoos that have been completely removed.

Section 6. Reimbursement for Replacement of Items Seized as Evidence.

- (1) For purposes of a claim for replacement of items seized as evidence pursuant to KRS 49.370(2)(d), a minor is a victim's dependent if:
 - (a) The minor is the victim's biological child;
 - (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or

- (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
- (2) Claimants requesting reimbursement for replacement of items seized as evidence shall submit the following:
 - (a) Order from a court, inventory list, or evidence sheet itemizing the seized items; and
 - (b) Receipts, invoices, or estimates for the replaced items.

Section 7. Replacement of Windows and Locks. Claimants requesting reimbursement or payment for replacement or repair of windows and locks damaged as a result of the crime shall submit the following:

- (1) Police report or other documentation that the windows and locks were damaged during the commission of the crime;
- (2) Documentation or proof that the property where the damage occurred was the victim's primary residence or primary place of business; and
- (3) Receipts, invoices, or estimates for the repairs or replacement windows or locks.

Section 8. Medical Expenses. Claimants requesting reimbursement or payment for medical expenses incurred as a result of the crime shall submit the following documentation as proof of the eligible expenses:

- (1) Copies of itemized medical billing statements for medical treatment provided to the claimant as a direct result of the crime.
- (2) If itemized billing statements are not available, non-itemized medical billing statements shall be accepted if:
 - (a) The medical records from the visit are submitted along with the non-itemized medical billing statements; or
 - (b) The service provider submits a letter on its letterhead attesting that the services provided on the non-itemized billing statements are for medical treatment the claimant or victim required as a direct result of the victimization.

Section 9. Mental Health Counseling Expenses.

- (1) Claimants requesting reimbursement or payment of mental health counseling expenses shall submit the following documentation as proof of the eligible expenses:
 - (a) Mental Health Counselor's Report completed by the claimant's or victim's therapist or mental health clinician;
 - (b) Treatment plan devised by the claimant or victim's therapist or mental health clinician; and
 - (c) Copies of itemized billing statements for mental health treatment provided to the claimant or victim as a direct result of the crime.
 - 1. In the event itemized billing statements are not available, non-itemized billing statements shall be accepted if:
 - 2. The therapist or clinician notes from the visit are submitted along with the non-itemized medical billing statements; or
 - 3. The service provider submits a letter on its letterhead attesting that the services provided on the non-itemized billing statements are for mental health treatment the claimant or victim required as a direct result of victimization.
- (2) The two (2) year limitation on mental health counseling shall begin upon initial mental health counseling treatment and expire upon the passage of two (2) years, subject to the following provisions:
 - (a) If the claimant or victim pauses mental health counseling treatment recommended pursuant to the provider's treatment plan, the two (2) year period shall also pause; and
 - (b) If and when the claimant or victim resumes regular mental health counseling treatment pursuant to the provider's treatment plan, the running of the two (2) year period shall resume.

Section 10. Lost Earnings.

- (1) Claimants requesting reimbursement of lost earnings shall provide the following documentation as proof of the loss of income arising from the crime:
 - (a) Employment Verification Form completed by the claimant or victim's employer. If the claimant or victim is unable to obtain a completed Employment Verification Form, the Board may accept paystubs, tax returns, bank statements, or other documentary evidence to substantiate lost earnings. Bank statements shall clearly delineate direct deposit of earnings into the claimant or victim's bank account.
 - (b) If the lost earnings resulted from physical injury sustained during the crime, a Physician's Statement Form; and
 - (c) If the lost earnings resulted from psychological injury or trauma sustained during the crime, a Mental Health Counselor's Report.
 - (d) If the claimant or victim is unable to obtain a completed Physician's Statement or Mental Health Counselor's Report, the Board may accept the following alternate documentation to substantiate the medical necessity of the lost earnings:
 - 1. Medical records from a hospital, physician's office, counselor's office, or other legally registered medical service provider that provides medical or mental health treatment to the claimant or victim; and
 - 2. Return to work statements provided by the claimant or victim's treating physician or mental health clinician on provider letterhead.
- (2) Family members of deceased victims may seek lost earnings constituting bereavement leave for any time missed from work during the four (4) weeks immediately following the victim's death.
 - (a) Claimants requesting reimbursement of lost earnings constituting bereavement leave shall provide an Employment Verification Form completed by the claimant's employer as proof of the loss of income arising from the crime. If the Claimant is unable to obtain a completed Employment Verification Form, the Board may accept paystubs, tax returns, bank statements, or other documentary evidence to substantiate lost earnings. Bank statements shall clearly delineate direct deposit of earnings into the claimant or victim's bank account.
 - (b) A Physician's Statement or Mental Health Counselor's Report shall not be required for the Board to award a claimant lost earnings for time missed from work during the four (4) weeks immediately following the victim's death.
 - (c) If the claimant seeks lost earnings for time missed from work beyond the four (4) week period immediately following the victim's death, the Board shall require a Physician's Statement or Mental Health Counselor's Report.

