

# South Dakota Crime Victims' Compensation Primary Application Instructions

**READ THESE INSTRUCTIONS AND REVIEW THE APPLICATION BEFORE FILLING IT OUT**

*Be sure to use blue or black ink, double-check the spelling of all names and addresses, and answer all required questions*

**Primary Victims' of, and Direct Witnesses to, a violent crime – Complete the “Primary Application”**

*(See “Secondary Application Instruction Guide” for Secondary applicants.)*

## **Victim**

Any person who suffers personal injury or death as a direct result of: a) a crime, including a federal crime occurring in this state; b) a good faith effort by the person to prevent the commission of a crime; or c) a good faith effort by the person to apprehend a person suspected of engaging in a crime.

## **Witness**

A person who was present at the scene of the crime and personally saw or heard the crime occur. Witnesses may be eligible to receive assistance for counseling-related expenses as primary victims if the crime witnessed is a compensable crime. “Witnesses” do not include persons who observed the effects of the crime.

## **Eligibility** \*See complete application for additional information on eligibility

- The victim cannot contribute to the crime or injury.
- The victim and/or claimant must reasonably cooperate with the investigation and/or prosecution of the crime.
- The crime must be reported to law enforcement within 5 days of crime and a application must be filled with the CVC Program within 1 year of the date of the crime.

\*Note\* If good cause is provided for the delay, this requirement may be waived.

## **Section I and II are required** and need to be filled out completely

- If the claimant does not have a social security number, please provide a brief explanation in the space provided.
- Section II is required by the Department of Justice in order to collect demographic data.
- The more ways provided to contact the claimant ensures better likelihood CVC will not loose touch with the claimant should addresses or contact numbers change, increasing the difficulty of approving the claim.

**Section III is required only when** a family member is filing on behalf of a deceased victim or a parent/guardian is filing on behalf of a juvenile victim.

**Section IV** assists the Office of Crime Victims' Compensation to be sure we are reaching all potential victims who may be eligible for compensation.

**Section V is required** needs to be filled out completely. The law enforcement agency or victim/witness program assisting may be able to help fill in those blanks.

\*\* (Case number is not required.)

**Section VI is required** if the answer to the first two questions is “YES”, then complete the section completely. (Otherwise indicate “NO” for the first two questions and move on to Section VII.)

## Sections VII & VIII

- The CVC Program is a payer of last resort, which means that any other sources of payment (also known as a collateral source) would make payments before the CVC Program can issue an award for that expense.
- Please fill out this section to the best of your ability, as this provides a way to make sure all claimed expenses have been addressed. Any bills not mentioned by the claimant will not be considered for compensation.

**Section VII** shows which sources may be making payments on the claimed expenses.

**Section VIII** is an overview on what bills the CVC Program can expect to collect from providers. Please fill out this section to the best of your ability, as this provides a way to make sure all claimed expenses have been addressed. Any bills not mentioned by the claimant will not be considered for compensation.

**Section IX** details non-medical expenses that may be incurred as a result of the crime.

- When requesting transportation or lodging compensation, if the victim is not present during the trip or stay, those expenses must be claimed on a secondary application. Only immediate family members may file a secondary application, unless they are a direct witness to the crime, in which case they would need to file a primary application.
- Only clothing and bedding that was collected as evidence, and will not be returned to the claimant, is compensable through the CVC Program. Property damaged in the incident is not eligible for compensation.
- Only door locks, security lights, and the installation costs of a security system are compensable through the CVC Program. Monthly service expenses would be the claimant's responsibility.
- Unexpected child care expenses are compensable through the CVC Program. Unexpected means this expense only occurred as a result of the crime, such as child care during treatment or court proceedings.
- Other expenses can be listed, but please note that daily living expenses, pain and suffering, and legal fees are not compensable through CVC.

**The CVC Program can pay up to \$8,000 for funeral and burial.**

**When requesting compensation for loss of support**, two types of loss are compensable. When the offender is providing support for the victim and no longer provides support after the crime has been committed, or if a victim was providing support for dependents and is no longer capable of doing so. In order to be eligible for compensation, the amount of support provided by the victim or offender must be verified. When claiming loss of support for the victim's dependents, their dependent status must also be verified through tax returns or a court order.

**Section X & XI** only need to be completed if the victim is deceased as a result of the crime.

### **Important Information**

The **"Declaration and Authorization"** and **"Authorization for the Use or Disclosure of Protected Health Information"** forms are required. If not fully complete or filled out incorrectly, the application will be returned to the claimant. All providers must be listed in order to obtain confidential records and billing information. If providers are not listed, the bills cannot be obtained, and CVC cannot award compensation for those expenses.

The blank space in "Section 6: Disclosures" terminates the agreement, which voids the release and would result in the application being returned to the claimant.

*The W-9 is not required but must be filled out if the final award totals over \$5,000; therefore, it is best practice to fill out the W-9 when applying to avoid any unnecessary delays in receiving the final award.*