

## **SYNOPSIS OF PROPOSED REVISIONS TO THE CRIMINAL JUSTICE COORDINATING COUNCIL RULE 144-4-.06 VICTIMS OF CRIME BOARD**

**PURPOSE:** The purpose of this proposed amendment is to modify some of the language in the existing rule to ensure that the language is compatible with the existing Code. It is also an attempt to effectively and efficiently achieve the provisions and purposes of the statute, and to clarify the process for victims/claimants, advocates and providers who assist victims/claimants with the application process.

**MAIN FEATURES:** The proposed amendments include:

In Rule 144-4-.06, the word amended is added to the caption. The paragraph designations are reconfigured from “(1)” through “(8)” to “(A)” through “(I).” At the beginning of the section, “(A)” is placed before “Purpose” and “et. seq.” is italicized. Paragraph (1) is replaced by “(B) Definitions,” and the definitions for “Board,” “Crime,” Claimant,” “Director,” “Health Care Coverage,” and “Investigator” are added. Paragraph (2) is replaced by “(C) Members of the Board; Terms; Chairperson; Meetings; and Administration.” Language is added in newly created paragraphs (B) Members of the Board; Terms; Chairperson; Meetings; Administration. New sub-paragraphs (1) through (5) detailing term limits and authorizing appointment of a chair and vice chair, providing the Board’s mailing address, and its general authority to contract. Paragraph (3) is replaced with “(D) Applications; Decisions by Director. Language is added requiring that applications have an original signature. Sub-paragraphs (c) and (d) are replaced by language allowing the Director to overturn 72-hour reporting denials for good cause and denials for lack of cooperation when the documentation is supplied before a hearing. Paragraph “(4) Eligibility; Loss of Support,” paragraph “(5) Exhaustion of Resources,” paragraph “(6) Review of Claims and Verification, and “paragraph“(7) Dispositions: Approval or Denial,” are deleted in their entirety. A new paragraph “(E) Eligibility; Exhaustion of Resources; Loss of Support; Review of Claims; and Verification” is created which details which claims are compensable, who may make a claim, and the documentation needed to file a claim. A new paragraph “(F) Crime Scene Sanitization (“CSS”))” is created which details the reimbursement process for crime scene clean-up. A new paragraph “(G) Counseling” is created which details which counseling claims are compensable and who is eligible. Paragraph “(H) Medical” is created which requires a medical referral for payment of chiropractic bills. Paragraph “(I) Disposition and Review” is created which details the approval, denial and appeal process for claimants.

**DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE. [Note: Underlined text is proposed to be added; line-through text is proposed to be deleted.]**

**144-4-.06 Crime Victims Compensation Board. Amended.**

**(A) Purpose.** In accordance with O.C.G.A. § 17-15-1 ~~et. seq.~~ et. seq., the Council acts as the Crime Victims Compensation Board to administer the Crime Victims Emergency Fund. These Rules prescribe policies and procedures in addition to those set forth in O.C.G.A. § 17-15-1, ~~et. seq.~~ et. seq.

**(B) ~~(1)~~ Definitions.**

(1) "Board" means the Georgia Crime Victims Compensation Board.

(2) "Crime" means an act of violence as defined by O.C.G.A. Section 17-5-2(3) that results in physical injury, serious mental or emotional trauma, or death.

(3) ~~(a)~~ "Crime scene sanitization" means the removal or attempted removal of blood, dirt, stains or debris which requires hauling and dumping from the crime scene and may include the reasonable out-of-pocket cost of cleaning supplies, paint, equipment rental, and labor purchased as a direct result of the crime or investigation of the crime scene.

(4) ~~(b)~~ "Claimant" means a victim or other person as defined by O.C.G.A. Section 17-15-7(a)(1) who was not actively engaged in criminal conduct at the time of their injury and who has incurred expenses that may be reimbursed by the Crime Victims Compensation Board .

(5) "Director" means the Director of the Criminal Justice Coordinating Council or their designee.

(6) ~~(c)~~ "Financial hardship" means loss of wages and/or medical expenses incurred as a result of the victimization.

(7) "Health care coverage" means insurance coverage for which the victim is billed.

(8) "Investigator" means an investigator of the Criminal Justice Coordinating Council.

