

**RULES  
OF  
GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL**

**CHAPTER 144-4  
FUNCTIONS AND POWERS**

**TABLE OF CONTENTS**

144-4-.06 Crime Victims Compensation Board

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(1) Purpose. In accordance with O.C.G.A § 17-15-1 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.

(2) Definitions

- (a) "Board" means the Georgia Crime Victims Compensation Board.
- (b) "Crime" means an act of violence as defined by O.C.G.A. §17-15-2(3) that results in physical injury, serious mental or emotional trauma, or death.
- (c) "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.
- (d) "Claimant" means a victim or other person as defined by O.C.G.A. §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.
- (e) "Director" means the Director of the Criminal Justice Coordinating Council or their designee.
- (f) "Health care" means the organized provision of medical care to individuals or a community.
- (g) "Investigator" means an investigator of the Criminal Justice Coordinating Council.

(3) Members of the Board; Terms and Administration.

(a) 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.

(b) Board members 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.

(c) The Director shall designate one member of the Board as Chairperson and one member as Vice Chairperson for terms of two years. The Chair and Vice-Chair shall serve at the pleasure of the Director.

(d) Upon appointment to the Board, new members shall not be viewed as a voting member until *after* attending their first Victims Compensation Board meeting. The Chair may make an exception if it is deemed necessary to establish a quorum.

(e) The Victims Compensation Board is located as follows:

104 Marietta Street, NW, Suite 440  
Atlanta, Georgia 30303

The Board shall meet in Atlanta or elsewhere throughout the State as necessary, at the call of the Chairperson or Director.

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.

(4) Applications and Decisions by the Director.

(a) Claimants shall submit a completed application to initiate a compensation claim. The Board shall make available the application and any additional forms necessary for the processing of claims.

(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.

(c) The Director may overturn a 72-hour reporting denial for good cause shown.

(d) The Director may overturn the denial for lack of cooperation with the program where all requested documentation is submitted before the scheduled appeals hearing.

(5) Eligibility and Exhaustion of Resources.

(a) 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.

(b) 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.

(c) Except as provided for in subparagraph (d), No award will be made until the claimant has exhausted all other public and private resources available to him or her (such as health insurance, employee benefits, worker's compensation, other state government assistance, Medicaid/Medicare).

(d) When medical treatment or counseling is provided to a sexual assault or family violence survivor and such survivor, who is not the subscriber or primary policyholder of an insurance policy, opts out of submitting a claim for such services under such policy, the cost of such medical treatment or counseling shall be paid by the fund in an amount as provided in O.C.G.A. § 17-15-8; provided, however, that such award shall not be reduced or set off by the amount of any payment that would have been made under such policy.

(6) Medical Expenses.

(a) As set forth in O.C.G.A. § 17-15-8, for all dates of service on or after July 1, 2022, payments made to a medical service provider for expenses related to the claimant's victimization shall be made in accordance with charges published by the State Board of Workers Compensation unless a reasonable health care justification to deviate from the listed charges is determined by the Board. Reasonable health care justifications may include but are not limited to the following:

1. Receipt of one or more medical bills that exceed the maximum amount available for medical expenses; or

2. The amount billed has been adjusted due to the application of health insurance, workers' compensation, or Medicaid/Medicare.

(b) Payment in Full. Payments accepted by a medical provider shall be considered payment in full for all dates of service on or after July 1, 2022. Payment shall be considered accepted if:

1. A physical check is either cashed, deposited, or otherwise negotiated by the medical service provider or its assignee; or
2. The medical service provider has entered into an agreement with CJCC to receive electronic payments and the provider has not:
  - (i) Provided notification of the intent to reject a payment within 45 days of the date of issuance; and
  - (ii) Returned the funds to CJCC within 45 days of the date of issuance.

(7) Lost Wages/Loss of support

(a) Lost Wages. With the submission of verified documentation and following current payment guidelines, the Board may consider covering all or part of the victim's income loss due to the victimization. The Board may authorize payment of lost wage benefits:

1. To the victim who has been physically injured and/or suffered serious mental and emotional trauma;
2. To the parent or legal guardian of a minor child or developmentally disabled adult who has been physically injured and/or suffered serious mental and emotional trauma;
3. To a claimant 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; and

4. To bereaved parents, children, spouses, step-parents, step-children and siblings of a decedent.

(b) Loss of Support. With the submission of verified documentation and following current payment guidelines, the Board may authorize payment of loss of support benefits:

1. To the surviving spouse, parent, step-parent, child, or step-child who is dependent for his or her principal support upon a deceased victim.

(i) In computing loss of support in the case of a deceased victim, the Board shall only consider the victim's earnings and/or the amount of money or economic contributions the deceased victim was contributing to the claimant's household at the time of the injury; and

(ii) In computing loss of support in the case of a deceased victim with minor children, the Board shall consider proof of parentage and gainful employment of the deceased victim.

2. To a claimant who can establish financial dependency on the income of an incarcerated/absent offender at the time of the victimization.

(i) To establish financial dependency, a claimant must submit documentation showing that the claimant is:

I. a spouse, child, or a person covered under the offender's health care insurance coverage; or

II. a person that is listed as a dependent on the offender's Federal or State Tax Return.

(ii) The Board may also consider other evidence establishing financial dependency including proof of co-habitation along with joint financial documents that substantiates a claimant's dependency on the incarcerated/absent offender at the time of the victimization.

(iii) In computing loss of support in the case of an incarcerated/absent offender:

I. the victim or claimant must establish verifiable loss due to the assailant/offender's incarceration and/or absence from the home;

II. 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 victimization; and

III. 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.

(8) Crime Scene Sanitization ("CSS").

(a) 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.

(b) The CSS company must have specialized training or certification in crime scene or trauma sanitization.

(c) Awards of compensation by the Board shall not supplant existing state and federal funding sources for crime scene sanitization.

(9) Counseling.

(a) Compensable counseling services are those services rendered by professionals duly licensed or certified by the appropriate state authorities. After the fourth visit, compensation will not be provided for counseling services without the submission of a complete Psychological Service Report ("PSR")/ treatment plan or counseling verification form.

(b) Members of an adult victim's immediate family may receive compensation for counseling services provided that the adult victim authorizes such use of their benefits for family members.

(c) Where a minor victim is involved, counseling benefits are reserved solely for the minor victim. Benefits may be approved for the parent, guardian, and/or step-parents of the minor victim if deemed necessary by the licensed professional and approved by the Director or Board.

(10) Disposition and Review.

(a) Approval or Denial. The Criminal Justice Coordinating Council must provide the claimant with an electronic or mailed copy of the agency's approval or denial of their claim, as well as any associated payment requests.

1. 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.

2. 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 written correspondence requesting the information is subject to having their claim denied.

(b) 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.

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

2. Hearings before the Board may be conducted by a quorum of the Board.

3. 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.

4. The Board shall render its decision within ten (10) business days after the conclusion of the hearing. The Board may uphold, overturn or remand the agency decision for additional findings or investigation.

5. When victims or claimants seek compensation for more than two claims within one year, any subsequent claims may be submitted to the Georgia Crime Victims Compensation Board for consideration.

Authority: O.C.G.A. §§ 17-15-1 et seq., 35-6A-4

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