

ANNUAL REPORT

IOWA DEPARTMENT OF JUSTICE ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION

**Fiscal Year 2005 Annual Report
July 1, 2004 - June 30, 2005**

**ATTORNEY GENERAL THOMAS J. MILLER
DEPUTY ATTORNEY GENERAL DOUG MAREK
DIVISION DIRECTOR MARTI ANDERSON, MSW, LISW**

MISSION STATEMENT

The mission of the Crime Victim Assistance Division and the Crime Victim Assistance Board is to advocate for the rights and the needs of crime victims and ensure that all crime victims and survivors will be treated with respect and dignity.

Adopted January 28, 2000

**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION
FISCAL YEAR 2005 REPORT**

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January 2006

Iowa Attorney General Tom Miller is pleased to release the Fiscal Year 2005 Annual Report of the Crime Victim Assistance Division (CVAD). During FY05 the CVAD assisted 4,889 victims directly through the Crime Victim Compensation and Sexual Abuse Examination Payment programs. The programs we partially fund through the Victim Services Grant Program assisted another 29,417 victims of crime.

These are notable numbers that measure our outreach and work product. But these numbers are not the essence of the work of the CVAD and our allies in victim service, prosecution, law enforcement, and the justice system. The essence of our work is a commitment to assist individuals who are harmed by crime in Iowa. We use our resources to facilitate the physical, emotional, spiritual, and economic recovery of crime victims. We also work to be good stewards of the government funds entrusted to us towards this end. Attorney General Tom Miller and the CVAD staff are committed to reducing the toll that crime takes on victims in Iowa.

Please take some time to appreciate the mission of the CVAD and the work of our staff. It is remarkable what caring people can do to provide good government services.

Sincerely,

Marti Anderson MSW, LISW
Director, CVAD

CRIME VICTIM ASSISTANCE DIVISION ACKNOWLEDGMENTS

The mission of the Iowa Attorney General's Crime Victim Assistance Division is achieved in collaboration with many others. Multi-disciplinary cooperation and joint government/private effort is key to providing the services persons who are victims of crime need and deserve.

The Crime Victim Assistance Division acknowledges collaboration and support of the following agencies and organizations. We thank them for sharing their time and expertise with CVAD in FY2005.

- Iowa victim service providers
- Iowa law enforcement agencies
- Iowa County Attorney's Offices
- Other Divisions of the Attorney General's Office, especially the
 - o Area Prosecution Division,
 - o Criminal Appeals Division,
 - o Administrative Services Division, and the
 - o Prosecuting Attorney Training Coordinator
- U.S. Attorney's Office for the Southern District of Iowa
- U.S. Attorney's Office for the Northern District of Iowa
- Iowa Department of Corrections
- Iowa Department of Public Health, Violence Prevention Office
- Iowa Department of Human Rights, Commission on the Status of Women
- Iowa Organization for Victim Assistance
- Iowa Coalition Against Sexual Assault
- Iowa Coalition Against Domestic Violence

The Attorney General and the CVAD staff thank the members of the Attorney General's Crime Victim Assistance Board who are appointed and serve as volunteers. They develop thoughtful policies and guiding principles for the Division.

We thank the interns and volunteers who donate their time to the Crime Victim Compensation Program. And we thank the volunteers who donate their time and expertise to review applications to the Victim Services Grant Program.

ATTORNEY GENERAL'S CRIME VICTIM ASSISTANCE BOARD

Under Iowa law, the Crime Victim Assistance Board is appointed by the Attorney General and is required to meet a minimum of four times annually. The Board adopts administrative rules for the programs of the Crime Victim Assistance Division. The Board also conducts hearings and renders decisions on appeals of division program decisions.

The Crime Victim Assistance Board met six times during Fiscal Year 2005. Four meetings were in Des Moines and two were conducted by conference telephone call. In FY05, the Board had an attendance rate of 83%.

Iowa Code section 915.82 mandates that membership of the Board include two persons who have been crime victims, a victim service provider, a county attorney, two law enforcement professionals, a hospital emergency medical practitioner, a licensed psychologist or social worker, a person who represents older Iowans, and a criminal defense attorney.

Crime Victim Assistance Board Members January 2006

Mark C. Smith, Chair, State Public Defender's Office, Des Moines (2008)

Kathy Dolan, R.N., St. Luke's Hospital, Cedar Rapids (2007)*

Fred Scaletta, Iowa Dept. of Corrections, Des Moines (2008)

Patrick Jackson, Des Moines County Attorney, Burlington (2006)

Ruth Mosher, Represents Older Iowans, West Des Moines (2008)

Edward Origer, Represents Crime Victims, Ankeny (2006)

Paul Fitzgerald, Story County Sheriff, Nevada (2006)

Patty Beard, Represents Crime Victims, Keokuk (2007)

Mary Ingham, Crisis Intervention Service, Mason City (2007)

Sandra McGee, LMSW, Polk County Victim Services, Des Moines (2007)

* Board member terms end in July of the noted year.

**IOWA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION STAFF**

Administration

Doug Marek, Deputy Attorney General for Criminal Justice
Marti Anderson, MSW, LISW, Crime Victim Assistance Division Director
Alison Walding, Training and Education Coordinator
Kristi Etzel, CPA, Division Accountant
Chris Douglass, Assistant Attorney General, Counsel to the Board and Division

Support Services

Edie Omlie, Lead Support Staff

Sharon Hayes, Support Staff
Patricia Washington, Support Staff
Grace Armstrong, Accounting Technician

Victim Services Grant Program

Virginia Beane, Administrator for the Victim Services Grant Program

Becky Kinnamon, Assistant Grant Administrator
Donna Phillips, Assistant Grant Administrator

Crime Victim Compensation and Sexual Abuse Examination Payment Programs

**Rob Wheeler Administrator for the Crime Victim Compensation Program
and Sexual Abuse Examination Payment Program**

Ruth Walker, Restitution and Subrogation Collection Coordinator
Carole Meade, Crime Victim Advocate
Kirstin Isenhardt, Claims Specialist
Kimberly Kluxdal, LBSW, CADC, Claims Specialist
Anne Thomas, Claims Specialist
Nicole Stutzman, Claims Specialist
Mary Kay Bartine, Claims Specialist
Shonna Swain, Claims Specialist
Charles Grigsby, Claims Specialist
Lisa Bickelhaupt, Claims Specialist
Stacey Anderson, Claims Specialist

IOWA DEPARTMENT OF JUSTICE ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION

OVERVIEW

The Crime Victim Assistance Division (CVAD) of the Attorney General's Office was established by the Iowa General Assembly July 1989 to consolidate programs for crime victims at the state level. The Division is the first state level office established for the sole purpose of assisting victims of crime and the programs that serve them.

The Crime Victim Assistance Board is established by statute. The Attorney General appoints the Board members to three-year terms of service. The Board oversees the development and application of administrative rules for the Division and hears program appeals from applicants and claimants.

The CVAD is a division of the Criminal Justice Bureau of the Attorney General's Office and is responsible for administration of the following programs in Iowa:

- **Crime Victim Compensation Program**
- **Sexual Abuse Examination Payment Program**
- **Victim Services Grants Program:**
 - Federal Victims of Crime Act funds
 - Federal Violence Against Women Act funds
 - Federal Family Violence Prevention & Services Act funds
 - State Domestic Abuse funds
 - State Sexual Abuse funds
- **Iowa Crisis Response Team**

Funding for the Crime Victim Compensation Program, Sexual Abuse Examination Payment Program, Federal Victims of Crime Act, and State Domestic Abuse and Sexual Abuse funds come entirely from fines and penalties assessed state and federal convicted criminals.

The Federal Family Violence Prevention and Services Act and Violence Against Women Act funds are appropriated annually by the United States Congress.

The Iowa Crisis Response Team is comprised of 135 nationally trained volunteers. Funds to support the team come from private donations and criminal fines and penalties.

ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION STATE FISCAL YEAR 2005 BUDGET

<u>RESOURCES</u>	<u>REVENUE</u>	<u>SOURCE</u>
VOCA Compensation funds*	\$1,238,000	U.S. Dept. of Justice
OWI Civil Penalties*	\$1,469,700	DOT penalty for drunk drivers
Criminal Fine Surcharge*	\$5,271,961	DOC fine Offender surcharge
Restitution recovery*	\$497,701	Clerks of Court from offenders
Subrogation recovery*	\$152,996	Victim civil law suit settlements
Inmate wage deposits*	\$78,817	DOC from incarcerated offenders
Domestic & Sexual Abuse funds	\$2,254,417	Iowa Comp Fund
VOCA Assistance funds	\$3,801,000	U.S. Dept. of Justice
STOP Violence Against Women	\$1,471,000	U.S. Dept. of Justice/state approp.
Family Violence Prevention & Services	\$1,161,973	Dept. of Health & Human Service
Total Resources	\$17,397,565	

* Revenue deposited in the state Compensation Fund.

<u>OBLIGATIONS</u>	<u>EXPENDITURES</u>	<u>SOURCE</u>
Staff Operating Expenses	\$1,626,595	Compensation Fund & Grant Admin.
Victim Compensation claims*	\$5,484,864	Compensation Fund
Sexual Abuse Exam. claims*	\$999,464	Compensation Fund
Victim Advocate Training	\$30,000	Compensation Fund
Collection Expenses	\$87,405	Compensation Fund
Grants to local programs:		
Victims of Crime Act	\$3,628,329	U.S. Dept. of Justice, OVC
FVP&S Act	\$1,108,116	U.S. Dept. of Health & Human Serv.
Domestic Abuse	\$1,466,709	Compensation Fund
Sexual Abuse	\$787,708	Compensation Fund
Violence Against Women Act	\$1,489,785	U.S. Dept. of Justice, OVAW
TOTAL FY05 EXPENDITURES	\$16,708,975	

* Claims expenditures are counted for the fiscal year in which they are approved and payment is ordered.

Crime Victim Fund Reserve: Revenue and expenditures of the CVAD budget vary based on crimes committed, applications received, and fines and penalties paid. The goal is to maintain a reserve equal to three months expenses to assure that obligations to victims and victim programs can always be. The Compensation Program Reserve July 1, 2005 was \$3,844,357.

CRIME VICTIM ASSISTANCE DIVISION CRIME VICTIM COMPENSATION PROGRAM

DETAILED REPORT FISCAL YEAR 2005

The Crime Victim Compensation Program provides financial compensation to victims who have suffered personal injury as a result of a criminal act. Benefits are awarded for out-of-pocket expenses and lost wages related to emotional and physical injury suffered by the victim and the victim's family as a direct result of the crime. In addition, eligible victims may receive compensation for lost wages related to cooperation with the investigation and prosecution of the crime. The program does not compensate victims for damaged or stolen property.

ELIGIBILITY

To qualify for compensation, the applicant must be a person who suffers personal injury or death, or a substantial threat of personal injury or death as a result of a crime committed in Iowa. Iowa residents who are victims of a crime committed in a state, or country, that does not have a compensation program, also may be eligible for compensation from the Iowa program. The Crime Victim Compensation Program is available to a crime victim regardless of their means and income. Benefits are reimbursement of a victim's actual out-of-pocket expenses and lost wages.

Eligible persons include those emotionally or physically injured by the following crimes:

Homicide	Assault	Vehicular Homicide
Domestic Abuse	Kidnapping	Drunk or intoxicated Driving
Adult Sexual Abuse	Robbery	Hit and Run Driving
Child Sexual Abuse	Stalking	Reckless Driving
Child Physical Abuse	Home Burglary	Drunk or Intoxicated Boating
Attempted Murder	Arson	Other Violent Crimes

Applicants must meet the following criteria:

1. A report **MUST BE** made to law enforcement within 72-hours of the crime or discovery of the crime. The reporting time limit requirement may be waived if good cause is shown.
2. An application **MUST BE** filed with the Compensation Program within two years of the occurrence of or discovery of the crime. The filing time limit requirement may be waived if good cause is shown.
3. In cases of child abuse or dependent adult abuse by a caretaker, the crime must be reported to the Iowa Department of Human Services.
4. The victim must not have been assisting, attempting or committing a criminal act that caused their injuries.
5. The victim must not have consented to, provoked, or incited the crime that caused their injuries.

BENEFITS

The maximum benefits established in Iowa Code Chapter 915 for a victim in Fiscal Year 2005 were:

- \$15,000 **Medical** expenses for the victim;
- \$3,000 **Medical** expenses for the survivor of homicide victims;
- \$7,500 **Funeral and Burial** expenses;
- \$2,000 **Loss of support** for the dependent of a deceased or disabled victim;
- \$6,000 **Lost wages** for work missed due to injury from crime;
- \$1,000 **Lost wages** for work missed due to criminal justice proceedings;
- \$1,000 **Lost wages** to take a minor or dependent victim to medical or counseling appt.;
- \$3,000 **Counseling for a victim**, by a qualified professional;
- \$1,000 **Counseling a victim's family/household member** by a qualified professional;
- \$3,000 **Counseling for the survivor of a homicide victim** by a qualified professional;
- \$1,000 **Clean-up expenses** of a residential crime scene; and,
- \$100 **Replacement of clothing or bedding** held as evidence.

