CALCULATING BENEFITS:
LOST WAGES AND SUPPORT, AND OTHER COST ITEMS

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"In order to be eligible for loss of earnings, the victim must demonstrate that, as a direct result of injuries caused by the crime, he/she is medically disabled from working and, further, the exact number of weeks for which he/she will be disabled from working."

"An award for loss of earnings shall be based on the victim’s actual earnings at the time of the crime. If the victim was performing salaried employment at the time of the crime, the award shall be based on the victim’s salary at the time of the crime."

LOST WAGES
"Upon request by the office, the Applicant must provide:

1) verification from his/her employer (or, if self-employed, from his/her own income tax records) that he/she was employed at the time of the crime; and of the dates he/she was absent from work, his/her net weekly earnings at the time of the crime, and any sick and/or vacation benefits used in his/her absence;

2) proof of employment and earnings history for one year preceding the crime"

CALCULATING LOST WAGES
LOST WAGES VERIFICATION FORMS
CALCULATING LOST WAGES

"An award for loss of earnings shall be based on net (after tax) earnings. Any compensation awarded shall be reduced by any money received or receivable from any other public or private source including, but not limited to, workers' compensation benefits, social security benefits, disability benefits, and sick and vacation benefits."

“In order for the parent/guardian of a minor or incompetent crime victim to be eligible for loss of earnings, the parent/guardian must demonstrate that he/she was absent from work as a direct result of circumstances attributed to the crime due to:

- required medical treatment for the victim
- required mental health treatment for the victim
- required court appearances for the victim or required meetings for the victim with law enforcement in the preparation and prosecution of the criminal case.”

**LOST WAGES FOR PARENT OR GUARDIAN LETTER**

Dear [Redacted],

In order to process your compensation request for loss of earnings as parent/guardian of a minor crime victim, we need the following information:

1. **Employment Verification:**
   - If you are employed, please provide us with the contact information for your employer.
   - If you are self-employed, please provide us with your tax returns for the last three (3) years.

2. **Affidavit:**
   - Please complete and return the enclosed affidavit, certifying that you have missed time at work on the dates for which you seek compensation for loss of earnings.

3. **Documentation of the reason(s) you were absent from work:**
   - Be advised that Crime Victim Compensation may only be awarded for absences from work for the following crime-related circumstances:
     - required medical treatment for the victim;
     - required mental health treatment for the victim;
     - required court appearances for the victim; or
     - required meetings for the victim with law enforcement in the preparation and prosecution of the criminal case.

Please provide us with documentation of the reasons you were absent from work due to any of the above-stated circumstances. Documentation may include: criminal docket, subpoenas, appointment cards, names/address of providers seen by victims, etc.

Please submit the requested information as soon as possible. If the requested information is not received, payment may be delayed or denied. If you have any questions or concerns, please call us at (401) 462-7665.

Sincerely,

[Redacted]
LOST WAGES

- 9.4% of total payout from fiscal year 19
IC 5-2-6.1-21 Compensable losses

- (2) Loss of income the:
  - (A) victim would have earned had the victim not died or been injured, if the victim was employed at the time of the crime; or
  - (B) parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off work to care for the victim.
LOSS OF INCOME

- Most employment through a temp agency will not qualify for assistance
LOSS OF INCOME

- The goal is to return the victim to 100% of their income before the incident.

- Workman compensation does not automatically disqualify the victim.

- If self-employed; Must submit copy of last years W-2.
DOCTOR’S NOTE
SPECIFYING A PHYSICAL INJURY PREVENTING THE VICTIM FROM RETURNING TO WORK WITH THE EXACT DATE HE/SHE WAS RELEASED TO RETURN.

EMPLOYER QUESTIONNAIRE
“In order to be eligible for loss of financial support, an eligible Applicant must demonstrate that, at the time of the crime, he/she was wholly or partially dependent upon the financial support of the victim at the time of his or her death.”
An eligible Applicant is **wholly financially dependent** if he/she demonstrates that:

1) he/she is a minor child of the victim who was living with the victim at the time of the crime and receiving financial support from the victim; for purposes of a minor child, the value of the care provided by a stay-at-home parent with whom the child resided, shall constitute financial support; or

2) at the time of the crime, the eligible Applicant was living with the victim and the victim’s income constituted his/her primary source of financial support.

An eligible Applicant is **partially financially dependent** if he/she demonstrates that:

1) he/she is a minor child of the victim who, at the time of the crime, was not living with the victim but was receiving financial support directly from the victim; or

2) at the time of the crime, the eligible Applicant was living with the victim and dependent on financial support received directly from the victim as shown by the joint loan agreements, joint bank accounts or other documents evidencing financial dependence.