~~(d) "Victim" does not include anyone actively engaged in criminal conduct at the time of the injury.~~

**(C)(2) Members of the Board; Terms; Chairperson; Meetings; and Administration.**

(1) The Director shall appoint at least five members of the Council to serve as the Crime Victims Compensation Board. The members must include a law enforcement officer, a member of the State Bar of Georgia and an individual who shall be, by virtue of training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs.

- (2) Board member shall serve at the pleasure of the Director for terms of four years. However, the term of any Board member shall terminate in the event that Board member is no longer serving as a member of the Criminal Justice Coordinating Council.
- (3) The Director shall designate one member of the Board as Chairperson and one member as Vice Chairperson for 2 year terms. The Chair and Vice-Chair shall serve at the pleasure of the Director.
- (4) Upon appointment to the Board, new members shall not be viewed as a voting member until *after* attending their first Board meeting.
- (5) The Victims Compensation Board is located as follows:  
104 Marietta Street, NW, Suite 440  
Atlanta, Georgia 30303
  - (a) The Board shall meet in Atlanta or elsewhere throughout the State as necessary, at the call of the Chairperson or Director.
  - (b) The Board is empowered to contract for services from actuaries, investigators, and other specialized personnel as shall be necessary to enable the Board to carry out its functions.

**(D) (3) Applications; Decisions by Director.**

- 1. ~~(a)~~ Claimants shall submit a completed ~~original~~ application (with original signature) to initiate a compensation claim. The Board shall make available the application forms and any additional forms necessary for the processing of claims.
- 2. ~~(b)~~ The submission of a completed application to the agency will be deemed proper filing with the Board. The agency shall assist claimants with incomplete applications as necessary to assure their completeness.
- 3. The Director may overturn a 72-hour reporting denial, for good cause shown.
- 4. The Director may overturn the denial for lack of cooperation with the program where all requested documentation is submitted before the scheduled appeals hearing.
- ~~(c) The Director may extend the one year filing deadline for an application for up to three years from the date of victimization for minor victims of sexual abuse and child abuse.~~
- ~~(d) The Director may extend the one year filing deadline for an application by the amount of time a victim is a hospital inpatient or incapacitated, but in no event beyond three years from the date of the victimization.~~
- ~~(4) Eligibility; Loss of Support.~~
  - ~~(a) With the exception of those acts enumerated in O.C.G.A. § 17-15-2(3)(ii)-(iii), a crime must have been committed in Georgia to qualify for compensation.~~
  - ~~(b) The Board may award compensation for loss of support to a claimant who can establish a financial dependency at the time of the incident upon the income of the~~

~~victim's assailant or offender, but which as a result of the assailant/offender's incarceration, is no longer available to or accessible by the victim.~~

~~(c) In computing loss of support, the Board may only consider the offender's earnings and/or the amount of money or economic assistance contributed to the victim and victim's household at the time of the injury.~~

~~(d) Where the victim has received or is receiving a greater share of support contributed by sources other than the offender at the time of the incident, no compensation for loss of support may be awarded.~~

~~(e) Where a claimant has been awarded compensation and subsequently seeks compensation for a separate incident, the claimant may be asked to appear before the Board to explain the subsequent claim. In consultation with the Board, the Director shall determine whether the claimant may be rendered additional compensation based upon the separate incident.~~

~~(f) The Board may award compensation to the victim for reasonable and necessary costs of crime scene sanitation which were the financial responsibility of the victim or claimant and for which reimbursement from other sources is not available.~~

~~(g) Compensable counseling services are those services rendered by professionals duly licensed or certified by the appropriate state authorities. Compensation will not be provided for counseling benefits without a completed treatment plan. To the extent that funds within the counseling allowance are available, parents or guardians of a minor victim, children of an adult victim or members of a victim's immediate family may receive compensation for counseling services.~~

~~(5) Exhaustion of Resources. No award will be made until the claimant has exhausted all other public and private resources available to him or her (i.e. insurance, employee benefits, worker's compensation, other state government assistance, Medicaid/Medicare, etc.).~~

~~(6) Review of Claims and Verification. — The agency shall review each claim for the required findings and shall render an agency decision as to eligibility and award amount based on the factors set forth in O.C.G. A. § 17-15-8.~~

~~(7) **Disposition: Approval or Denial.** The agency shall furnish a claimant with a copy of the approval or denial of a claim. Claimant may thereupon submit additional information. If the Director determines good cause is shown by the claimant, the Director may withdraw the decision for reconsideration.~~