APPLICATION PROCESS

The Crime Victim Compensation Program has a simple application form. The form is contained on a postage paid card attached to the program brochure. The program also has a toll free number and accepts applications by telephone. The program has an advocate on staff to assist victims with filing applications and finding other resources. Information about the program is available on the Internet at www.state.ia.us/government/ag/cva.html.

Program brochures and applications in English and Spanish are available from the program, county attorneys, hospitals, law enforcement agencies, victim service programs, and other public agencies. Applications can be filed by mail, by telephone at 1-800-373-5044, or by fax at 515-281-8199.

On receipt of an application, a thorough investigation is conducted to determine eligibility of the applicant and the amount of benefits to be awarded.

In FY05, the average processing time from receipt of the application to eligibility determination was 8.6 weeks. The average claim paid was \$1863.51. Applicants are notified by mail of the program decision. Approved claims may result in benefits paid directly to a service provider or to a crime victim for the victim's out-of-pocket expenses.

Applicants who are denied compensation or who disagree with the amount of a benefit payment may request reconsideration of the decision by the Division Director. If an applicant disagrees with the decision of the Division Director, he or she may appeal that decision to the Crime Victim Assistance Board. Decisions of the Board may be appealed to the Iowa District Court.

No tax dollars fund the Crime Victim Compensation Program. Funding for the program as well as all operational expenses, come from the Compensation Fund established in Iowa Code section 915.94. The Compensation Fund is comprised of fines and penalties paid by criminals including:

- ❖ \$100 of the \$200 penalty imposed on offenders for operating a vehicle while intoxicated;
- ❖ 17% of the state's 95% share of the 33% surcharge on criminal fines;
- ❖ Federal Victims of Crime Act (VOCA) funds;
- ❖ Offender restitution;
- ❖ 5% of the wages of incarcerated offenders working outside a corrections institution; and
- ❖ Settlements and awards from civil suits filed by or on behalf of victims against the offender or other party responsible for the crime (subrogation).

CRIME VICTIM COMPENSATION PROGRAM
FY 2005 SAMPLE CASE SUMMARIES
Crime Victim Compensation Case Examples

052207: A central Iowa woman was watching movies in her home with a friend when her ex-husband entered through a window and began beating the victim with a metal shovel. She suffered a severely broken arm. To date the Iowa Crime Victim Compensation Program has paid close to \$7,000 in medical expenses after insurance and over \$2,500 in lost wages.

051403: A western Iowa man was bowling in the neighborhood bowling alley with his girlfriend when her ex-husband entered the bowling alley and shot the victim. The victim died from his injuries. To date, the Iowa Crime Victim Compensation Program has paid \$7,500 in funeral and burial benefits and over \$16,500 in medical care and counseling for homicide survivors. In addition, the Program has paid approximately \$180 in lost wages for homicide survivors to attend court proceedings and \$8,000 in loss of support for the victim's four minor children.

051030: The suspect drove his truck through a stop sign and hit the SUV that the victim was driving. The victim's 19-month-old daughter (050059) was ejected from the vehicle and died as a result of her injuries. Payments on both claims are pending information from the adult victim.

051088: The victim was shot in the head causing her death. Her adult son is the suspect. To date the Crime Victim Compensation Program has paid \$7,431.98 in funeral benefits and \$1,212 in survivor lost wages.

051179: The victim was shot multiple times by his father. The victim's father then shot himself committing suicide in front of the victim. The victim survived the attack and to date the Crime Victim Compensation Program has paid lost wages in the amount of \$680.

051268: The victim agreed to speak with her ex-boyfriend in his car outside her home. He began driving away from her house as they argued and she became very frightened for her safety. He eventually stopped his car on a gravel road and the victim thought the suspect was going to let her out of the car. She opened the door and he began accelerating. She thought she had no other choice so she jumped out of the moving car onto the gravel road. The victim was 7 weeks pregnant with the suspect's twins. To date the Crime Victim Compensation Program has paid a total of \$839.73 for the victim's lost wages, medical expenses, and clothing held as evidence.

051772: The victim and her fiancé (051771) were shot to death by the victim's ex-husband as they slept. To date the Crime Victim Compensation Program has paid \$7,500 in funeral benefits for the victim and \$7,400.64 for her fiancé's funeral.

051221: The victim was stabbed multiple times by a person known to him. The most significant injury was a laceration to the victim's liver. The Crime Victim Compensation Program paid the maximum allowable medical expenses of \$15,000.00.

050359, 050360: The victims were shot and killed by an intruder in their home. The Crime Victim Compensation Program paid \$13,948.06 towards funeral costs. The program also paid \$1,000.00 to a local company that cleaned the home after the homicides.

050394, 050394a-c: The victim was a passenger on a speedboat that crashed into a fishing boat. The driver of the speedboat was charged with drunk boating with serious injury. The victim suffered many serious injuries. Over \$3,000 was paid in out-of-pocket medical expenses and \$8,000 in lost wages to the victim and a secondary victim.

051329, 051329a-g, 051330, 051331, 051332, 051333: A family of siblings, spouses, and children were returning home from a family function when their vehicle was struck by a drunk driver. The driver of the family vehicle was killed, and the passengers were injured. On behalf of the driver, the program paid \$15,000 in medical expenses, \$7,500 in funeral benefits, and \$6,000 in loss of support payments for his wife and children. The secondary homicide survivors also received benefits totaling over \$2,900 for counseling benefits and lost wage benefits to attend the funeral and criminal proceedings. Counseling benefits and lost wage benefits were also paid to the passengers, amounting to \$326 in counseling and almost \$2,000 in lost wages. The counseling is ongoing.

Restitution and Subrogation Case Examples

050025: A northern Iowa man was assaulted after a short argument with the defendant. The defendant was sentenced to 1 year in jail and ordered to pay \$2,816.20 to the Crime Victim Compensation Program for medical expenses paid on behalf of the victim.

050598: An Iowa woman was assaulted by her boyfriend. The Crime Victim Compensation Program paid for her clothing that was held as evidence by police. Her medical expenses were covered by Medicaid and Medicare. The defendant was sentenced to 4 years in prison and was ordered to pay \$93.98 to the Crime Victim Compensation Program for the victim's clothing.

050583: An eastern Iowa man was driving a vehicle that was struck by a drunk driver. The victim sustained multiple fractures of his left leg. He filed a civil suit and received a settlement. The Crime Victim Compensation Program had paid out \$9,568.46 in medical expenses and lost wages. The Crime Victim Compensation Program received \$6,323.59 in payment of its subrogation lien.

Advocate Case Examples

The father of a crime victim called to request assistance with an eviction notice his daughter had received from her apartment complex. The landlord was evicting her because a stranger in the parking lot of her apartment building had assaulted her. The father called from the hospital room of his daughter, where she was being treated for injuries. The advocate referred him to a nonprofit agency that assists with landlord-tenant disputes and the lawyer referral service at the State Bar Association.

A victim of sexual abuse called because she was worried about the pending release from prison of the man who had sexually assaulted her. The advocate referred her to the local Rape Crisis Center and an assistant attorney general for information and support.

A victim of a sexual assault applied for crime victim compensation. Upon review of the application the advocate discovered that the victim was assaulted in North Carolina. The advocate sent the victim an application for the North Carolina Crime Victim Compensation Program.

CRIME VICTIM COMPENSATION PROGRAM FY05 STATISTICAL INFORMATION

APPLICATION INFORMATION

Total Applications Received: **2,891**

Applications for Primary crime victims 2269

Applications for Secondary crime victims 622

Applications Approved: **2,480**

Applications Denied: **274**

Statutory Reasons for Denial:

Crime not reported within 72 hours

Application not filed within 2 years

Crime is not a covered crime

Lack of cooperation with law enforcement

Victim consent, provocation, or incitement of the crime

Victim was committing criminal act

Secondary victim denied due to primary victim denial

Secondary victim was committing a criminal act

Not an eligible secondary victim

Supplemental Payment Requests Processed **4,568**

Primary Victim and Secondary Victim Applications Approved by Crime Category

Arson	11
Assault	931
Attempted Murder	36
Burglary	46
Child Abuse	68
Child Abuse Murder	17
Child Sexual Assault by a Family Member	176
Child Sexual Assault by a Non-family Abuser	276
Dependent Adult Abuse	0
Domestic Abuse	435
Domestic Abuse Murder	38
Drunk Driving	66
Harassment	35
Hit & Run Driving	49
Kidnapping	19
Murder	188
Other Crimes	100
Property Damage	4
Reckless Driving	7
Robbery	44
Sexual Assault	204
Stalking	8
Sexually Violent Predator	1
Theft	22
Vehicular Homicide	110

ADVOCATE SERVICES INFORMATION

New victims provided services by advocate 540

RESTITUTION/SUBROGATION COLLECTION INFORMATION

Number of restitution payments collected 4,279
Number of civil suit subrogation payments collected 38

CLAIM REVENUE AND EXPENSE INFORMATION

Claim Expenses

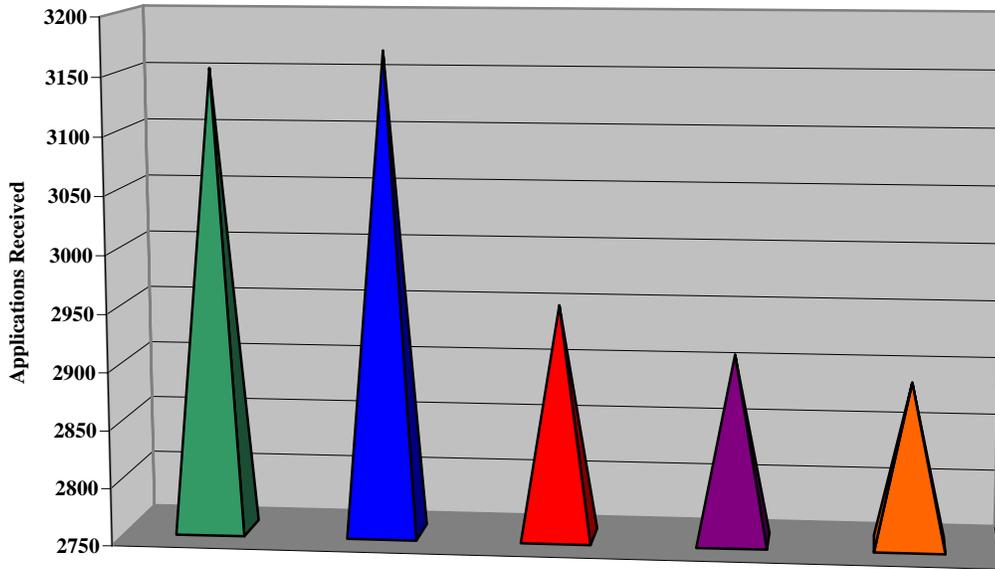
Victim claim payments	\$5,484,864
Attorney's Fees	\$77,315
Restitution Refunds	<u>\$10,089</u>
Total Program Expenses	\$5,572,268

Program Revenue

Offender restitution	\$496,309
Subrogation	\$152,996
Donations	\$50
Criminal fine surcharge	\$5,271,961
Operating while intoxicated civil penalty	\$1,469,700
Inmate work wages	\$78,817
Federal VOCA Compensation Grant	<u>\$1,238,000</u>
Total Program Revenue	\$8,707,833 *

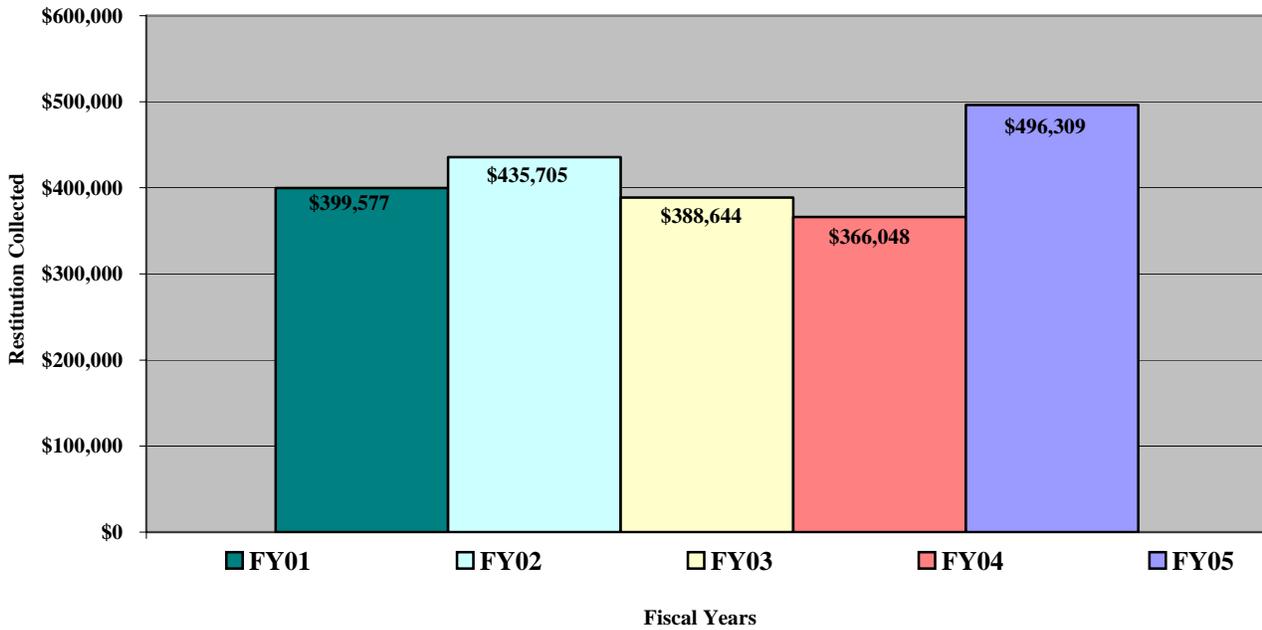
* These funds also pay the expenses of the Sexual Abuse Examination Payment Program and the operational expenses of the CVAD.