**DETERMINING LOSS OF SUPPORT STATUS**
CALCULATING LOSS OF SUPPORT

“Once the dependency of the eligible Applicant has been established, an award for loss of support shall be calculated based on the number of weeks for which the Applicant would have remained financially dependent on the victim.”

a) If the Applicant was wholly dependent on the victim for financial support, an award for loss of support shall be based on the rate of $250.00 per week.

b) If the Applicant was partially dependent on the victim for financial support, an award for loss of support shall be based on the rate of $125.00 per week.
“If two or more Applicants seek compensation for loss of financial support from the same victim, the award shall be apportioned based on each Applicant’s loss of financial support from the victim, notwithstanding, in the case of two or more minor children seeking compensation for loss of support from the victim-parent, then the award shall be divided equally between the minor children.”

“The Administrator may require that such funds be placed in a trust account for the benefit of the minor dependent. The Administrator may also require that the Applicant or individual entrusted with the care and custody of the minor dependent execute and deliver to the office a trust agreement”
Affidavit of Known Defendants of Deceased Victims

Determination of Loss of Support Status

LOSS OF SUPPORT DOCUMENTS
12-25-18. (e) All state and municipal departments and agencies, including law enforcement agencies, as well as hospitals, physicians, and other service providers, shall cooperate with the office in the investigation of claims filed pursuant to this chapter.
• IC 5-2-6.1-21 Compensable losses

• (5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.
LOSS OF SUPPORT

- 7.7% of total payout from fiscal year 18
## LOSS OF SUPPORT

- Birth Certificate
- child support order
- Proof of guardianship
- Social security disability
(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars ($5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

- Donations are not reimbursed

- “Go Fund Me” accounts are only taken into consideration is the claimant is the one that opened the account.

- Pre need/funeral insurance is deducted from award.
FUNERAL BENEFIT

Copy of itemized bill from funeral home.

If bill is paid; need copy of receipt showing who paid.

If payment is indicated from County Trustee’s office; must have copy of agreement signed.
The maximum award for funeral and burial expenses shall be limited to $10,000.00.

Funeral and burial expenses shall be limited to those expenses incurred at the funeral home, cemetery charges, expenses for a headstone for the victim and such other reasonable and necessary charges as determined by the Administrator.
FUNERAL & BURIAL

- 14.5% of total payout from fiscal year 19
Emergency Relocation

- An award for expenses resulting from the temporary or permanent relocation of a victim, or the temporary or permanent relocation of a relative, domestic partner or dependent of a homicide victim provided that such relative, domestic partner or dependent was living in the same household where the homicide occurred.
  
  - The crime must have occurred in the primary place of residence
  
  - The applicant must have an immediate need to relocate
    - 38.2% of of total payout from fiscal year 19

Crime Scene Clean-Up

- The professional bio-hazard clean-up, disinfecting, and removal items contaminated by blood or other bodily fluids, dirt stains or other debris caused by the crime for which victim or Applicant is seeking compensation.

  ▶ An award for crime scene clean-up shall not exceed the sum of $2,000.
“In particular, methods to calculate and retain records for lost wages and loss of support payments appeared to present challenges. States may use VOCA funds to reimburse victims for loss of wages attributable to a physical injury resulting from a compensable crime. However, we found the compensation programs for at least two States did not adequately document the basis for the amount of lost wages paid to victims. Additionally, these States did not have a documented methodology for how they calculated the income tax deducted from lost wage claims, nor could they consistently demonstrate adjustments made to compensation payments to account for part-time, seasonal, or commission-based work.”

REVIEW OF THE OFFICE OF JUSTICE PROGRAMS’ EFFORTS TO ADDRESS CHALLENGES IN ADMINISTERING THE CRIME VICTIMS FUND PROGRAMS

Office of the Inspector General
U.S. Department of Justice
COMMON TRENDS:
Audit by the Office of the Inspector General
U.S. Department of Justice

“Although we found that the [state] planned for the increase in VOCA funding, the 3-year subrecipient cycle restricted program growth, which we believe resulted in missed opportunities to serve victims.”
“Specifically, we determined that the judicial districts were not obtaining documentation from victims to support lost wages claims. Prior to the initiation of our audit [state] issued additional guidance to the judicial districts detailing the documentation necessary to support lost wages claims. We did not identify any unsupported lost wages claims that occurred subsequent to the issuance of this guidance. As a result, we are not making a recommendation related to this issue.”
COMMON TRENDS:
Audit by the Office of the Inspector General
U.S. Department of Justice

▶ “In particular, we found that the basis for the amount of lost wages did not include past income tax returns, pay stubs, W-2 forms, or other documentation demonstrating the lost wage.”
COMMON TRENDS:

Audit by the Office of the Inspector General
U.S. Department of Justice

- “Specifically, we found that [state] did not base its wage calculations on employer provided information but rather information provided by the victim. Without obtaining adequate documentation to support a victim’s wage, such as an employer’s wage statement, [state] was at an increased risk of inaccurately paying crime victims.”