~~(8) **Review by Board.** A claimant may submit a written request to the Board to request review of the disposition of the claim. On its own motion, the Board may designate a hearing officer to review a claim and make a written recommendation to the Board prior to a hearing. A hearing will be set on the Board calendar and the claimant must be notified of the date and time.~~

~~Hearings will be conducted in an informal manner to encourage claimants to plead their own claims. If a claimant chooses to be represented by an attorney, the~~

~~claimant shall be responsible for the payment of attorney's fees. Compensation will not be awarded to pay attorney's fees.~~

~~The Board shall render its decision within 10 business days after the conclusion of the hearing. The Board may uphold or reject the agency determination or remand the decision for additional findings or investigation.~~

**(E) Eligibility; Exhaustion of Resources; Loss of Support; Review of Claims; and Verification.**

(1) With the exception of those acts enumerated in O.C.G.A. § 17-15-2(3)(A), a crime must have been committed in Georgia to qualify for compensation.

(2) The agency shall review each claim for the required findings, shall render an agency decision as to eligibility, and shall award an amount based on the factors set forth in O.C.G. A. § 17-15-7 and O.C.G.A. §17-15-8. No award will be made until the claimant has exhausted all other public and private resources available to him or her (such as insurance, employee benefits, worker's compensation, other state government assistance, Medicaid/Medicare).

(3) The Board may award compensation for loss of support to any claimant who can establish a financial dependency at the time of the incident upon the income of the claimant's assailant or offender, and which, as a result of the assailant/offender's incarceration is no longer available to or accessible by the claimant.

(a) In computing the loss of support of the claimant dependent, the Board shall only consider the offender's earnings and/or the amount of money or economic contributions the offender was actually contributing to the claimant's household at the time of the injury of the claimant.

(b) Where the claimant has received or is receiving a greater sum of money from other sources than the sum contributed for support from the offender at the time of the incident, no compensation for loss of support shall be awarded to the

(4) With the submission of verified documentation and following current payment guidelines, the Board may consider covering all loss or reduction of the victim's income due to the victimization (excluding unemployment benefits.)

(5) The Board may award compensation for loss of support to a claimant who can establish a financial dependency, to include dependency established through insurance coverage. Loss of support awards can be based on the income of the deceased victim, or the victim's assailant/offender.

(a) The victim or claimant must establish a verifiable loss due to the assailant/offender's incarceration and/or absence from the home.

(b) Loss of support will be based on the decedent's or offender's income.

(c) In computing loss of support, the Board may only consider the offender's earnings and/or the amount of money or economic assistance contributed to the victim and victim's household at the time of the injury.

(d) Where the victim has received or is receiving a greater share of support contributed by sources other than the offender at the time of the incident, no compensation for loss of support may be awarded.

(e) The Board may authorize payment of lost wage benefits for victims attending court proceedings and/or meetings with Investigative agencies (e.g., law enforcement, DFCS, etc.) or Prosecutor's offices, when not subpoenaed. In the case of deceased victims, this benefit will be limited to the parents, children, and spouse of the decedent.

(f) With the appropriate documentation, and verification, the Board may authorize payment of lost wages for bereavement to parents, children, and spouse of the deceased victim's dependents.

**(F) Crime Scene Sanitization ("CSS").**

(1) The Board may award compensation to the victim or claimant for the reasonable and necessary cost of crime scene sanitization which is the financial responsibility of the victim or claimant and for which reimbursement from other sources is not available. Awards of compensation by the Board shall not supplant existing state and federal funding sources for crime scene sanitization.

(2) The CSS company must have specialized training or be certified in crime scene or trauma sanitization.

**(G) Counseling.**

(1) Compensable counseling services are those services rendered by professionals duly licensed or certified by the appropriate state authorities. After the first visit, compensation will not be provided for counseling services without a completed Psychological Service Report ("PSR")/treatment plan or counseling verification form. To the extent that funds within the counseling allowance are available, parents or guardians of a minor victim, children of an adult victim or members of a victim's immediate family may receive compensation for counseling services.

(2) All counseling must be connected to the victimization. Adult victims must give permission for use of their benefits for family members as outlined in paragraph G(1). Where a minor victim is involved, counseling benefits are reserved solely for that victim, unless deemed necessary by the licensed professional for use as outlined in G(1), and approved by the Director or Board.

**(H) Medical.** A medical referral is required for payment of chiropractic bills (unless approved by the Director or Board.)