5 Year Applications Received Comparison

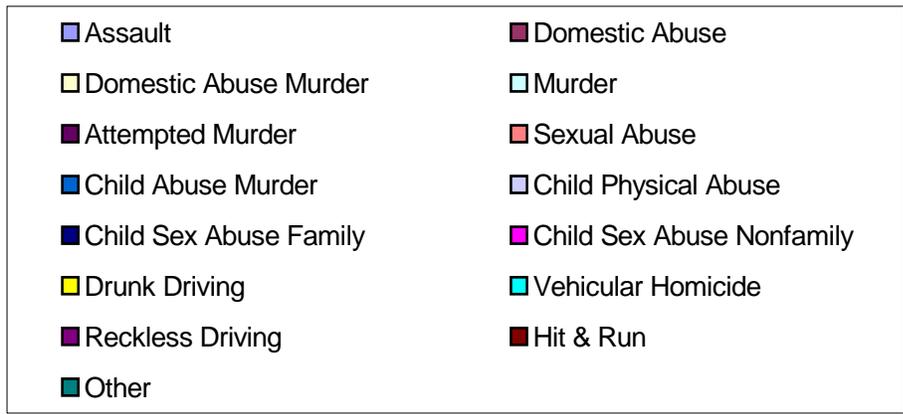
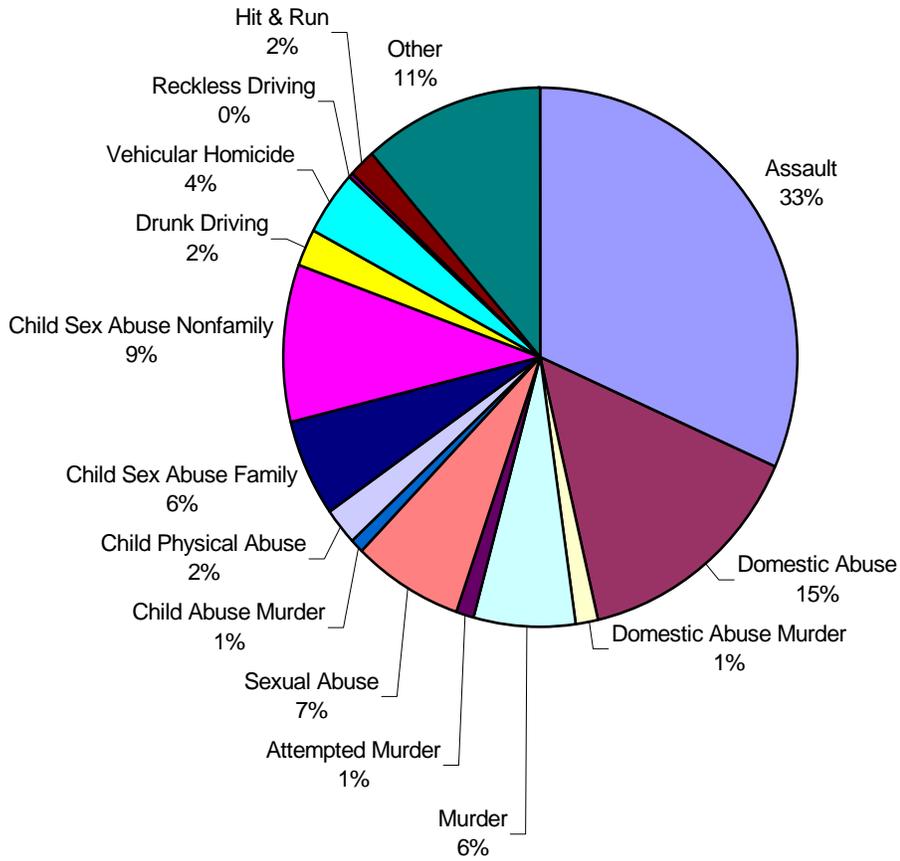


	FY01	FY02	FY03	FY04	FY05
Series1	3152	3168	2952	2912	2891

5 Year Restitution Collection Comparison



FY05 Primary and Secondary Applications Received by Crime



**CRIME VICTIM COMPENSATION PROGRAM: FIVE-YEAR COMPARISON
CLAIM INFORMATION**

State fiscal Year	FY05	FY04	FY03	FY02	FY01
Applications Received	2891	2912	2952	3168	3152
Applications Approved	2480	2228	2683	2706	2741
Average Process Time in weeks	8.6	9.5	8.5	9.1	6.8
Supplemental Bills Processed	4568	3964	3720	3720	4201
Applications Denied	274	242	385	385	325

COMPENSATION PROGRAM REVENUE

Revenue Source	FY05	FY04	FY03	FY02	FY01
Restitution	494,290	366,588	388,644	435,705	399,577
Income tax offsets	2,019	646	1,777	3,179	5,817
Wage garnishment	0	0	1,312	790	1,192
Subrogation recovery	152,996	83,475	119,952	155,449	210,614
Criminal fine surcharge	5,271,961	4,187,618	4,193,139	3,943,049	3,360,999
OWI civil penalty	1,469,700	1,559,595	1,689,175	1,686,150	1,711,620
Inmate Wage Deposits	78,817	53,894	56,841	83,317	116,618
Donations	50	0	1,851	0	1,769
Federal VOCA Grant	1,238,000	1,560,000	1,035,000	1,035,000	931,000
Total Revenue	8,707,833	7,811,816	7,487,691	7,342,639	6,739,206

PRIMARY VICTIM APPLICATIONS APPROVED BY CRIME TYPE

Crime	FY05	FY04	FY03	FY02	FY01
Assault	931	948	840	665	633
Domestic Abuse	435	473	437	530	488
Domestic Abuse Murder	38	94	9	14	9
Murder	188	148	36	31	33
Attempted Murder	36	43	24	29	26
Sexual Abuse	204	170	140	151	149
Child Sexual Abuse by A Family Member	176	181	118	123	104
Child Sexual Abuse by Non-Family	276	221	164	150	161
Child Physical Abuse	68	66	48	51	54
Child Abuse Murder	17	17	10	6	7
Drunk/Intoxicated Driving	66	77	51	43	48
Vehicular Homicide	110	99	20	12	21
Reckless Driving	7	8	9	2	5
Hit & Run Driving	49	67	41	31	28
Other Violent Crimes	290	300	132	227	228
Total Crimes	2891	2912	2079	2065	1994

CRIME VICTIM ASSISTANCE DIVISION SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM

DETAILED REPORT FISCAL YEAR 2005

The Iowa Sexual Abuse Examination Payment Program was established in 1979 to pay the cost of evidentiary examinations in sexual abuse crimes. Administration of the program was transferred from the Department of Public Health to the CVAD on July 1, 1990. All funds for the program come from the Compensation Fund, which consists of fines and penalties paid by criminals.

Iowa Code section 915.41 states:

"The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94 [*Victim Compensation Fund*]."

PROGRAM PURPOSE

The purpose of the Sexual Abuse Examination Payment Program is to encourage victims to receive a forensic and medical examination that assures their well being and collects evidence before it deteriorates. Victims of sexual abuse are not required to report to law enforcement when receiving a medical examination for the program to pay for the examination.

Evidence of sexual abuse deteriorates significantly during the seventy-two hours immediately following an assault and is best collected within the first twelve hours after the crime. It is often difficult for Sexual assault victims to decide whether or not to report the crime to law enforcement within this time frame.

Iowa pays for the sexual abuse examination regardless of whether the victim reports the crime to law enforcement. Because evidence deteriorates rapidly, this policy assures that prosecutors and law enforcement officers will have evidence effectively collected if the victim later reports the crime.

Victims may voluntarily allow a medical facility to submit the examination bill to the victim's insurance carrier. A victim may choose not to have insurance billed for the cost of the examination. Hospitals, clinics, examiners laboratories, and pharmacies submit bills directly to the program. If a victim is erroneously billed and subsequently pays the cost of the evidence collection, the program will reimburse that victim up to the limits set in the Iowa Administrative Rules Code.

PROGRAM PROCEDURES

Hospitals, clinics, examiners, laboratories, and pharmacies bill the Sexual Abuse Program directly. A victim of sexual abuse should never be billed for the evidentiary examination or necessary medications. If a sexual abuse victim is inadvertently billed by a service provider and pays the bill, the program will reimburse the payment to the victim according to the limits established by rule.

A victim of sexual abuse may assign the examination bill to their insurance benefits. The program up to limits set in the Iowa Administrative Rules Code can pay costs that a victim does not assign to insurance. The program can pay up to \$300 for the examining room, \$200 for the examiner fees, and all laboratory and medication costs related to the sexual abuse crime. A victim is not responsible for the balance of charges on a sexual abuse evidentiary examination.

**IOWA ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION
SEXUAL ABUSE EXAMINATION PROGRAM**

**FY2005
Final Report**

CASE INFORMATION

CASE CLAIMS RECEIVED:

New sexual abuse victim cases	1,998
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PAYMENT INFORMATION

TOTAL AMOUNT PAID:

Number of warrants issued	\$1,037,990.08
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PROGRAM REIMBURSEMENT AND COST SUMMARY

REIMBURSEMENT TO FUND:

Refunds from providers	\$32,806.03
Cancelled warrants	\$4,328.05
Restitution received	<u>\$1,391.94</u>
Total reimbursement	\$38,526.02

CASE COSTS:

Total new cases	1,998
Total examination cost [paid (-) reimbursed]	\$999,464.06
Average case cost	\$500.23

CRIME VICTIM ASSISTANCE DIVISION VICTIM SERVICE GRANT PROGRAM

DETAILED REPORT FISCAL YEAR 2005

The Victim Services Grant Program (VSG) provides partial funding and technical assistance to Iowa community-based and statewide victim service programs. Some funded programs investigate and prosecute crimes of violence against women and others provide free and confidential counseling and advocacy services to persons who are victims of violent crime. In FY05 the Victim Services Grant Program administered two State and three Federal grant funds.

In FY05 the VSG managed 218 contracts with 81 public and non-profit organizations. The Program awarded a total of \$8,480,647 in state and federal fund contracts. Many of the funded organizations offer programming to victims of more than one type of crime, so are eligible to receive funds from more than one of the four VSG grant sources.

The funded programs served 29,417 crime victims, including the survivors of homicide victims. The distributed funds represent a service cost to the combined state and federal governments of \$288 per Iowa crime victim served with these funds. This is a reduction from the average cost per victim served in FY04 of \$293.

In FY05 the VSG received 73% of the funds from the federal government and 27% from the state government. Local victim service programs received an average 57% of their overall program funding from the VSG.

Local programs that received funds from the VSG in FY05 include 33 domestic abuse programs; 33 sexual abuse programs; 19 prosecutor based programs; 4 homicide victim survivor programs; 2 programs for teen victims of crime; 13 Violence Against Women (VAW) law enforcement programs; 11 VAW prosecutors and 7 VAW statewide training and technical assistance positions.

Eight of the contracts provided statewide service in FY05. Children and Families of Iowa in Des Moines received funds to operate the Iowa Domestic Abuse Hotline. The Rape Victim Advocacy Program in Iowa City received funds to operate the Iowa Sexual Abuse Hotline. Also funded were two Violence Against Women (VAW) Curricula personnel at the Iowa Law Enforcement Academy; a VAW prosecutor in the Area Prosecutions Division of the Iowa Attorney General's office; a Violence Prevention Coordinator at the Iowa Department of Public Health; a Domestic Abuse Coordinator at the State Court Administrator's Office; a Multi-cultural Outreach Advocate at the Iowa Coalition Against Domestic Violence; and a Multi-cultural Outreach Advocate at the Iowa Coalition Against Sexual Assault.

FUND SOURCES

Victims of Crime Act (VOCA) Assistance funds are awarded to Iowa by the U.S. Department of Justice, Office for Victims of Crime. The funds come from the federal VOCA Fund that entirely consists of fines and penalties paid by convicted federal criminals. The funds are collected by U.S. Attorney Offices. The funds are known as Victim Assistance (VA) Funds.

Violence Against Women Act (VAWA) funds are awarded to Iowa by the U.S. Department of Justice, Office on Violence Against Women. These funds are appropriated annually by the U.S. Congress.

Family Violence Prevention and Services Act (FV) funds are awarded to Iowa by the U.S. Department of Health and Human Services, Office of Administration for Children and Families, Office of Community Services. These funds are appropriated annually by the U.S. Congress.

Iowa Domestic Abuse (DA) funds and **Iowa Sexual Abuse(SA)** fund come annually of a small appropriation from the Iowa General Assembly and funds authorized by the Iowa Attorney General from the Victim Compensation Fund. The Compensation Fund is entirely comprised of criminal fines and penalties.

