



PUBLIC PROTECTION  
CABINET

Office of Claims and Appeals

## **CRIME VICTIMS COMPENSATION BOARD FREQUENTLY ASKED QUESTIONS**

**Q: What statutes and regulations do the Crime Victims Compensation Board (the “Board”) operate under?**

A: The Crime Victims Compensation Board currently operates under Kentucky Revised Statutes Chapter 49 and Kentucky Administrative Regulations Title 802.

**Q: Who is eligible to receive compensation benefits from the Board?**

A: KRS 49.310(1) outlines eligibility. A person is eligible to receive compensation benefits from the Board if they are:

- A victim of criminally injurious conduct;
- A surviving family member\* or personal representative of a victim of criminally injurious conduct who died as a direct result of the conduct;
- Any other person dependent for his or her principal support upon a victim of criminally injurious conduct who died as a direct result of the crime;
- Any person who is legally responsible for the medical expenses or funeral expenses of a victim; or
- Any person acting as the primary caregiver for a victim of criminally injurious conduct.

\*Family is defined by KRS 49.280(4) and includes:

- The person’s spouse;
- Any person related to the person within the second degree of consanguinity;
- Any person maintaining a sexual relationship with the person;
- Any person residing in the same household with the person; or
- Any stepchild, stepparent, stepbrother or stepsister.

**Q: Can crime related bills be sent to collections before a claim is investigated and decided?**

A: Yes. In the event that they are, KRS 49.380 provides that:

“Upon the filing of an application for a claim with the Crime Victims Compensation Board, all debt collection actions by a creditor or the creditor's agent, against the claimant for a debt or expense covered under KRS 49.370(2) and related to the substance of the claim shall cease pending a resolution of the claim by the board, if the claimant: (a) Provides written notice to the creditor or creditor's agent that a claim has been submitted to the board; and (b) Authorizes the creditor or creditor's agent to confirm with the board the claimant's application with the board and that the debt or expense upon which the collection action is based may be covered under KRS 49.370(2).”

**Q: Is filing a claim with the Board an automatic guarantee that my expenses will be paid?**

A: No. Filing a claim with the Board does not mean that the Board automatically will pay the submitted expenses. The Board is required to comply with KRS Chapter 49 and KAR Title 802 when determining eligibility for an award.

**Q: What are the requirements for receiving compensation from the Board for my expenses?**

A: If a Claimant and/or victim meets the eligibility criteria provided for in KRS 49.310, the Claimant and/or victim must also:

- Be an innocent victim of a crime or some type of conduct that could be charged as a crime. A conviction is not required; and
- Have incurred expenses or losses as a direct result of criminally injurious conduct.

**Q: What categories of expenses are compensable by the Board?**

A: The following categories of expenses are compensable pursuant to KRS 49.370:

- Medical/dental expenses;
- Funeral/burial expenses;
- Mental health counseling expenses;

- Lost earnings;
- Loss of support;
- Relocation (from one primary residence to another);
- Temporary housing;
- Tattoo removal (for survivors of human trafficking only);
- Crime scene cleanup;
- Reimbursement for the replacement of items seized by police as part of their investigation;
- Replacement or repair of windows or locks (at the primary residence or business of the victim);
- Rehabilitative or wellness practices;
- Expenses related to criminal court proceedings related to the crime; and
- Replacement of eyeglasses and other corrective lenses.

Pursuant to KRS 49.370 the Board may also:

- Grant awards for lost earnings constituting bereavement in cases of homicide for up to four (4) weeks. Proof of employment/income, Employment Verification Form, and all other elements of the claim are still required in order for bereavement to be paid.
- Grant awards for emotional support animals. The Board must find that the emotional support animal is medically necessary as a direct result of the crime, similar to all other awardable medical expenses, in order for payment to be made.
- Provide a lump sum payment to survivors of sexual assault who do not file their claims within ten (10) years of the date of the criminally injurious conduct when the delay in filing is due to either a delay in testing the Sexual Assault Forensic Exam (“SAFE”) kit or a delay in matching DNA to a perpetrator.

**Q: What types of expenses are NOT compensable by the Board?**

A: Property damage or loss, except as provided in KRS Chapter 49, and pain and suffering, emotional distress, and loss of consortium.

**Q: What information will I be required to submit to the Board for my claim?**

A: Specific requirements will vary depending on the type(s) of expenses for which

the Claimant or victim is requesting compensation. Generally speaking, however, the requirements are:

- Completed claim form with all sections completed in their entirety unless a section is marked “optional”;
- Police report of the incident; and
- Itemized billing statements or invoices from each service provider for which the Claimant and/or victim is requesting compensation. These include, but are not limited to, itemized medical bills, funeral service contracts, itemized counseling bills, etc.