**(I) Disposition and Review.**

**(1) Approval or Denial.** The agency shall furnish a claimant with a copy of the approval or denial of a claim. Mailing a copy of the decision by regular mail through the U.S. Postal Service to the address of the claimant as contained on their application, or as subsequently directed in writing by the claimant, shall satisfy the requirement of furnishing a copy of the Director's decision to the claimant.

(a) When the Director has initially denied a claim, and, thereafter, the claimant makes a written application for review of the Director's decision, the Director has the discretion, for good cause shown and prior to review by the Board, to withdraw their decision denying the claim and to refer it back to the initial investigator for additional investigation.

(b) The Board, Director, or an investigator may request additional information from the claimant. Any claimant who does not submit the documentation requested by the Board, Director, or an investigator within the time specified in a written correspondence requesting the information is subject to having their claim denied.

(c) Hearings before the Board may be conducted by a quorum of the Board.

(d) Although hearings will be conducted in an informal manner so as to encourage claimants to plead their own claims, if a claimant chooses to be represented by an attorney, that claimant shall be responsible for the payment of their attorney's fees. Compensation funds shall not be awarded to pay attorney's fees.

**(2) Review by Board.** A claimant may submit a written request to the Board to request review of the disposition of a claim. On its own motion, the Board may request that the Director or their designee review a claim and make a written recommendation to the Board prior to a hearing.

(a) A hearing will be set on the Board calendar and the claimant must be notified of the date and time.

(b) The Board shall render its decision within ten (10) business days after the conclusion of the hearing. The Board may uphold, defer the decision for a later date, or reject the agency determination and remand the decision for additional findings or investigation.

(c) Claims resulting from indirect physical injury shall be considered by the Board; however, a victim who is injured or suffers serious mental or emotional trauma sustained while fleeing a crime will be exempt from this requirement.

(d) Victims or claimants who seek compensation for two or more separate claims within one year may be asked to appear before the Board to explain the subsequent claims. In consultation with the Board, the Director shall determine

whether they may be rendered additional compensation based upon the separate incident(s).

Authority O.C.G.A. Secs. 35-6A, 17-15-2, 17-15-3, 17-15-4, 17-15-5, 17-15-6, and 17-15-7. History. Original Rule entitled “Crime Victims Compensation Board” adopted. F. Jan. 8, 2010; eff. Jan. 28, 2010.

## **SYNOPSIS OF PROPOSED REVISIONS TO THE CRIMINAL JUSTICE COORDINATING COUNCIL RULE 144-4-.08 FORENSIC MEDICAL EXAMINATIONS (“FME”)**

**PURPOSE:** The purpose of this proposed amendment is to modify some of the language in the existing rule to ensure that the language is compatible with the existing Code. It is also an attempt to effectively and efficiently achieve the provisions and purposes of the statute, and to clarify the process for victims/claimants, advocates and providers who assist victims/claimants with the application process.

**MAIN FEATURES:** The proposed amendments include: Rule 144-4-.08 is created. Paragraphs “(A) FME Eligibility” is created which details which claims are compensable. Paragraph “(B) FME Billing/Payment Guidelines” is created which details the payment process for providers.

**PROPOSED RULE.** [Note: Underlined text is proposed to be added.]

### **144-4-.08 Forensic Medical Exams (“FMEs”).**

#### **(A) FME Eligibility.**

- (1) The sexual assault must have occurred in Georgia on or after July 1, 2011.
- (2) The Georgia Crime Victims Compensation Program (“CVCP”) will pay for exams performed in another state as long as the crime occurred in Georgia and the provider performing the exam and the facility meets the criteria set forth by the Program.
- (3) When law enforcement requests a Forensic Medical Examination (“FME”) for allegations of child sexual assault/molestation, and there is limited collection and evaluation of evidence (e.g. no rape kit used), official documentation is required

from law enforcement requesting the exam. The investigative agency must submit to the provider or CVCP a completed FME Law Enforcement Verification Form.

(4) In instances where the Department of Family and Children Services (“DFCS”) requests a FME for allegations of child sexual assault/molestation on a child who is not in state custody, and there is limited collection and evaluation of evidence (e.g. no rape kit used), official documentation is required from the DFCS agency requesting the exam. The DFCS agency must submit to the provider or CVCP a completed FME Department of Family and Children Services Verification Form, and the contact information for the agency and the name of the caseworker who requested the FME must be listed in Section 2 of the Application for Payment.