GRANT APPLICATION AND REVIEW PROCESS

Grant applications are accepted once a year for the grant funds administered by the Victim Services Grant Program (VSG). A statewide press notice is issued regarding the availability of funds and announcing a grant-writing workshop, usually in January. The grant-writing workshop clarifies for applicants the application requirements and the grant award process. Grant applications, or Requests for Proposals (RFP) are usually due in early March of each year.

Immediately following the press announcement, RFPs are available from the Victim Services Grant program on-line at www.iowaattorneygeneral.org/CVAD/victim_serv.html. RFPs are also available to interested parties in paper format, on computer disc, or by e-mail.

Grant applications are evaluated for completeness, accuracy, and eligibility by the VSG staff. A volunteer grant review committee is convened to formulate grant award recommendations. Members of the review committee have extensive expertise in victim service, grant management, and public policy. Each application is evaluated by the committee for compliance, completeness, clarity, quality of services, victims served, community support, feasibility of proposal, evidence of efficient program management, geographical area, and size of the population served.

The VSG staff meets with the grant review committee to formulate award recommendations to the Division Director. The Director presents the recommendations and any alternate staff recommendations to the Crime Victim Assistance Board. The Board determines final grant awards to the extent funds are available and to the extent the applicants meet eligibility criteria.

An award notice including the amount of the award or the denial of the request is sent to each applicant. Applicants have 10 working days after the date on the award notice to appeal the decision of the board. A decision rendered by the Crime Victim Assistance Board on appeal constitutes final agency action.

VSG staff monitor the services, management, and fiscal operations of funded programs for compliance with state and federal regulations as well as quality and effective services.

FEDERAL FUNDS AVAILABLE FOR STATE FY05 Victims of Crime Act (VOCA)

VOCA funds are awarded by the U.S. Department of Justice, Office for Victims of Crime. The funds are derived entirely from federal criminal fines and penalties.

Total VOCA funds available FY05:	\$3,856,389
VOCA grant funds awarded to Iowa for FY05:	\$ 3,801,000
VOCA funds carried forward from FY04:	\$55,389

Distribution: \$3,628,329 to victim service programs
 \$190,050 for administrative costs
 \$38,010 for training costs

Distribution requirements:
 A minimum of 95% for victim service programs
 Up to 5% for state administrative costs
 Up to 1% for state training efforts

VOCA funds awarded to local programs must be used to provide direct services to victims of violent crime. Programs are also required to involve volunteers and to coordinate with public and private efforts to assist victims of crime. Four categories must each receive a minimum of 10% of the available funds: domestic abuse, sexual abuse, child abuse and previously under served victims of crime (types of crimes not included in the first three categories).

Fifty-four local programs received VOCA funds for state FY05. Programs are required to provide a 20% local match for the funds. FY05 is the nineteenth year these funds have been available in Iowa.

Family Violence Prevention and Services Act (FV)

Family Violence Prevention and Services Act funds (FV) are awarded by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services.

Total FV funds available FY05:	\$1,116,214
FV funds awarded to Iowa for FY05:	\$1,161,973
FV funds carried forward from FY04:	\$4,241

Distribution: \$1,108,116 to victim service programs
 \$58,098 for state administrative costs

Distribution requirements:
 Not less than 70% for domestic abuse shelters and programs
 Not more than 5% for state administrative costs

These funds are available to states to prevent family violence, provide immediate shelter and related assistance for victims of family violence and their dependents, and carry out coordination, research, training, technical assistance and evaluation.

Thirty-four local programs and one statewide technical assistance program received FV funds for FY05. Local match requirements are 35% for first year awards, 20% for second and subsequent year awards. FY05 is the nineteenth year these funds have been available in Iowa.

Violence Against Women Act (VAWA)

STOP Violence Against Women Act funds are awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice.

Total VAWA funds awarded FY05:	\$1,563,335
VAWA grant funds awarded to Iowa for FY05:	\$1,471,000
VAWA funds carried forward from FY04:	\$92,335

Distribution: \$1,489,785 to law enforcement, prosecutors, courts and victim services
\$73,550 for administrative costs

Distribution requirements: A minimum of 90% for local grants.
25% to victim services; 25% to law enforcement; 25% to prosecution
5% to courts; and 15% discretionary (Iowa awards all to victim services)
Up to 10% for state administrative costs (Iowa retains 5% for administration)

VAW funds focus on multi-disciplinary local coordination and collaboration with primary focus on victim safety and offender accountability.

Sixty-two local programs received VAWA funds in FY05 including 19 law enforcement agencies, 11 prosecution programs, 1 court program, and 31 victim service providers. FY05 is the ninth year STOP VAWA funds have been available in Iowa. In addition to the federal formula STOP VAWA grant, the VSG administered a VAWA Discretionary Rural grant of \$232,860 to the Shenandoah, Iowa area.

STATE OF IOWA FUNDS AVAILABLE FOR FY05 Iowa Domestic Abuse (DA)

Iowa Domestic Abuse funds are appropriated by the Iowa General Assembly and authorized from the Compensation Fund by the Attorney General. The funds are available to programs that provide advocacy, counseling and shelter service for victims of domestic abuse.

Iowa Domestic Abuse funds awarded in FY05: \$1,466,709

Distribution: 100% to Iowa domestic abuse programs and the Iowa Domestic Abuse Hotline.

Thirty-three programs and the Iowa Domestic Abuse Hotline were awarded Iowa Domestic Abuse funds for FY05. There is no local match required for these funds. FY05 is the twenty-sixth year these funds have been available to domestic abuse programs in Iowa.

Iowa Sexual Abuse Funds (SA)

Iowa Sexual Abuse funds are appropriated by the Iowa General Assembly and authorized from the Compensation Fund by the Attorney General. The funds are available to programs that provide advocacy and counseling service for victims of sexual abuse.

Iowa Sexual Abuse funds awarded in FY05: \$787,708

Distribution: 100% for Iowa sexual abuse programs and the Iowa Sexual Abuse Hotline.

Thirty-three programs and the Iowa Sexual Abuse Hotline were awarded Iowa Sexual Abuse funds for FY05. There is no local match required for these funds. FY05 is the sixteenth year these funds have been available.

**IOWA ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION
VICTIM SERVICES GRANT PROGRAM**

**STATISTICAL INFORMATION
STATE FISCAL YEAR 2005**

(July 1, 2004 through June 30, 2005)

CRIME VICTIM SERVICE INFORMATION

Victims Served by Type of Crime

Domestic Abuse:	21,738
<i>Women:</i>	17,292
<i>Men:</i>	775
<i>Children:</i>	3,671
Sexual Abuse:	4,141
<i>Adult SA:</i>	2,009
<i>Incest Survivors:</i>	316
<i>Teens:</i>	994
<i>Children:</i>	822
Child Physical Abuse:	283
Elder Abuse:	38
Homicide Victim Survivors:	441
Drunk/Intoxicated Driving:	165
Robbery:	93
Stalking:	97
Assault:	1,442
Other Violent Crimes:	<u>979</u>
Total Victims Served:	29,417

Victims Provided with Safe Shelter

Domestic Abuse:	4,761
<i>Women:</i>	2,603
<i>Men:</i>	9
<i>Children:</i>	2,149
[0-12 years old:	1,799]
[13-17 years old:	350]
Sexual Abuse:	93
Other adult victims:	<u>30</u>
Total sheltered:	4,884

Program by Type

Sexual Abuse Victim Programs:	33*
Domestic Abuse Victim Programs:	33*
Domestic and Sexual Abuse Statewide Hotlines:	2
Prosecutor-based Victim Programs:	15
Homicide Victim Survivor Programs:	4*
Teen Victim Programs:	2
State University based Sexual Abuse Response Teams	2
Violence Against Women Law Enforcement Officers:	13**
Violence Against Women Prosecutors:	11
Violence Against Women Statewide Positions:	<u>7***</u>
Total Programs funded:	122

NOTES: Agencies may operate multiple programs responding to victims of more than one type of crime.

* Thirty agencies operate combination sexual abuse/domestic abuse programs. Two agencies operate a sexual abuse, a domestic abuse, and a homicide survivor program. And one agency operates a sexual abuse and a homicide survivor program.

** The law enforcement agency may employ one victim response specialized officer or investigator, or the agency may use the funds to pay overtime for a team of officers or investigators.

*** These positions are located in the Iowa Coalition Against Domestic Violence, Iowa Coalition Against Sexual Assault, Iowa State Court Administrator's Office, Iowa Department of Public Health, Iowa Law Enforcement Academy, and Iowa Attorney General's Office,

Non-Profit Victim Service Program Staff and Volunteers*

Total Paid Staff for programs:	407
Average Paid Staff per program:	5
Total Volunteers for programs:	4,968
Average Volunteers per program:	65
Total volunteer hours for programs:	208,782

Public Awareness and Prevention

Total Program Media Contacts:	1,690
Total Program Public Presentations:	3,988
Total Audience at Presentations:	103,563
Total Program Training Sessions:	1,038
Total Individuals Trained:	22,588

IOWA ATTORNEY GENERAL'S OFFICE
 CRIME VICTIM ASSISTANCE DIVISION
 VICTIM SERVICES GRANT PROGRAM
 ANNUAL COMPARISON DATA

Chart 1: Victims Served

	Sexual Abuse Victims	Domestic Abuse Victims	Other Crime Victims	TOTAL VICTIMS
FY00	3482	17994	5038	26514
FY01	3283	18528	2851	24662
FY02	4070	20460	2739	27269
FY03	3754	19952	3992	27698
FY04	3560	21780	3624	28964
FY05	4141	21738	3538	29417
Total	22,290	120,452	21,782	164,524

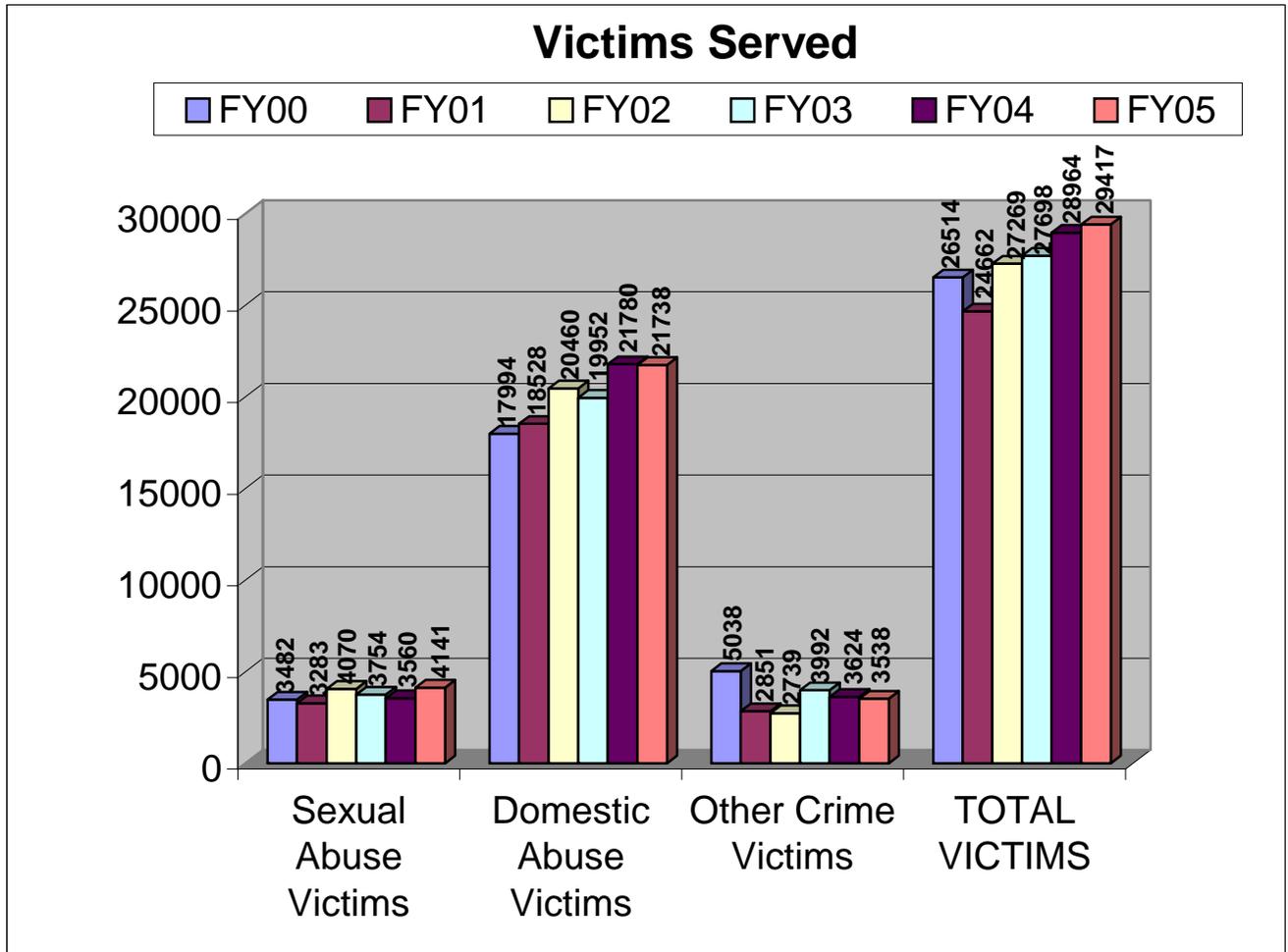


Chart 2: Sexual Abuse Victims Served

	Sexual Abuse Adult	Adult Incest Survivor	Sexual Abuse Teen	Sexual Abuse Children	TOTALS
FY00	1631	336	792	723	3482
FY01	1362	336	850	735	3283
FY02	1763	419	1021	867	4070
FY03	1579	360	954	861	3754
FY04	1668	227	889	776	3560
FY05	2009	316	994	822	4141
Total	10,012	1,994	5,500	4,784	22,290

