

What is compensation?

The Crime Victim Compensation Act of Montana pays benefits to innocent victims who are injured or killed as a direct result of a crime. The Act is administered through Crime Victim Compensation. Please read this entire document before completing an application for compensation. This document outlines eligibility requirements and procedures to follow when applying for compensation. Failure to read this document could result in long delays in deciding your claim and/or denial of benefits.



Who may file a claim?

A claim can only be filed by:

- The victim, or
- a person legally authorized to act on behalf of the victim (parent or guardian), or
- dependent(s) of a deceased victim.

Eligibility requirements

- The crime must be reported to law enforcement within 72 hours or show good cause why it wasn't reported.
- The claimant/victim must fully cooperate with law enforcement and prosecutors. Benefits may be awarded whether or not the offender was apprehended or prosecuted.
- The claimant/victim must file a claim with Crime Victim Compensation within one year of the crime or show good cause why it wasn't filed.
- Benefits may be awarded to non-residents injured in Montana, or to Montana residents injured in a state that does not have a Crime Victim Compensation program that compensates non-residents.
- Benefits may be reduced or denied to the extent the victim contributed to his or her own injuries or death.

For additional information contact:

Office of Consumer Protection and Victim Services
PO Box 201410
Helena, MT 59620-1410
Phone: (406) 444-3653 or 1-800-498-6455
Fax: (406) 442-2174
Email: dojovs@mt.gov
Web: www.dojmt.gov

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Benefits are not allowed for:

- The offender or accomplice,
- Non-DUI traffic accidents,
- Property loss or repairs, pain and suffering,
- Non-medical related expenses (clothing, motels, legal fees, etc)

The total payments for all benefits may not exceed \$25,000

Primary victim benefits

Medical: Payments are made for reasonable physician and hospital services, medicine, ambulance, mental health counseling, or other approved treatment.

Wage loss: Payments are made for lost wages if the victim was employed at the time the crime occurred and loses one work week or more. Wage loss is paid from the date the loss began. Benefits continue until the victim returns to work or is released by a physician. Amounts paid for wage loss are made bi-weekly.

Death benefits: The surviving spouse or dependent may apply for the deceased victim's death benefits, medical costs, and funeral expenses. Wage loss benefits may be available. Reasonable burial expenses, including a marker for the grave, are allowed up to \$3,500.

Secondary victim benefits

Mental health benefits may be available for certain family members: Counseling benefits can be awarded to the parent, spouse, child, brother or sister of a victim who is killed as a direct result of the crime. Minor children who witness domestic violence in the home may be eligible for mental health counseling for crimes occurring after 10/1/2011.

Mental health counseling benefits can be awarded to the parent(s) or sibling(s) of a minor who is a victim of a sexual crime. A step-parent may receive counseling if the victim resides in the same house as the step-parent.

Claims processing

Prior to a decision regarding eligibility, Crime Victim Compensation must obtain information from law enforcement and other agencies to ensure the claim meets the eligibility requirements set by the Crime Victim Act of Montana.

A compensation claim must be fully completed, signed and submitted as soon as possible after the crime occurs.

Crime Victim Compensation is the payor of last resort: Collateral benefits (listed below) must be used before payments can be made by Crime Victim Compensation (CVC). If you have insurance, submit all crime related medical bills to your insurance carrier before submitting the bills to CVC. Please mail copies of the Explanation of Benefits sheets from the insurance company to CVC when you receive them. If no collateral sources are applicable, please submit copies of all crime related medical bills to CVC as soon as possible.

Collateral sources include, but are not limited to the following:

- Indian Health Services (IHS)
- Medicaid
- Medicare
- Social Security
- Sick leave
- Medical or health and accident insurance
- Motor vehicle insurance
- Life insurance
- Employer wage continuation plans
- Workers' compensation
- Disability insurance
- Wage loss insurance
- Veterans Administration benefits (VA)

Notice regarding Medicaid

Under state and federal law, Medicaid is a primary payor to Crime Victim Compensation. The law obligates physicians, hospitals, and other health care providers who accept Medicaid patients, to accept Medicaid benefits as payment in full for services rendered. Any outstanding balance not paid by Medicaid cannot be charged to the patient or to Crime Victim Compensation. If you are covered by Medicaid, have applied for Medicaid, or intend to apply for Medicaid, please advise Crime Victim Compensation on the application form.

53-9-11 Penalty for fraudulently obtaining benefits. Any person who knowingly makes a false claim or a false statement or uses any other fraudulent device in connection with any claim is guilty of theft as provided in 45-6-301 and upon conviction shall, in addition to be punished as provided by that section, forfeit and repay any compensation paid under this part.

To file a claim

Benefits cannot be considered until a claim is filed. If you have questions or would like to request a claim form, please contact:

Crime Victim Compensation
P.O. Box 201410
Helena, MT 59620-1410
Phone: 1-800-498-6455 or (406) 444-3653
Email: dojovs@mt.gov

Claim forms may also be obtained from law enforcement, prosecuting attorneys, hospitals, or victim witness/advocate programs.

Restitution

You may be entitled to restitution if you have incurred a loss as a result of the crime. Suggestions for Obtaining Restitution:

- Advise law enforcement that you have sustained losses as a result of the crime.
- Provide documentation of all medical/property loss (resulting from crime) to city/county prosecutors, or Justice of the Peace. Also, advise if you lost wages as a result of the crime.
- If you have applied for compensation benefits, advise the city/county prosecutor or Justice of the Peace that benefits may be paid by the fund. See allowable benefits listed in this pamphlet.

If restitution is paid to the victim, the victim is required to reimburse Crime Victim Compensation for any benefits that have been paid on their behalf, as described under Administrative Rule 23.15.307(3).