(5) A payment request should not be submitted for a child who was in the custody of the State at the time of the sexual assault.

(6) A physician, physician assistant, registered nurse, SANE-A (adult adolescent) or SANE-P (pediatric) must have performed the FME.

**(B) FME Billing/Payment Guidelines.**

(1) The CVCP’s Fee Schedule complies with the Georgia Worker’s Compensation medical fee guidelines, as such the Current Procedural Terminology (CPT) Codes, are considered “reasonable expenses.”

(2) The provider and/or facility, must bill the CVCP usual and customary charges for the FME and the actual amount paid will be determined by the description in the itemized statement in conjunction with the associated CPT Code, and/or the Revenue Code, as applicable.

(3) A Registered Nurse, SANE-A (adult adolescent) or SANE-P (pediatric) must bill their usual and customary charge for the FME, and the bill for service must include a descriptive itemized statement of the service(s) provided. As a convenience, the CVCP provides a CPT Code/Description of Services Reference Sheet to select the applicable description for the medical service(s) provided.

(4) Payment made by the CVCP for a FME must be considered as payment in full and the Program is not bound by any billing or contractual agreements made between agencies and/or service providers.

(5) If the grand total for all bills (per application) exceeds \$1,000.00, then a formula will be utilized to distribute equitable payments to each service provider up to \$1,000.00 per victimization.

(6) The cost of only two (2) FMEs per year, per incident for the same sexual assault victim, will be considered a reasonable cost. When more than two (2) requests are submitted per year, per incident for the same sexual assault victim, any

subsequent FME claims for that year will be submitted to the Georgia Crime Victims Compensation Board for consideration.

**Authority: O.C.G.A. § 17-15-4(a)(1) & O.C.G.A § 17-15-15.**

## **SYNOPSIS OF PROPOSED REVISIONS TO THE CRIMINAL JUSTICE COORDINATING COUNCIL RULE 144-4-.09 VICTIMS OF CRIME BOARD**

**PURPOSE:** The purpose of this proposed amendment is to modify some of the language in the existing rule to ensure that the language is compatible with the existing Code. It is also an attempt to effectively and efficiently achieve the provisions and purposes of the statute, and to clarify the process for victims/claimants, advocates and providers who assist victims/claimants with the application process.

**MAIN FEATURES:** The proposed amendments include:  
New Rule 144-4-.09 Forensic Interviews (“FIs”) is created. Paragraph “(A) Eligibility” is created which details eligibility requirements such as when the crime had to occur and what costs are covered. Paragraph “(B) CVCP Billing/Payment Guidelines is created which details the payment process for providers.

**PROPOSED RULE. [Note: Underlined text is proposed to be added.]**

### **144-4-.09 Forensic Interviews (“FIs”).**

#### **(A) FI Eligibility.**

(1) The crime must have occurred in Georgia on or after July 1, 2014.

(2) The Georgia Crime Victims Compensation Program (“CVCP”) will pay for interviews performed in another state as long as the crime occurred in Georgia and the provider performing the interview and the facility meet the criteria set forth by the Program.

(3) CVCP will cover the cost of one (1) interview, per victim, per victimization. If more than two requests are submitted per year, per victimization, the third claim will be submitted to the Georgia Crime Victims Compensation Board for review and payment consideration.

#### **(B) CVCP Billing/Payment Guidelines.**

(1) The provider and/or facility, must bill the CVCP usual and customary charges with verifiable documentation related to the FI that details the specific referring agencies and the contact information to include: 1) the name of the service provider, 2) the location, 3) the date of referrals, and 4) the specific services recommended.

(2) A maximum amount of up to \$200.00 will be paid when funds are available where:

(a) The results of the interview must be used for the identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services, and must be documented by submitting the Forensic Interview Referral Document (FIRD) or similar form with the Application for Payment;

(b) The interview must be conducted in the context of a multidisciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center;

(c) The interviewer must have 40 hours of specialized training and be certified to conduct forensic interviews appropriate to the developmental age and abilities of children or the developmental cognitive, and physical or communication disabilities presented by adults;

(d) Each interviewer must submit documentation of their training with the initial application for payment before payment will be disbursed; and

(e) No award will be made until the provider and/or facility certifies that it has exhausted all other public and private resources available, and annually submits the Forensic Interviewer Funding Certification Document (FIFCD).