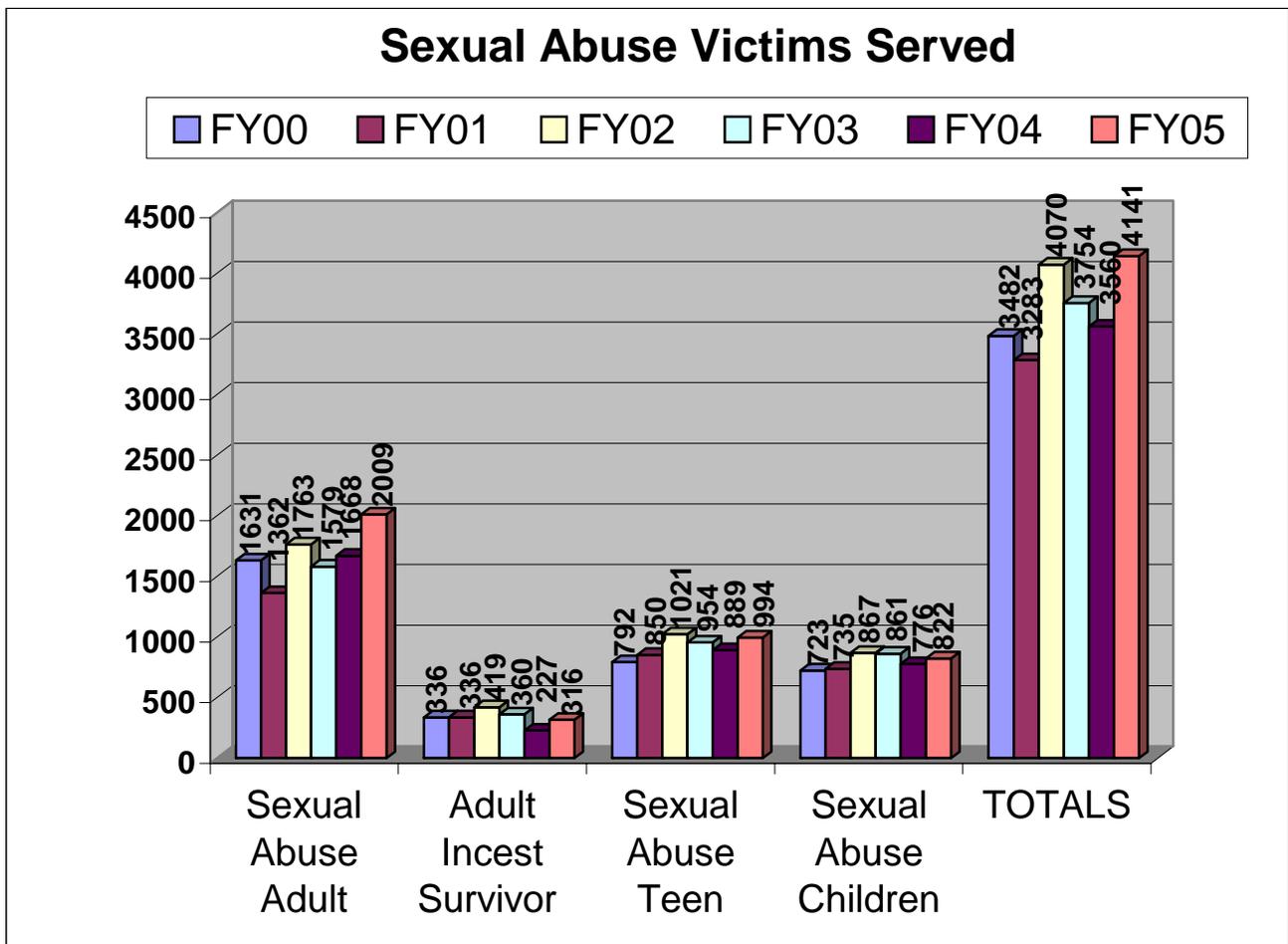


Chart 3: Domestic Abuse Victims Served

	Domestic Abuse Female	Domestic Abuse Male	Domestic Abuse Children	TOTALS
FY00	14236	647	3111	17994
FY01	14049	698	3781	18528
FY02	16243	664	3553	20460
FY03	15707	670	3575	19952
FY04	17331	839	3610	21780
FY05	17292	775	3671	21738
Total	94,858	4,293	21,301	120,452

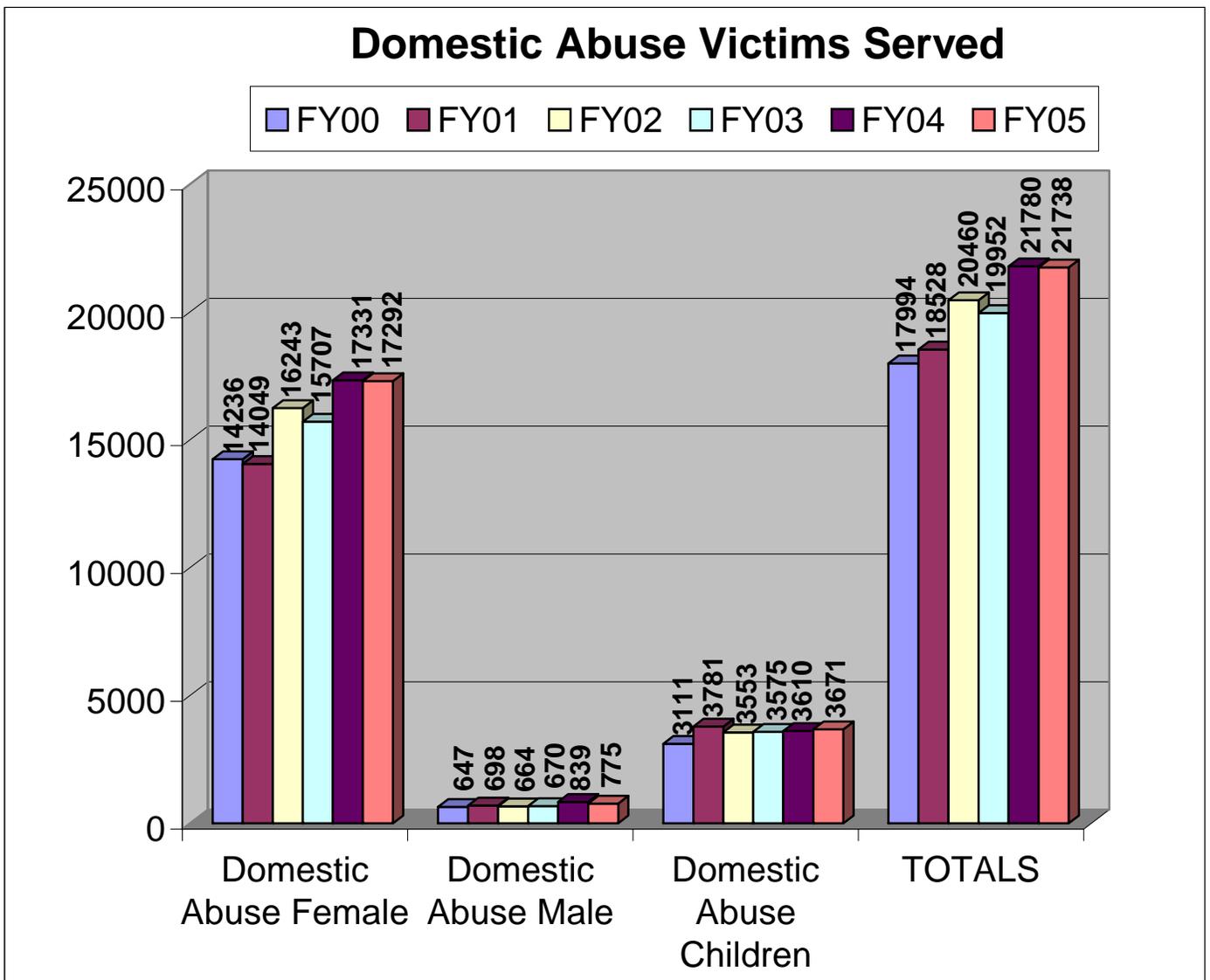


Chart 4: Victims Provided With Safe Shelter

	Domestic Abuse Women	Domestic Abuse Men	Domestic Abuse Children	Sexual Abuse Victims	Other Victims	TOTALS
FY00	2217	13	2383	0*	61	4674
FY01	2099	15	2358	38	12	4522
FY02	2262	16	2484	82	32	4876
FY03	2458	7	2187	64	5	4721
FY04	2224	5	2167	54	35	4485
FY05	2603	9	2149	93	30	4884
<i>Total</i>	<i>13,863</i>	<i>65</i>	<i>13,728</i>	<i>331</i>	<i>175</i>	<i>28,162</i>

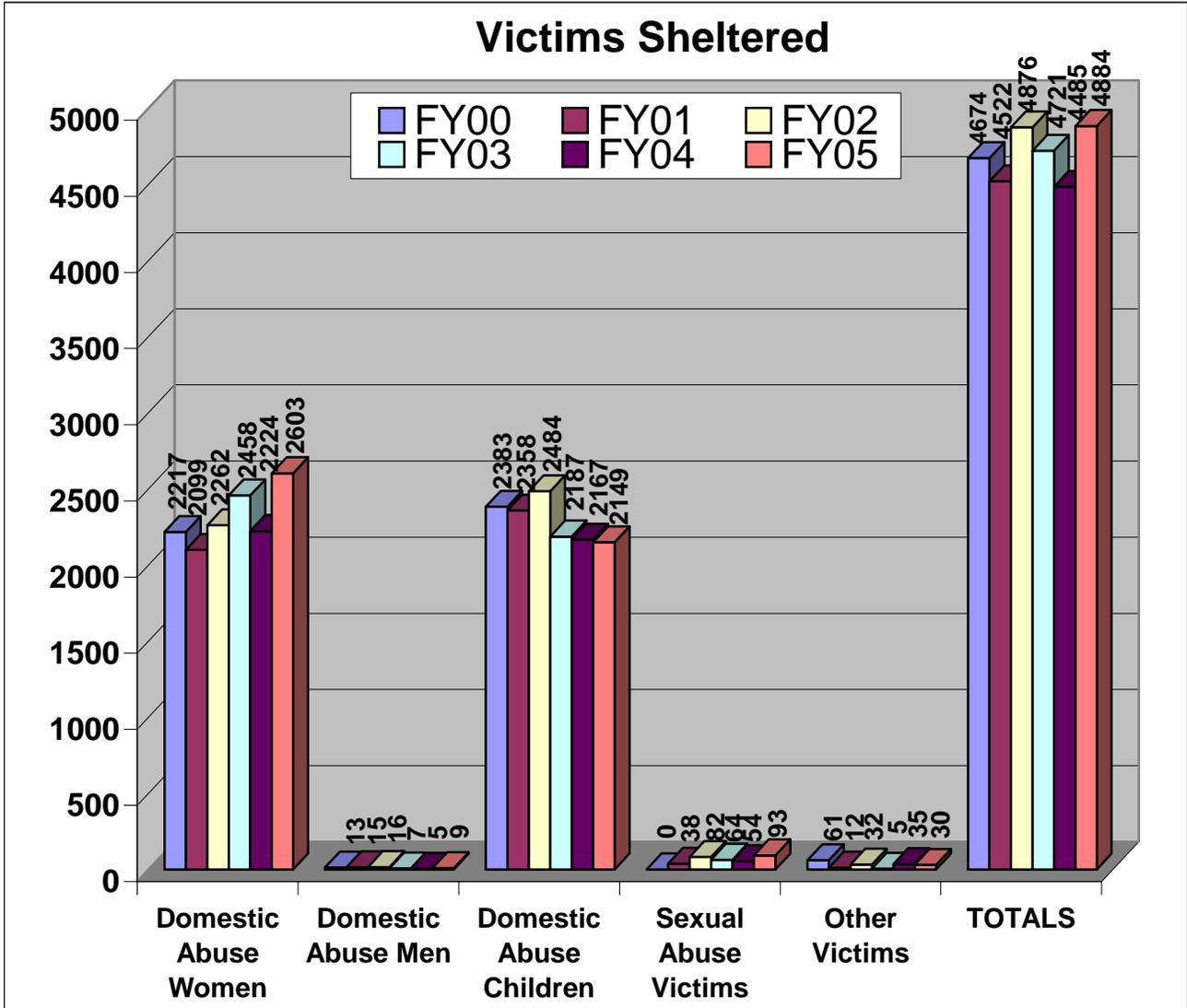


Chart 5: Other Violent Crimes I

	Child Physical Abuse	Elder Abuse	Homicide Victim Survivors	Stalking	TOTALS
FY00	277	29	423	9	738
FY01	467	22	366	47	902
FY02	458	31	385	17	891
FY03	337	15	460	89	901
FY04	254	15	331	95	695
FY05	283	38	441	97	859
Total	2,076	150	2,406	354	4,986

*Note: Programs did not separate stalking cases from other violent cases prior to FY04. For the purposes of this chart, we have estimated that stalking is 10% of other violent crimes.

