

**RULES
OF
GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL**

**CHAPTER 144-4
FUNCTIONS AND POWERS**

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144-4-.05 Certification of Crime Victim Assistance Programs

(1) Purpose. The Council promulgates these rules and certifies crime victim assistance programs under the authority granted by O.C.G.A. § 15-21-130, et seq. and O.C.G.A. § 35-6A-4.

(2) Definitions. For purposes of approving or certifying crime victim assistance programs, the following terms and phrases are defined as:

- (a) "Certified crime victim assistance program" refers to any governmental or non-governmental program which has met the criteria established by the Council.
- (b) "Certified human trafficking victim assistance organization" refers to a certified crime victim assistance program which also provides comprehensive trauma-informed services to child victims designed to alleviate the adverse effects of trafficking victimization and to aid in the child's healing, including, but not limited to, assistance with case management, placement, access to educational and legal services, and mental health services
- (c) "Child" shall have the same meaning as provided for in O.C.G.A. § 15-11-2.
- (d) "County" or "county governing body" refers to a county commission.
- (e) "Court officer" refers to a person charged with the duty of collecting moneys arising from criminal fines ordered by a court and will generally be the clerk of the court.
- (f) "Court" refers to a superior, state, probate, magistrate, municipal or other court that assesses or collects crime-based fines pursuant to Georgia law.

(g) "Crime" refers to any criminal offense defined by Title 16 of the Official Code of Georgia Annotated or any other applicable Code Section.

(h) "Eligible applicant" refers to any governmental entity or other organization that meets all applicable criteria set forth by the Council based on the eligibility requirements for subrecipient programs contained in the federal Victims of Crime Act of 1984 and the victim assistance rules promulgated by the Office for Victims of Crime, U.S. Department of Justice.

(i) "Fine" refers to any criminal fine or criminal bond forfeiture ordered by a court.

(j) "Trafficking" refers to the offenses of trafficking an individual for sexual servitude and trafficking a person for labor servitude as provided in O.C.G.A. § 16-5-46.

(k) "Victim" refers to any person against whom a crime has been perpetrated.

(l) "Victim assistance program" refers to any eligible governmental entity or other organization that coordinates and provides direct services to victims of crime. Victim assistance includes, but is not limited to, the following services: crisis intervention, emergency shelter, emergency transportation, counseling and criminal justice advocacy.

(3) Application for and Evaluation of Program Certification.

(a) The Council will conduct certification of programs on a biannual basis, in even-numbered years.

(b) Application guidelines and forms will be available from the Council upon request.

(c) Any victim assistance program seeking certification to receive funds authorized under O.C.G.A. § 15-21-131 must submit a completed application with supporting documentation to the Council for consideration.

(d) No program will be certified that does not show proof that it:

1. Assists victims with applying for compensation from the Crime Victims Emergency Fund;
2. Coordinates services with any governmental entity and other organizations providing fundamental victim services within the county it is located or serves;

3. Has on staff a graduate of the Georgia Victim Assistance Academy, the National Victim Assistance Academy (either by attendance or completion of Victim Assistance Training Online) or other program that certifies persons providing assistance to victims. Proof that a staff member is scheduled to attend a certifying program may allow provisional certification of the program. Having on staff a licensed professional in social work, psychology or related field may also satisfy this requirement; and

4. Provides or will provide services to victims of crime. These services are categorized by the federal government and by the Council as follows:

- (i) Crisis counseling
- (ii) Follow-up
- (iii) Therapy
- (iv) Group treatment/Support
- (v) Shelter/Safehouse
- (vi) Information/Referral (In-person)
- (vii) Criminal justice support/Advocacy
- (viii) Emergency financial assistance
- (ix) Emergency legal advocacy
- (x) Assistance in filing compensation claims
- (xi) Personal advocacy
- (xii) Telephone contact information/Referral
- (xiii) Other

(e) Upon receipt of a completed application, the agency has twenty business days to review the application and forward to the applicant correspondence from the Director either certifying its program as meeting all criteria set forth by the Council or denying its certification request.

(f) If a program is denied approval it may, within ten business days of receipt of any rejection letter, appeal in writing to the Council which may review the appeal

at its next regularly scheduled meeting, conduct a hearing to determine whether the appeal has any merit and either affirm, overturn or modify the initial decision.

(4) Decertification. A program may be decertified if found to:

- (a) Be delinquent in meeting the reporting requirements;
- (b) Have used funds for activities other than providing direct services to victims;
- (c) No longer meet the minimum criteria as set forth in 144-4-.01(d);
- (d) Have failed to comply with these administrative rules; or
- (e) No longer provide services as outlined in the original application.

(5) Certified Human Trafficking Victim Assistance Organizations. Any victim assistance organization that accepts referrals from a law enforcement officer or agency or DFCS pursuant to O.C.G.A. § 15-11-130.1 must be certified by the Council as a certified human trafficking victim assistance organization.

(6) Distribution and Reporting.

(a) County administration.