## **SYNOPSIS OF PROPOSED REVISIONS TO THE CRIMINAL JUSTICE COORDINATING COUNCIL RULE 143-1 CRIME VICTIMS COMPENSATION BOARD: ADMINISTRATION**

**PURPOSE:** The purpose is to repeal outdated language contained in 143-1-.01 through 143-1-.09 which contain language duplicated in the Criminal Justice Coordinating Council Rule 144-4-.06.

**MAIN FEATURES:** The proposed amendments are as follows:

Rule 143-1-.01 Purpose and Procedures Generally is repealed in its entirety; Rule 143-1-.02 Definition is repealed in its entirety; Rule 143-1-.03 Members; Terms; Chairman; Expenses; Assignments is repealed in its entirety; Rule 143-1-.04 Meetings; Administration is repealed in its entirety; Rule 143-1-.05 Filing of

Claims is repealed in its entirety; Rule 143-1-.06 Decision by Director; Review by Board is repealed in its entirety; Rule 143-1-.07 Persons Eligible for Awards is repealed in its entirety; Rule 143-1-.08 Exhaustion of Resources; Counseling Services is repealed in its entirety; and Rule 143-1-.09 Petitions for Adoption of Rules is repealed in its entirety.

## **MAIN DIFFERENCES BETWEEN EXISTING AND PROPOSED RULE.**

**[Note: Underlined text is proposed to be added; line-through text is proposed to be deleted.]**

~~143-1-.01 Purpose and Procedures Generally.~~ Repealed.

~~(1) In accordance with O.C.G.A. § 17-15-1 et seq., the Crime Victims Compensation Board administers the Georgia Crime Victims Emergency Fund to assist innocent victims who suffer physical injury, death, or financial hardship arising from physical injury, as a direct result of certain criminal acts.~~

~~(2) Except as otherwise provided in the Rules of the Crime Victims Compensation Board, the nature and requirements of all formal and informal procedures available to claimants are set forth in O.C.G.A. § 17-15-1, et seq.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled “Legislative Intent” adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: New Rule entitled “Purpose and Procedures Generally” adopted. F. Jan. 5, 2000; eff. Jan. 25, 2000.~~

~~143-1-.02 Definition.~~ Repealed.

~~(1) “Board” means the Georgia Crime Victims Compensation Board.~~

~~(2) “Director” means the Director of the Georgia Crime Victims Emergency Fund.~~

~~(3) “Financial hardship” means loss of wages and/or incurred medical expenses resulting from the victimization.~~

~~(4) “Investigator” means an investigator of the Criminal Justice Coordinating Council.~~

~~(5) A “victim” shall not include anyone actively engaged in criminal conduct at the time of the injury.~~

~~(6) “Crime Scene Sanitization” means to remove, or attempt to remove, from the crime scene blood, dirt, stains, or debris which requires hauling and dumping, as a result of the crime scene and may include the reasonable out-of-pocket cost of cleaning supplies, equipment rental and labor purchased as a direct result of the crime.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Definition" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Amended: F. Jan. 5, 2000; eff. Jan. 25, 2000. Amended: F. Nov. 20, 2002; eff. Dec. 10, 2002.~~

~~143-1-.03 Members; Terms; Chairman; Expenses; Assignments. Repealed.~~

~~(1) The Georgia Crime Victims Compensation Board shall consist of five members selected from among the members of the Criminal Justice Coordinating Council. The members of the Board shall be appointed by the Director of the Criminal Justice Coordinating Council. Members of the Board should include a law enforcement officer, a member of the State Bar of Georgia, and an individual who shall be, by virtue of his or her training and experience, knowledgeable in the operations of the entire spectrum of crime victim assistance programs delivering services to victims of crime.~~

~~(2) The term of office of each Board member shall be four years; provided, however, that the term of any Board member shall terminate in the event that Board member is no longer serving as a member of the Criminal Justice Coordinating Council.~~

~~(3) The Director of the Criminal Justice Coordinating Council shall designate one member of the Board as Chairman, to serve in that position at the pleasure of the Director of the Criminal Justice Coordinating Council.~~

~~(4) Each member of the Board shall receive the same per diem expense allowance as that received by members of the General Assembly for each day a Board member is in attendance at a meeting of the Board, plus reimbursement for actual transportation costs incurred while traveling by public carrier or the mileage allowance authorized for certain State officials and employees for the use of a personal automobile in connection with such attendance. The above shall be paid in lieu of any other per diem, allowance, or remuneration.~~