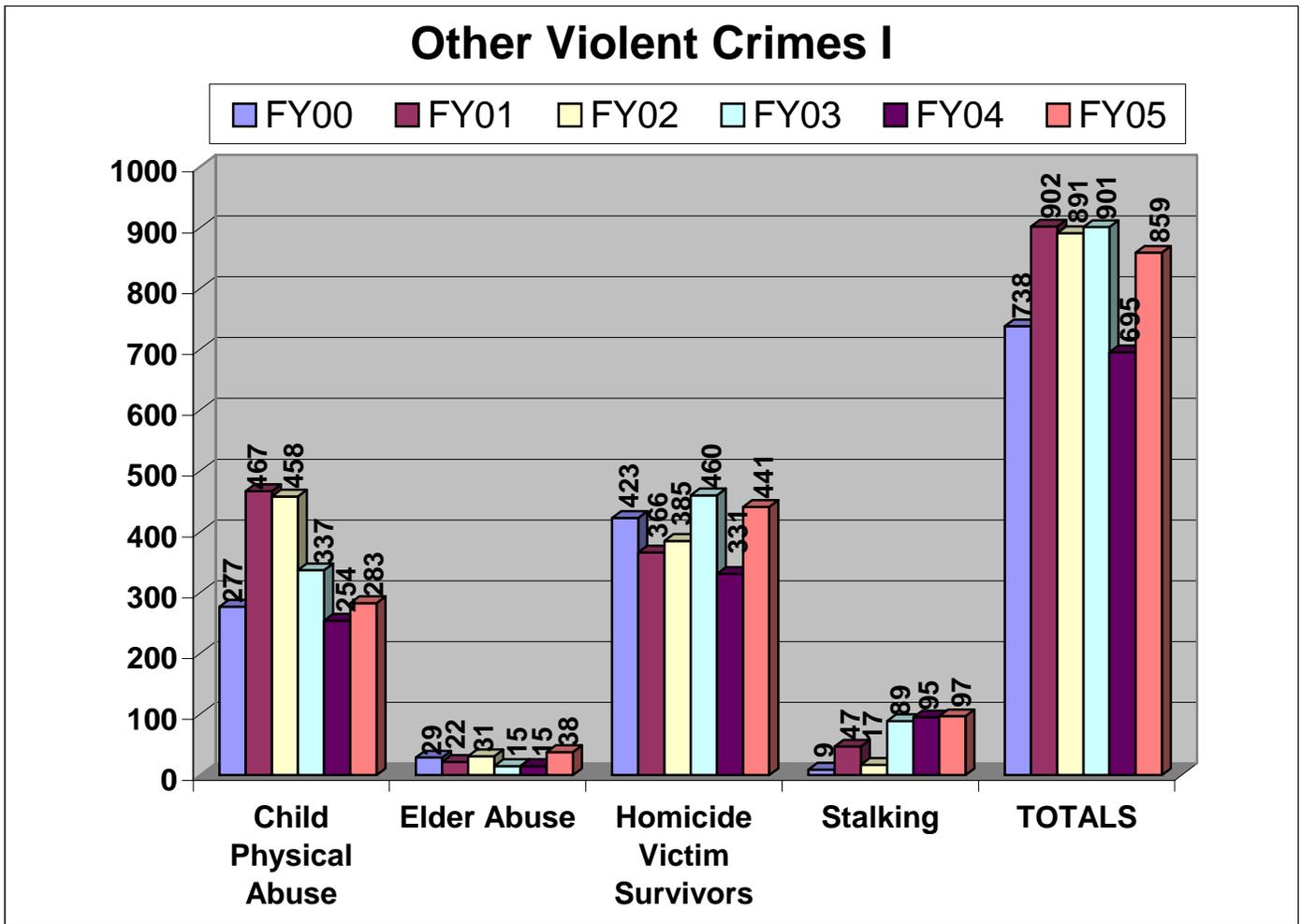
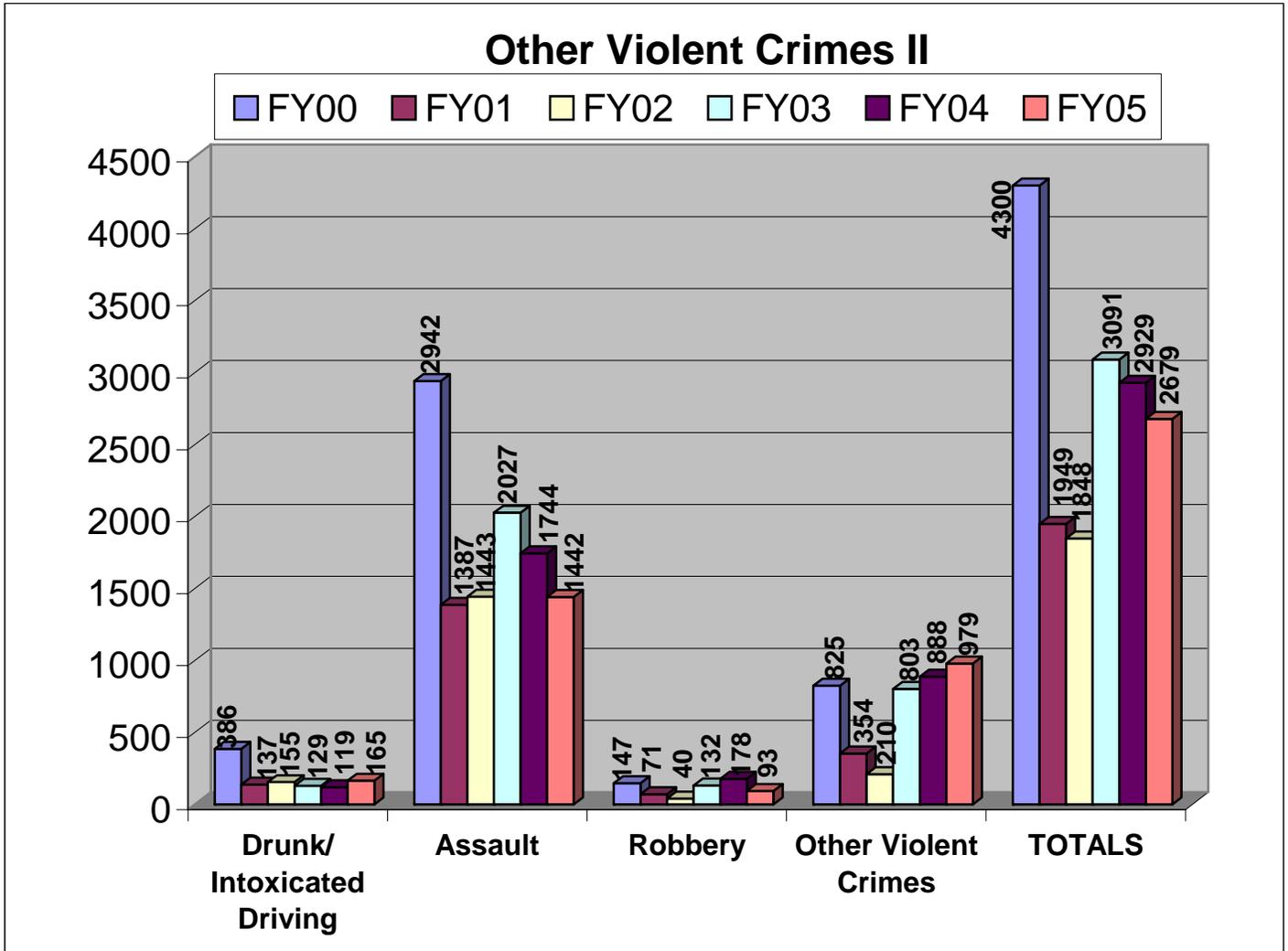


Chart 6: Other Violent Crimes II

	Drunk/ Intoxicated Driving	Assault	Robbery	Other Violent Crimes	TOTALS
FY00	386	2942	147	825	4300
FY01	137	1387	71	354	1949
FY02	155	1443	40	210	1848
FY03	129	2027	132	803	3091
FY04	119	1744	178	888	2929
FY05	165	1442	93	979	2679
Total	1,091	10,985	661	4,059	16,796

*Note: Programs did not separate assault cases from other violent cases prior to FY01, and robbery cases prior to FY03. For the purposes of this chart, we have estimated that assaults are 75% and robbery is 15% of Other Violent Crimes.



Attorney General's Crime Victim Assistance Division Grant Program 2005 Award Summary

Fund Key:	
Federal	VA - Victim Assistance or Victims of Crime Act (VOCA) FV - Family Violence Prevention and Services Act VW - STOP Violence Against Women Act (VAWA)
State	DA - Domestic Abuse SA - Sexual Abuse

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Adel	Crisis Intervention & Advocacy Center	VA	88,000		
		FV	27,030		
		DA	35,715		
		SA	16,078		
		VW	<u>28,978</u>	195,801	
	Dallas County Sheriff's Office	VW	3,304	3,304	199,105
Algona	Family Crisis Center of North Iowa, Inc.	VA	26,500		
		FV	32,000		
		DA	19,907		
		SA	18,248		
		VW	<u>21,000</u>	117,655	
	Kossuth County Attorney	VA	11,000		153,893
		VW	<u>25,238</u>	36,238	
Ames	Assault Care Center Extending Shelter & Support (ACCESS)	VA	134,500		
		FV	41,000		
		DA	54,000		
		SA	26,000		
		VW	<u>16,380</u>	271,880	
	ISU Department of Public Safety	VW	40,346	40,346	335,526
	Youth and Shelter Services, Inc.	VA	23,300	23,300	
Atlantic	Family Crisis Support Network	VA	92,050		
		FV	30,958		
		DA	27,802		
		SA	15,000		
		VW	<u>6,000</u>	171,810	171,810

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Burlington	YWCA Domestic Violence Shelter and Sexual Assault Program	VA	59,500		
		FV	38,000		
		DA	40,806		
		SA	15,663		
		VW	<u>8,100</u>	162,069	
					175,869
	Des Moines County Attorney's Office	VA	13,800	13,800	
Carroll	Domestic Abuse Prevention Center, Inc.	VA	43,551		
		FV	22,197		
		DA	30,011		
		SA	<u>10,502</u>	106,261	
					129,376
	Carroll County Attorney	VW	23,115	23,115	
Cedar Rapids	Waypoint	VA	61,900		
		FV	37,000		
		DA	54,494		
		SA	<u>28,159</u>	181,553	
					246,453
	Family Service Agency - Survivor's of Homicide Victim's Program	VA	64,900	64,900	
Cherokee	Council Against Domestic Abuse	VA	64,700		
		FV	25,395		
		DA	36,002		
		SA	16,148		
		VW	<u>18,200</u>	160,445	160,445
Clinton	Gateway YWCA - Domestic Violence/ Sexual Assault Resource Center	VA	104,200		
		FV	42,645		
		DA	54,197		
		SA	27,370		
		VW	<u>19,388</u>	247,800	247,800
Council Bluffs	Catholic Charities - Domestic Violence & Sexual Abuse Program	VA	130,000		
		FV	29,700		
		DA	35,561		
		SA	13,196		
		VW	<u>20,475</u>	228,932	228,932
Creston	Rural Iowa Crisis Center	VA	59,000		
		FV	20,799		
		DA	23,210		
		SA	20,528		
		VW	<u>15,898</u>	139,435	139,435

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>	
Davenport	Family Resource Inc. - Domestic Violence Advocacy & Rape/Sexual Assault Program	VA	114,400			
		FV	40,640			
		DA	57,970			
		SA	<u>30,205</u>	243,215		
		VW			253,215	
	Scott County Sheriff	VW	10,000	10,000		
Decorah	Helping Services of Northeast Iowa, Inc. -	VA	56,502			
		FV	32,300			
		DA	34,796			
		SA	21,423			
		VW	<u>22,300</u>	167,321	167,321	
Des Moines	Children & Families of Iowa (CFI) Family Violence Center	VA	182,100			
		FV	51,050			
		DA	84,003			
		VW	<u>13,744</u>	330,897		
	Deaf Women of Iowa Against Abuse	VA	13,300			
		FV	9,000			
		DA	28,164			
		SA	11,362			
		VW	<u>14,817</u>	76,643		
	Latinas Unidas por un Nuevo Amanece (L.U.N.A.)	VA	39,600			
		FV	25,000			
		DA	14,151			
		SA	15,349			
		VW	<u>23,588</u>	117,688	639,478	
	Planned Parenthood	VW	7,000	7,000		
Polk County Victim Services	VA	103,000				
	SA	<u>4,250</u>	107,250			
Dubuque	YWCA Domestic Violence Program	VA	80,000			
		FV	30,000			
		DA	<u>68,000</u>	178,000		
	Riverview Center, Inc.	VA	67,100			
		SA	43,898			
		VW	<u>5,132</u>	116,130		
		Dubuque County Attorney	VW	57,600	57,600	355,143
		City of Dubuque - Police Department	VW	2,815	2,815	
		Dubuque County Sheriff	VW	598	598	