Section 11. Loss of Support. Claimants requesting reimbursement for loss of support as a result of the crime shall provide documentation as proof of the loss of support, which may include but not limited to documents or records outlining the amount of financial support provided by the victim or offender that was lost as a direct result of the crime, such as:

- (1) Paystubs, tax returns, or bank statements clearly delineating direct deposit of earnings into the offender or victim's bank account; or
- (2) Utility, rent, or mortgage bills or receipts for living or other expenses previously paid for by the victim or offender prior to the crime.

Section 12. Funeral and Burial Expenses. Claimants requesting reimbursement or payment of funeral and burial expenses shall submit the following documentation as proof of the eligible expenses:

- (1) Copy of the signed service contract from the funeral home, crematory, mortuary, cemetery, monument company, or other funeral or burial service provider for the victim's expenses; and
- (2) Invoices or receipts evidencing payments made to the service provider, if applicable. Unsigned service contracts shall be accepted as proof of the expense when the claimant otherwise meets the eligibility criteria for receiving compensation benefits from the Board pursuant to KRS 49.280(4) and 49.310(1).

Section 13.

- (1) For purposes of awards of claims submitted by a victim's caregiver or caregivers pursuant to KRS 49.310(1)(e), no more than two (2) primary caregivers of a victim shall receive awards under that subsection related to the same crime.

(2) In addition to all other required documentation, victim caregivers submitting claims pursuant to KRS 49.310(1)(e) shall provide documentation or proof substantiating that the individual is the victim's primary caregiver.

Section 14. Crime Scene Cleanup.

- (1) Claimants or victims seeking reimbursement for crime scene cleanup shall submit the following documentation:
 - (a) Proof the crime occurred at the claimant or victim's primary residence or business;
 - (b) Proof of a need for crime scene cleanup services, including photos of the crime scene or other substantiating documentation;
 - (c) Invoices or receipts for the cost of the cleanup; and
 - (d) Proof that the cleanup services occurred within thirty (30) days of the crime.
- (2) The Board may only award crime scene cleanup expenses sufficient to return the residence or business to its pre-crime condition.

Section 15. Collateral Source Offsets. Monetary amounts collected through crowd funding sources or websites shall not be considered a collateral source offset to an award to a claimant unless:

- (1) The crowdfunding fundraiser, when created, specifically identified the types of expenses the collected funds would cover;
- (2) The identified expense types are the same as expenses the claimant has requested and is eligible to receive in their crime victims compensation claim; and
- (3) The Board obtains or receives proof the collected funds were remitted to or on behalf of the claimant.

Section 16. Payment of Claim. When the Board awards a claim, the awarded expenses shall be paid as follows:

- (1) If the claimant paid the expense in full, the Board shall issue payment directly to the claimant.
- (2) If the claimant has incurred the indebtedness but not paid the expense, the Board shall issue payment directly to the service provider.
- (3) If the claimant has partially paid the expense and a balance remains due to the provider, the Board shall issue payment to the claimant in the amount he or she paid and a separate payment to the service provider for the unpaid balance.
- (4) If the eligible expenses exceed the applicable award maximum, the Board shall first award and issue payment to the claimant for amounts he or she paid out of pocket, then award and issue payment to the provider for as much of the outstanding balance as may be paid within the applicable award maximum.
- (5) If the Board awards a claim that includes outstanding balances owed to multiple service providers, and the total of the outstanding balances exceeds the overall award maximum, the Board shall award expenses, and issue payment, to the eligible service providers on a pro rata basis.

LANOLA PARSONS, Chairperson, Crime Victims Compensation Board
JOHN HARDESTY, Executive Director

APPROVED BY AGENCY: January 14, 2025

FILED WITH LRC: January 15, 2025 at 10:32 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 am on March 27, 2025 in Room 247 CE of the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. This hearing shall be conducted both in-person and virtually via Microsoft Teams videoconferencing. Individuals interested in attending the public hearing virtually may access the hearing at: https://teams.microsoft.com/join/19%3ameeting_ZmM3NGRiODYtYjBmYi00ZWE4LTg1OWQtN2JjNjFkYzgZjcw%40thread.v2?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%22636ef07a-f33f-4378-b8ae-79c6f05a1438%22%7d. The Meeting ID is: 237 908 005 529. The Passcode is: 48N9bQ2U. For phone access, please dial +1 502-632-6289, 867966031# and enter the following Phone Conference ID: 867 966 031#. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM EST on March 31, 2025. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Shelby Bevins-Sullivan, Staff Attorney, 500 Mero Street, 2 SC 1, Frankfort, Kentucky 40601. Phone: 502-782-3556. Fax: 502-573-4817. Email: sbevinssullivan@ky.gov.