~~(5) The Board shall be assigned to the Georgia Bureau of Investigation for administrative purposes only.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Georgia Crime Victims Compensation Board Created; Members; Terms; Chairman; Expenses; Assignments to State Board of Workers' Compensation" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: New Rule entitled "Members; Terms; Chairman; Expenses; Assignments" adopted. F. Jan. 5, 2000; eff. Jan. 25, 2000. Amended: F. Nov. 20, 2002; eff. Dec. 10, 2002.~~

~~143-1-.04 Meetings; Administration. Repealed.~~

~~(1) Victims Compensation Board is located as follows:~~

~~Georgia Crime Victims Compensation Board~~

~~503 Oak Place, Suite 540~~

~~Atlanta, Georgia 30349~~

~~(a) The Board shall meet in Atlanta, or elsewhere throughout the State as necessary, at the call of the Chairperson.~~

~~(2) The Board is empowered to contract for services from actuaries, investigators, and other specialized personnel as shall be necessary to enable the Board to carry out its functions.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Powers of the Board" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: New Rule entitled "Meetings; Administration" adopted. F. Jan. 5, 2000; eff. Jan. 25, 2000. Amended: F. Nov. 20, 2002; eff. Dec. 10, 2002~~

~~143-1-.05 Filing of Claims. — Repealed.~~

~~(1) Claimants must submit a fully completed Form CV-1. The Board will furnish, upon request, Form CV-1, as well as any additional required forms necessary for claim processing. Applicants must submit fully completed originals of all forms requested.~~

~~(2) The filing of a fully completed CV-1 in the Office of the Board in person or by mail shall be deemed proper filing with the Board. Incomplete Form CV-1's shall be returned when possible and shall not constitute a proper filing.~~

~~(3) The Director is authorized by the Board to extend the one (1) year filing deadline of the completed Form CV-1 for up to two (2) years from the date of victimization for child victims of sexual and child abuse.~~

~~(4) The Director is authorized by the Board to extend the one (1) year filing deadline for the amount of time the victim is in the hospital or incapacitated but in no event beyond two (2) years from the date of the victimization.~~

~~(5) Form CV-1.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Filing."~~

~~143-1-.06 Decision by Director; Review by Board. — Repealed.~~

~~(1) Upon rendering a decision, the Director shall furnish a copy of the decision to the claimant. Mailing a copy of the decision by regular mail through the U.S. Postal Service to the address of the claimant as contained on the Form CV-1, or as subsequently directed in writing by the claimant, shall satisfy the requirement of furnishing a copy of the Director's decision to the claimant.~~

~~(2) When the Director has initially denied a claim, and thereafter, the claimant makes a written application for review of the Director's decision, the Director has the discretion, for good cause shown and prior to review by the Board, to withdraw his or her decision denying the claim and refer it back to the initial investigator for additional investigation.~~

~~(3) The Board, Director, or an investigator may request additional information from the claimant. Any claimant who does not submit the documentation requested by the Board, Director, or an investigator within the time specified in a written correspondence requesting the information is subject to having his or her claim denied.~~

~~(4) Hearings before the Board may be conducted by a quorum of the Board (at least three members present). Upon its own motion, the Board may designate a hearing officer to hear the case and make a written recommendation to the Board.~~

~~(5) Although hearings will be conducted in an informal manner so as to encourage claimants or victims to plead their own claims, if a claimant or victim chooses to be represented by an attorney said claimant or victim will be responsible for the payment of his or her attorney's fees. Compensation funds shall not be awarded to pay attorney's fees.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Investigation; Decision by Director; Review by Board; Report to Claimant" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed. New Rule entitled "Decision by Director; Review by Board" adopted. F. Jan. 5, 2000; eff. Jan. 25, 2000.~~

~~143-1-.07 Persons Eligible for Awards. Repealed.~~

~~(1) With the exception of those acts enumerated in O.C.G.A. § 17-15-2(3)(ii-iii), the crime from which compensation is sought must have been committed in this state in order to qualify for an award under this chapter.~~

~~(2) The Board may award compensation for loss of support to any victim or claimant who can establish a financial dependency at the time of the incident upon the income of the victim's assailant or offender, and which, as a result of the assailant/offender's incarceration is no longer available to or accessible by the victim.~~

~~(a) In computing the loss of support of the victim or claimant dependent, the Board shall only consider the offender's earnings and/ or the amount of money or economic contributions the offender was actually contributing to the victim and victim's household at the time of the injury of the victim.~~

~~(b) Where the victim/claimant has received or is receiving a greater sum of money from other sources than the sum contributed for support from the offender at the~~

time of the incident, no compensation for loss of support shall be awarded to the dependents.