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Estherville	Emmet County Attorney	VA	11,000	11,000	11,000
Fort Dodge	Domestic/Sexual Assault Outreach Center	VA	165,000		
		FV	38,000		
		DA	67,822		
		SA	32,325		
		VW	<u>24,491</u>	327,638	
	Webster County Attorney	VA	21,200	21,200	348,838
Grundy Center	Seeds of Hope	VA	78,000		
		FV	34,000		
		DA	18,271		
		SA	20,527		
		VW	<u>20,000</u>	170,798	170,798
Indianola	Warren County Attorney's Office	VA	24,750		
		VW	<u>29,000</u>	53,750	53,750
Iowa City	Rape Victim Advocacy Program	VA	119,000		
		SA	38,410		
		VW	<u>16,500</u>	173,910	
	Domestic Violence Intervention Program	VA	137,000		
		FV	46,920		
		DA	<u>70,808</u>	254,728	
	Iowa City Police Department	VW	36,626	36,626	584,730
	United Action for Youth	VA	67,850	67,850	
	University of Iowa - College of Nursing	VW	51,616	51,616	
	Keokuk	Tri-State Coalition Against Domestic & Sexual Abuse	VA	111,800	
FV			34,000		
DA			64,000		
SA			25,000		
VW			<u>22,400</u>	257,200	257,200
Knoxville	Turning Point - Alternatives to Domestic & Sexual Violence	VA	66,700		
		FV	21,500		
		DA	13,500		
		SA	23,628		
		VW	<u>4,550</u>	129,878	129,878
LeMars	Plymouth County Attorney	VA	21,900	21,900	21,900

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Marshalltown	Domestic Violence Alternatives/ Sexual Assault Center	VA	104,000		
		FV	31,200		
		DA	44,416		
		SA	26,811		
		VW	<u>35,000</u>	241,427	
	Marshall County Attorney	VA	24,750		
		VW	<u>30,000</u>	54,750	326,177
	Marshalltown Police Department-DART	VW	30,000	30,000	
Mason City	Crisis Intervention Service	VA	131,800		
		FV	31,200		
		DA	48,280		
		SA	19,550		
		VW	<u>18,500</u>	249,330	
	Cerro Gordo County Attorney's Office	VA	21,200		
		VW	<u>33,600</u>	54,800	319,130
	Mason City Police Department	VW	15,000	15,000	
Muscatine	Family Resources, Inc. - Domestic Abuse and Sexual Assault Advocacy Program	VA	68,800		
		FV	38,000		
		DA	41,506		
		SA	26,393		
		VW	<u>13,800</u>	188,499	
	Muscatine County Sheriff - DART	VW	3,450	3,450	201,474
	Muscatine Police Department - DART	VW	9,525	9,525	
Nevada	Story County Attorney	VW	20,000	20,000	20,000
Oelwein	Oelwein Police Department	VW	5,500	5,500	5,500
Orange City	Sioux County Attorney's Office	VA	12,500		
		VW	<u>6,500</u>	19,000	19,000
Oskaloosa	Crisis Intervention Services	VA	64,350		
		FV	32,641		
		DA	20,407		
		SA	17,614		
		VW	<u>26,300</u>	161,312	161,312

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Ottumwa	Crisis Center and Women's Shelter	VA	101,900		
		FV	31,200		
		DA	55,250		
		SA	27,200		
		VW	<u>27,670</u>	243,220	
					298,170
	Wapello County Attorney's Office	VA	24,200		
		VW	<u>30,750</u>	54,950	
Rock Rapids	Lyon County Attorney	VA	13,200	13,200	13,200
Sac City	Sac County Attorney's Office	VA	6,789	6,789	6,789
Shenandoah	Domestic Violence Education & Shelter	VA	28,000		
		FV	10,000		
		DA	10,000		
		SA	<u>9,000</u>	57,000	57,000
Sioux Center	Family Crisis Centers of Northwest Iowa	VA	69,320		
		FV	36,500		
		DA	38,790		
		SA	18,500		
		VW	<u>27,653</u>	190,763	190,763
Sioux City	Council on Sexual Assault and Domestic Violence	VA	168,200		
		FV	38,000		
		DA	70,803		
		SA	39,100		
		VW	<u>24,000</u>	340,103	340,103
Spencer	Centers Against Abuse & Sexual Assault	VA	88,800		
		FV	24,683		
		DA	56,950		
		SA	20,528		
		VW	<u>19,690</u>	210,651	210,651
Spirit Lake	Dickinson County Attorney	VA	17,300		
		VW	<u>38,000</u>	55,300	55,300
Waterloo	Family Service League	VA	110,000		
		FV	34,000		
		DA	50,000		
		SA	20,897		
		VW	<u>17,325</u>	232,222	
	Black Hawk County Attorney's Office	VA	21,800		
		VW	<u>25,000</u>	46,800	318,590
	Waterloo Police Department		39,568	39,568	

**Attorney General's Crime Victim Assistance Division
Grant Program
2005 Award Summary - Final Page**

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Waverly	Cedar Valley Friends of the Family, Inc.	VA	79,200		181,532
		FV	18,900		
		DA	32,117		
		SA	26,846		
		VW	<u>9,352</u>	166,415	
	Bremer County Attorney	VA	15,117	15,117	
West Union	Fayette County Sheriff	VW	5,500	5,500	5,500
Wilton	Wilton Police Department	VW	2,900	2,900	2,900

Programs listed below provide victim services STATEWIDE

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>Statewide Total</u>	
Statewide	CFI - Domestic Abuse Hotline	DA	65,000	65,000		
	RVAP - Sexual Abuse Hotline	SA	62,000	62,000		
	Iowa Coalition Against Domestic Violence		FV	72,658		
			VW	34,300		
		Court Improvement Project	VW	<u>69,873</u>	176,831	
	Iowa Coalition Against Sexual Assault	VW	60,000	60,000	565,661	
	Iowa Department of Justice	VW	72,000	72,000		
	Iowa Department of Public Health	VW	41,844	41,844		
	Iowa Law Enforcement Academy	VW	<u>87,986</u>	87,986		
	Grand Total Awarded		<u><u>8,480,647</u></u>			

Fund Key:

Federal	VA - Victim Assistance or Victims of Crime Act (VOCA) FV - Family Violence Prevention and Services Act VW - STOP Violence Against Women Act (VAWA)
State	DA - Domestic Abuse SA - Sexual Abuse

Addendum I

AUTHORIZING IOWA CODE STATUTES

**IOWA ATTORNEY GENERAL'S OFFICE
CRIME VICTIM ASSISTANCE DIVISION
AUTHORIZING IOWA CODE STATUTES**

The following chapters and sections of the 2002 Code of Iowa provide authority for the administration of programs in the Crime Victim Assistance Division.

Effective as amended
July 1, 2002

**Chapter 13
Attorney General
Subchapter III
Victim Assistance Program**

13.31 Victim assistance program.

A victim assistance program is established in the department of justice, which shall do all of the following:

1. Administer grants received under the federal Victims of Crime Act pursuant to Pub. L. No. 98-473, title 2, chapter 14, 42 U.S.C. § 10601, as amended by the federal Children's Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903 (1986).
2. Administer the state crime victim compensation program as provided in chapter 915.
3. Administer the domestic abuse program provided in chapter 236.
4. Administer the family violence prevention and services grants pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. § 10401.
5. Administer payment for sexual abuse medical examinations pursuant to section 915.41.
6. Administer the violence against women program and grants received pursuant to the federal Violence Against Women Act, Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 42 U.S.C. § 13701.

Section History: Recent form 89 Acts, ch 279, § 1; 90 Acts, ch 1251, § 1; 91 Acts, ch 181, §16; 98 Acts, ch 1090, § 58, 84; 2002 Acts, ch 1016, §1

Effective as amended
July 1, 1991

**Chapter 236
Domestic Abuse**

Note: Since 1989, the Department of Justice has been authorized in the annual appropriations bill to grant funds available to public or private non-profit organizations providing services to victims of domestic abuse or sexual abuse through the powers in Iowa Code Chapter 236.16. Sexual abuse is inserted in brackets where appropriate for clarity.

236.16 Department powers and duties.

1. The department [of Justice] shall:
 - a. Designate and award grants for existing and pilot programs pursuant to this chapter to provide emergency shelter services and support services to victims of domestic abuse [and sexual abuse].
 - b. Design and implement a uniform method of collecting data from domestic abuse [and sexual abuse] organizations funded under this chapter.
 - c. Designate and award moneys for publicizing and staffing a statewide, toll-free telephone hotline for use by victims of domestic abuse [and sexual abuse]. The department may award a grant to a public agency or a private, nonprofit organization for the purpose of operating the hotline. The operation of the hotline shall include informing victims of their rights and of various community services that are available, referring victims to service providers, receiving complaints concerning misconduct by peace officers and encouraging victims to refer such

complaints to the office of citizens' aide, providing counseling services to victims over the telephone, and providing domestic abuse victim advocacy.

d. Advertise the toll-free telephone hotline through the use of public service announcements, billboards, print and broadcast media services, and other appropriate means, and contact media organizations to encourage the provision of free or inexpensive advertising concerning the hotline and its services.

e. Develop, with the assistance of the entity operating the telephone hotline and other domestic abuse [and sexual abuse] victim services providers, brochures explaining the rights of victims set forth under section 236.12 and the services of the telephone hotline, and distribute the brochures to law enforcement agencies, victim service providers, health practitioners, charitable and religious organizations, and other entities that may have contact with victims of domestic abuse.

2. The department shall consult and cooperate with all public and private agencies which may provide services to victims of domestic abuse, including but not limited to, legal services, social services, prospective employment opportunities, and unemployment benefits.

3. The department may accept, use, and dispose of contributions of money, services, and property made available by an agency or department of the state or federal government, or a private agency or individual.

Section History: Recent form 85 Acts, ch 175, §7; 89 Acts, ch 279, §6; 91 Acts, ch 218, §15

Effective as amended

July 1, 2000

Chapter 915 Victim Compensation

915.80 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. "*Compensation*" means moneys awarded by the department as authorized in this subchapter.

2. "*Crime*" means conduct that occurs or is attempted in this state, poses a substantial threat of personal injury or death, and is punishable as a felony or misdemeanor, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this state. "*Crime*" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle, motorcycle, motorized bicycle, train, boat, or aircraft except for violations of section 321.261, 321.277, 321J.2, 462A.14, or 707.6A, or when the intention is to cause personal injury or death. A license revocation under section 321J.9 or 321J.12 shall be considered by the department as evidence of a violation of section 321J.2 for the purposes of this subchapter.

3. "*Department*" means the department of justice.

4. "*Dependent*" means a person wholly or partially dependent upon a victim for care or support and includes a child of the victim born after the victim's death.

5. "*Secondary victim*" means the victim's spouse, children, parents, and siblings, and any person who resides in the victim's household at the time of the crime or at the time of the discovery of the crime. "*Secondary victim*" does not include persons who are the survivors of a victim who dies as a result of a crime.

6. "*Victim*" means a person who suffers personal injury or death as a result of any of the following:

a. A crime.

b. The good faith effort of a person attempting to prevent a crime.

c. The good faith effort of a person to apprehend a person suspected of committing a crime.

Section History: Recent form 98 Acts, ch 1090, §41, 84

915.81 Award of compensation.

The department shall award compensation authorized by this subchapter if the department is satisfied that the requirements for compensation have been met.

Section History: Recent form 98 Acts, ch 1090, §42, 84

915.82 Crime victim assistance board.

1. A crime victim assistance board is established, and shall consist of the following members to be appointed pursuant to rules adopted by the department:

- a. A county attorney or assistant county attorney.
- b. Two persons engaged full-time in law enforcement.
- c. A public defender or an attorney practicing primarily in criminal defense.
- d. A hospital medical staff person involved with emergency services.
- e. Two public members who have received victim services.
- f. A victim service provider.
- g. A person licensed pursuant to chapter 154B or 154C.
- h. A person representing the elderly.

Board members shall be reimbursed for expenses actually and necessarily incurred in the discharge of their duties.

2. The board shall adopt rules pursuant to chapter 17A relating to program policies and procedures.

3. A victim aggrieved by the denial or disposition of the victim's claim may appeal to the district court within thirty days of receipt of the board's decision.

Section History: Recent form 98 Acts, ch 1090, §43, 84

915.83 Duties of department.

The department shall:

1. Adopt rules pursuant to chapter 17A relating to the administration of the crime victim compensation program, including the filing of claims pursuant to the program, and the hearing and disposition of the claims.
2. Hear claims, determine the results relating to claims, and reinvestigate and reopen cases as necessary.
3. Publicize through the department, county sheriff departments, municipal police departments, county attorney offices, and other public or private agencies, the existence of the crime victim compensation program, including the procedures for obtaining compensation under the program.
4. Request from the department of human services, the department of workforce development and its division of workers' compensation, the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.
5. Require medical examinations of victims as needed. The victim shall be responsible for the cost of the medical examination if compensation is made. The department shall be responsible for the cost of the medical examination from funds appropriated to the department for the crime victim compensation program if compensation is not made to the victim unless the cost of the examination is payable as a benefit under an insurance policy or subscriber contract covering the victim or the cost is payable by a health maintenance organization.
6. Receive moneys collected pursuant to section 904.702 for the purpose of compliance with Pub. L. No. 98-473.