1. If there is more than one certified victim assistance program within a county, the county must decide what percentage of the total funds will be given to each.
2. By law, a county may reserve up to five percent of the funds received in the previous year as a contingency fund to sustain crime victim assistance programs. This reserve fund is not cumulative and reserve funds do not roll over into subsequent years.
3. Each county must submit to the Council a financial report detailing the recipients of the funding and the amounts disbursed to each recipient. If the county does not have a certified program and the funds have been disbursed directly to the district attorney, then the county must so notify the agency. Such reports are due January 31 and July 31 for the reporting periods ending December 31 and June 30, respectively.

(b) Certified victim assistance program reporting.

1. All certified victim assistance programs that receive funding from this source must report annually to the Agency the amount of funds received, the number of victims served, the number of services provided to victims and such information as the agency deems necessary to include in an

annual report. A report is due whether or not funds were received from the county in which the program is certified. Such reports will be for the reporting period of January 1 through December 31 and due no later than February 15 of the year following the reporting period. Failure to report may result in decertification of the program. The Council shall make available forms for reporting upon request and on its website.

2. In addition to the reports required above, all certified human trafficking victim assistance organizations must report quarterly the number of victims referred to the organization, the number of services provided to victims and such information as the agency deems necessary to include in the semiannual report. A report is due whether or not funds were received from the county in which the program is certified. Such reports are due April 30, July 31, October 31, and January 31 for the reporting periods ending March 30, June 30, September 30, and December 31, respectively.

Authority: O.C.G.A. §§ 15-11-130.1, 15-21-130, et seq., 35-6A-4

144-4-.06 Crime Victims Compensation Board

(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. Section 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. 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.

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

(f) "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 forms 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. 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).

(6) 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.

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

(b) Loss of Support. The Board may award compensation for loss of support to a claimant who can establish financial dependency on the income of a deceased victim or incarcerated/absent offender at the time of the victimization. To establish financial dependency, a claimant must submit documentation that they are the spouse, child, covered under the deceased victim's or offender's health care insurance coverage or listed as a dependent on the deceased victim's or offender's Federal Tax Return. The Board may also consider proof of co-habitation, and joint financial documents that substantiates a claimant's dependency on the deceased victim or incarcerated/absent offender at the time of the victimization.

1. 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;

(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.

2. 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 actually contributing to the claimant's household at the time of the injury.

3. 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.

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

(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.

(8) Counseling.

(a) 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 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.

(9) 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.

144-4-.07 Unclaimed Restitution

(1) Court-ordered restitution that has not been claimed from the collecting authority within two years of the first restitution payment is transferred to the Criminal Justice Coordinating Council for deposit into the Georgia Crime Victims Emergency Fund.

(2) Entities that collect restitution must submit a victims' report on a periodic basis, including any restitution amount submitted to the agency for transfer to the Crime Victims Emergency Fund. For each restitution amount, this report must contain, at a minimum: the victim's name, last known address, the date(s) that funds were first available and the case docket number. When there is no restitution amount reported, the report should indicate that there are no restitution transactions for the period.

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

144-4-.08 Forensic Medical Exams ("FMEs")

(1) FME Eligibility.

(a) The crime must have occurred in Georgia on or after July 1, 2011.

(b) The Georgia Crime Victims Compensation Program ("CVCP") will pay for FMEs 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.

(c) When law enforcement requests an FME for allegations of child sexual assault/molestation, and there is limited collection and evaluation of evidence, a Forensic Medical Examination Law Enforcement Verification Form may be required.

(d) In instances where the Division of Family and Children Services ("DFCS") requests an FME for allegations of child sexual assault/molestation on a child and there is limited collection and evaluation of evidence, a Division of Family and Children Services Verification Form may be required.

(e) A payment request should not be submitted for a child who is in the custody of the Department of Juvenile Justice at the time of the sexual assault.

(f) A licensed physician, physician assistant, registered nurse, SANE-A (adult adolescent) or SANE-P (pediatric) must perform the FME.

(2) FME Billing/Payment Guidelines.

(a) 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."

(b) 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.

(c) 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.

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

(e) If the grand total for all bills (per application) exceeds \$1,000, then a formula will be utilized to distribute equitable payments to each service provider up to \$1,000 per victimization.

(f) For each victimization, CVCP will cover the cost of one FME per victim. If more than two FMEs are submitted in the same year for the same victim, any subsequent claims may be submitted to the CVCP Board for consideration.

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

Rule 144-4-.09 Forensic Interviews ("FIs")

(1) FI Eligibility.

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

(b) 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.

(c) For each victimization, CVCP will cover the cost of one Forensic Interview per victim. If more than two FIs are submitted in the same year for the same victim, any subsequent claims may be submitted to the CVCP Board for consideration.

(2) CVCP Billing/Payment Guidelines.

(a) 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.

(b) A maximum amount of up to \$200 will be paid when funds are available.

1. 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;
2. 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;

3. 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;

4. Each interviewer must submit documentation of their training with the initial application before payment will be disbursed; and

5. 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).

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