~~(3) Where a claimant has previously been awarded compensation and subsequently seeks compensation for a separate incident, the claimant shall appear before the Board, and the Director shall consult with the Board prior to rendering a decision.~~

~~(4) The Board shall award compensation for the reasonable and necessary costs for cleaning the scene of the incident, wherein compensable conduct occurred, which costs have become the financial responsibility of the victim or claimant and for which reimbursement from other sources is not available. Awards of compensation made by the Board shall not supplant existing state and federal funding sources for crime scene cleanup.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Persons Eligible for Awards" adopted.~~

~~F. Feb. 6, 1991; eff. Feb. 26, 1991. Amended: F. Jan. 5, 2000; eff. Jan. 25, 2000. Amended: F. Nov. 20, 2002; eff. Dec. 10, 2002.~~

~~143-1-.08 Exhaustion of Resources; Counseling Services. Repealed.~~

~~(1) No award shall be made until the claimant has exhausted all other federal, state, local, and private resources (i.e., Insurance companies, sick/vacation leave, Workman's Compensation, Department of Family and Children Services, Medicaid, Medicare, etc.).~~

~~(2) Compensation for counseling services is available only for those services rendered by professionals duly licensed or certified by the appropriate state authorities. In the case of victims or claimants that attend more than four counseling sessions, payment for the services will not be made without a completed treatment plan from the therapist. To the extent that funds within the \$3,000.00 counseling allowance are available after payment for such services received by the primary victim, parents or guardians of a minor victim, children of an adult victim, or members of a victim's immediate family may receive compensation for counseling services.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Required Findings; Amount of Award; Rejection of Claim; Reductions; Exemption from Garnishment and Execution; Exemption from Treatment as Ordinary Income; Effective Date for Awards" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: New Rule entitled "Exhaustion of Resources; Counseling Services" adopted. F. Jan. 5, 2000; eff. Jan. 25, 2000. Amended: F. Nov. 20, 2002; eff. Dec. 10, 2002.~~

~~143-1-.09 Petitions for Adoption of Rules.—Repealed.~~

~~(1) Each petition for adoption of rules made pursuant to the Georgia Administrative Procedure Act shall be filed with the Board in writing and shall state:~~

~~(a) The name and mailing address of the petitioner;~~

~~(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;~~

~~(c) A paragraphed statement of the reason such rule should be amended, repealed or promulgated, including a statement of all pertinent existing facts as to the petitioner's interest in the matter.~~

~~(d) Citations of legal authorities, if any, which authorize, support or require the action requested by petitioner. The petition should be verified under oath, or in proper behalf of the petitioner.~~

~~(2) Upon receipt of the petition, the Board shall decide upon the action to be taken. Within thirty (30) days, after receipt of the petition, the Board shall inform the petitioner by mail of the decision reached, and shall either decline to take the action requested, stating its reasons for so declining, or shall initiate rule-changing proceedings in accordance with the Georgia Administrative Procedure Act.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Insufficient Funds" adopted. F. Feb. 6,~~

~~1991; eff. Feb. 26, 1991. Repealed: New Rule entitled "Petitions for Adoption of Rules" adopted. F. Jan. 5, 2000; eff. Jan. 25, 2000.~~

~~143-1-.10 Repealed.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Fund Created; Administration; Moneys; Payments Authorized" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: F. Jan. 5, 2000; eff. Jan. 25, 2000.~~

~~143-1-.11 Repealed.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "False Claims" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: F. Jan. 5, 2000; eff. Jan. 25, 2000.~~

~~143-1-.12 Repealed.~~

~~Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled "Effect of Accepting Award" adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: F. Jan. 5, 2000; eff. Jan. 25, 2000.~~

~~143-1-.13 Repealed.~~

Authority O.C.G.A. Sec. 17-15-4. History. Original Rule entitled “Dept. to State Created Payment as Condition of Probation” adopted. F. Feb. 6, 1991; eff. Feb. 26, 1991. Repealed: F. Jan. 5, 2000; eff. Jan. 25, 2000.