**Q: What is the general claims process?**

A: Once a claim is filed, the Board clerk enters each claim into the database and assigns it a claim number. The Board clerk then assigns each claim to one of the investigators for investigation pursuant to KRS 49.340(1).

Under KRS 49.340(5), upon the completion of each investigation, the Board clerk assigns each claim to one of the Board’s three (3) members for a preliminary review and the issuance of a Recommended Order.

After the preliminary review, the Board’s three (3) members return each claim to the Board clerk for placement on a future agenda before the full Board for a final determination on the awarding or dismissal of a claim. KRS 49.340(5) and (7).

Once a claim is set to appear before the Board, the Board clerk mails the Board Member’s Recommended Order to the Claimant and all other required parties. Each Claimant has fifteen (15) days in which to file exceptions to the Recommended Order if the Claimant disagrees with the recommendation. KRS 49.340(7).

During the monthly board meeting, the full Board will discuss the claim and any exceptions that may have been filed. Upon such discussion, and after being sufficiently advised, the full Board will render a Final Order pursuant to the powers granted to it in KRS 49.020 and 49.300. The Board clerk then mails the Final Order to the Claimant and all required parties.

Upon receipt of the Board’s Final Order, the Claimant may, pursuant to KRS 49.340(8) and KRS Chapter 13B, appeal the decision by filing a petition for judicial review in either the county where the claim accrued or in Franklin Circuit Court within thirty (30) days from the date that the Final Order is mailed.

If a claim is awarded by the Board, payment information is drafted by the Board clerk and is forwarded to the Finance Cabinet for processing.

**Q: Does the Board have any caps on payments of claims?**

A: Yes. Below are the award caps established in KRS 49.370:

- Overall award cap: \$50,000.00
- Medical/dental expenses: up to overall \$50,000.00 cap
- Funeral/burial expenses: \$10,000.00 and is included within the overall cap
- Mental health counseling expenses (up to two (2) years): up to overall \$50,000.00 cap
- Lost earnings: \$500.00 per week up to overall \$50,000.00 cap
- Loss of support: \$500.00 per week up to overall \$50,000.00 cap
- Relocation: \$2,000.00
- Temporary housing: \$2,000.00
- Tattoo removal (for survivors of human trafficking only): \$4,000.00
- Crime scene cleanup: \$2,000.00
- Reimbursement for the replacement of items seized by police: \$500.00 per item
- Replacement or repair of windows or locks: \$1,500.00
- Rehabilitative or wellness practices: \$1,000.00 per year per person up to two (2) years
- Expenses related to court proceedings: up to overall \$50,000.00 cap
- Replacement of eyeglasses and other corrective lenses: up to overall \$50,000.00 cap
- Emergency award requests: \$1,000.00

**Q: How can I obtain a claim form?**

A: You can go to the Board's website ([KYCC.ky.gov](http://KYCC.ky.gov)) to access a paper claim form. You can also file a claim online at [KYCC.ky.gov/CVOnline/home](http://KYCC.ky.gov/CVOnline/home)

**Q: Where should I send my paper claim form?**

A: Paper claim forms can be submitted to the Board by fax (502-573-4817), by email at [crimevictims@ky.gov](mailto:crimevictims@ky.gov), or can be mailed to 500 Mero St., 2SC1, Frankfort, KY 40601.

**Q: Who should I contact with any questions about the Crime Victims Compensation (“CVC”) program?**

A: Programmatic questions regarding the CVC program can be submitted to Executive Staff Advisor Ray Shields at [Raymond.shields@ky.gov](mailto:Raymond.shields@ky.gov) / 502-782-8242. Legal questions regarding the program can be submitted to Staff Attorneys Shelby Bevins-Sullivan at [sbevinsullivan@ky.gov](mailto:sbevinsullivan@ky.gov) / 502-782-3556 or Linda Horsman at [linda.horsman@ky.gov](mailto:linda.horsman@ky.gov) / 502-782-4644.

Please note that the Board’s attorneys cannot provide private legal advice. If you are in need of legal counsel, please consult a private attorney in your area.

**Q: Can a Claimant submit additional bills to the Board after filing the claim?**

A: Yes. Any additional bills that the Claimant or victim incurs subsequent to the crime that are crime-related and compensable can be considered as well.