Section History: Recent form 98 Acts, ch 1061, §10; 98 Acts, ch 1090, §44, 84; 98 Acts, ch 1128, §2

915.84 Application for compensation.

1. To claim compensation under the crime victim compensation program, a person shall apply in writing on a form prescribed by the department and file the application with the department within two years after the date of the crime, the discovery of the crime, or the date of death of the victim. The department may waive the time limitation if good cause is shown.
2. A person is not eligible for compensation unless the crime was reported to the local police department or county sheriff department within seventy-two hours of its occurrence. If the crime cannot reasonably be reported within that time period, the crime shall have been reported within seventy-two hours of the time a report can reasonably be made. The department may waive this requirement if good cause is shown.
3. Notwithstanding subsection 2, a victim under the age of eighteen or dependent adult as defined in section 235B.2 who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 or 726 or who has been the subject of a forcible felony is not required to report the crime to the local police department or county sheriff department to be eligible for compensation if the crime was allegedly committed upon a child by a person responsible for the care of a child, as defined in section 232.68, subsection 7, or upon a dependent adult by a caretaker as defined in section 235B.2, and was reported to an employee of the department of human services and the employee verifies the report to the department.
4. When immediate or short-term medical services or mental health services are provided to a victim under section 915.35, the department of human services shall file the claim for compensation as provided in subsection 3 for the victim.
5. When immediate or short-term medical services to a victim are provided pursuant to section 915.35 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for compensation, unless the department of human services is required to file the claim under this section. The requirement to report the crime to the local police department or county sheriff department under subsection 2 does not apply to this subsection.
6. The victim shall cooperate with reasonable requests by the appropriate law enforcement agencies in the investigation or prosecution of the crime.

Section History: Recent form 98 Acts, ch 1090, §45, 84; 99 Acts, ch 10, §1

915.85 Compensation payable.

The department may order the payment of compensation:

1. To or for the benefit of the person filing the claim.
2. To a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of personal injury to the victim.
3. To or for the benefit of one or more dependents of the victim, in the case of death of the victim. If two or more dependents are entitled to compensation, the compensation may be apportioned by the department as the department determines to be fair and equitable among the dependents.
4. To a victim of an act committed outside this state who is a resident of this state, if the act would be compensable had it occurred within this state and the act occurred in a state that does not have an eligible crime victim compensation program, as defined in the federal Victims of Crime Act of 1984, Pub. L. No. 98-473, section 1403(b), as amended and codified in 42 U.S.C. § 10602(b).
5. To or for the benefit of a resident of this state who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331, which occurred outside of the United States.

Section History: Recent form 98 Acts, ch 1090, §46, 84

915.86 Computation of compensation.

The department shall award compensation, as appropriate, for any of the following economic losses incurred as a direct result of an injury to or death of the victim:

1. Reasonable charges incurred for medical care not to exceed fifteen thousand dollars. Reasonable charges incurred for mental health care not to exceed three thousand dollars which includes services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work or counseling and guidance, or a victim counselor as defined in section 915.20A.
 2. Loss of income from work the victim would have performed and for which the victim would have received remuneration if the victim had not been injured, not to exceed six thousand dollars.
 3. Loss of income from work that the victim's parent or caretaker would have performed and for which the victim's parent or caretaker would have received remuneration when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars.
 4. Loss of income from work that the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 would have performed and for which that person would have received remuneration, where the loss of income is a direct result of cooperation with the investigation and prosecution of the crime or attendance at criminal justice proceedings including the trial and sentencing in the case, not to exceed one thousand dollars.
 5. Reasonable replacement value of clothing that is held for evidentiary purposes not to exceed one hundred dollars.
 6. Reasonable funeral and burial expenses not to exceed seven thousand five hundred dollars.
 7. Loss of support for dependents resulting from death or a period of disability of the victim of sixty days or more not to exceed two thousand dollars per dependent.
 8. In the event of a victim's death, reasonable charges incurred for counseling the victim's spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim if the counseling services are provided by a psychologist licensed under chapter 154B, a victim counselor as defined in section 915.20A, subsection 1, or an individual holding at least a master's degree in social work or counseling and guidance, and reasonable charges incurred by such persons for medical care counseling provided by a psychiatrist licensed under chapter 147 or 150A. The allowable charges under this subsection shall not exceed three thousand dollars per person.
 9. In the event of a homicide, reasonable charges incurred for health care for the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed three thousand dollars per survivor.
 10. In the event of a homicide, loss of income from work that, but for the death of the victim, would have been earned by the victim's spouse; child, foster child, stepchild, son-in-law, or daughter-in-law; parent, foster parent, or stepparent; sibling, foster sibling, stepsibling, brother-in-law, or sister-in-law; grandparent; grandchild; aunt, uncle, or first cousin; legal ward; or person cohabiting with the victim, not to exceed six thousand dollars.
 11. Reasonable expenses incurred for cleaning the scene of a crime, if the scene is a residence, not to exceed one thousand dollars.
 12. Reasonable charges incurred for mental health care for secondary victims which include the services provided by a psychologist licensed under chapter 154B, a person holding at least a master's degree in social work, counseling, or a related field, a victim counselor as defined in section 915.20A, or a psychiatrist licensed under chapter 147, 148, or 150A. The allowable charges under this subsection shall not exceed one thousand dollars per secondary victim.
- Section History: Recent form 98 Acts, ch 1090, §47, 84; 98 Acts, ch 1128, §1, 2; 99 Acts, ch 10, §2; 2000 Acts, ch 1064 §1, 2

915.87 Reductions and disqualifications.

Compensation is subject to reduction and disqualification as follows:

1. Compensation shall be reduced by the amount of any payment received, or to be received, as a result of the injury or death:
 - a. From or on behalf of a person who committed the crime or who is otherwise responsible for damages resulting from the crime.
 - b. From an insurance payment or program, including but not limited to workers' compensation or unemployment compensation.
 - c. From public funds.
 - d. As an emergency award under section 915.91.
2. Compensation shall not be made when the bodily injury or death for which a benefit is sought was caused by any of the following:
 - a. Consent, provocation, or incitement by the victim.
 - b. The victim assisting, attempting, or committing a criminal act.

Section History: Recent form 98 Acts, ch 1090, §48, 84

915.88 Compensation when money insufficient.

Notwithstanding this subchapter, a victim otherwise qualified for compensation under the crime victim compensation program is not entitled to the compensation when there is insufficient money from the appropriation for the program to pay the compensation.

Section History: Recent form 98 Acts, ch 1090, §49, 84

915.89 Erroneous or fraudulent payment -- penalty.

1. If a payment or overpayment of compensation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the compensation. The department may waive, decrease, or adjust the amount of the repayment of the compensation. However, if the department does not notify the recipient of the erroneous payment or overpayment within one year of the date the compensation was made, the recipient is not liable for the repayment of the compensation.
2. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment of the compensation.

Section History: Recent form 98 Acts, ch 1090, §50, 84

915.90 Release of information.

A person in possession or control of investigative or other information pertaining to an alleged crime or a victim filing for compensation shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and enforcement of the crime victim compensation program. Information and records which are confidential under section 22.7 and information or records received from the confidential information or records remain confidential under this section.

A person does not incur legal liability by reason of releasing information to the department as required under this section. Section History: Recent form 98 Acts, ch 1090, §51, 84

915.91 Emergency payment compensation.

If the department determines that compensation may be made and that undue hardship may result to the person if partial immediate payment is not made, the department may order emergency compensation to be paid to the person, not to exceed five hundred dollars.

Section History: Recent form 98 Acts, ch 1090, §52, 84

915.92 Right of action against perpetrator -- subrogation.

A right of legal action by the victim against a person who has committed a crime is not lost as a consequence of a person receiving compensation under the crime victim compensation program. If a person receiving compensation under the program seeks indemnification which would reduce the compensation under section 915.87, subsection 1, the department is

subrogated to the recovery to the extent of payments by the department to or on behalf of the person. The department has a right of legal action against a person who has committed a crime resulting in payment of compensation by the department to the extent of the compensation payment. However, legal action by the department does not affect the right of a person to seek further relief in other legal actions.

Section History: Recent form 98 Acts, ch 1090, §53, 84

915.93 Rulemaking.

The department shall adopt rules pursuant to chapter 17A to implement the procedures for reparation payments with respect to section 915.35 and section 915.84, subsections 3, 4 &5.

Section History: Recent form 98 Acts, ch 1090, §54, 84

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236. The department may also use up to one hundred thousand dollars from the fund to provide training for victim service providers. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Section History: Recent form 98 Acts, ch 1090, §55, 84; 2001 Acts, ch 84, §1

Effective

July 1, 1998

Chapter 915.41 Sexual Abuse Examination Payment Program

915.41 Medical examination costs.

The cost of a medical examination of a victim for the purpose of gathering evidence and the cost of treatment of a victim for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94. [Victim Compensation Fund]

Section History: Recent form 98 Acts, ch 1090, §34, 84; 99 Acts, ch 114, §48

Addendum II

AUTHORIZING IOWA ADMINISTRATIVE RULES CODE

The following Iowa Administrative Code chapters and sections provide authority for the administration of programs in the Crime Victim Assistance Division.

**Attorney General [61] Chapter 9
Victim Assistance Program
Division I Administration**

Effective as amended 1994

61—9.1(912) Definitions.

“Board” means crime victim assistance board.

“Department” means Iowa department of justice.

“Director” means director of the crime victim assistance division established in the department of justice.

61—9.2(912) Board.

9.2(1) A crime victim assistance board is established pursuant to Iowa Code section 912.2A.

9.2(2) Members of the board shall serve terms for three years and are eligible for reappointment to the board by the attorney general.

9.2(3) The initial term of the board members shall commence on July 1 of the state fiscal year.

61—9.3(912) Expenses.

9.3(1) Board members shall be reimbursed from the victim’s compensation fund for expenses actually and necessarily incurred in the discharge of their duties including attendance at board meetings, board committee meetings, and other activities on behalf of the board as designated by the board chair and approved by the department. Reimbursement for expenses shall conform with guidelines established by the department of revenue and finance.

9.3(2) A member of the board may receive, in addition to actual expense reimbursement, a per diem which conforms with guidelines established by the department of revenue and finance.

9.3(3) Expenses of the board and individual members shall be submitted to the director.

61—9.4(912) Chair of the board.

9.4(1) The attorney general shall select one of the members of the board to serve as chair of the board. The chair shall serve at the pleasure of the attorney general.

9.4(2) A member who is chair of the board and relinquishes or is removed as the chair may maintain board membership for the remainder of the term for which the member was originally appointed.

61—9.5(912) Resignations.

9.5(1) Resignations from the board shall be made to the attorney general.

9.5(2) Whenever a member of the board ceases to have the statutory qualifications for appointment to the board, that member shall be considered to have resigned and a vacancy shall occur on the board.

9.5(3) A board member shall be deemed to have submitted a resignation from the board if any of the following events occur:

a. The member does not attend three or more consecutive regular meetings of the board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least 30 days apart.

b. The person attends less than one-half of the regular meetings of the board within any period of 12 calendar months beginning July 1. This paragraph applies only to such a period beginning on or after the date when the person is appointed to the board.

c. If the member receives no notice and had no knowledge of a regular meeting and gives the attorney general a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this rule.

d. The attorney general at the attorney general's discretion may accept or reject such resignation. If the attorney general accepts it, the attorney general shall notify the member, in writing, that the resignation is accepted pursuant to this rule. The attorney general shall then make another appointment to fill the vacancy.

61—9.6(912) Vacancies. Barring unusual circumstances, vacancies on the board shall be filled within 45 days after the attorney general is advised of the vacancy. Vacancies shall be filled for the remainder of the vacant term.

61—9.7(912) Meetings. The board shall meet a minimum of once per quarter. The board may also meet at the call of the chair or upon the written request to the chair of at least five members of the board.

61—9.8(912) Duties of board. The board shall adopt rules pursuant to Iowa Code chapter 17A relating to the administration of the crime victim assistance division including the adoption of administrative rules relating to the following:

1. Administration of grants received under the federal Victims of Crime Act of 1984 pursuant to Pub. L. No. 98-473, Title 2, Chapter 14, 42 U.S.C. Section 10601, as amended by the Children's Justice and Assistance Act of 1986, Pub. L. No. 99-401, 100 Stat. 903 and as amended by the Anti-Drug Abuse Act of 1988, Title VII, subtitle D, Pub. L. No. 100-690.

2. Administration of the Family Violence Prevention and Services Act grant pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. Section 10401, reauthorized in 1988, Pub. L. No. 100-294.

3. Administration of the domestic abuse and rape crisis funds and the Iowa domestic abuse hotline funds provided in Iowa Code chapter 236.

4. Administration of other grants or funds available by public law for victim assistance and administered by the department.

5. Administration of the victim compensation program provided in Iowa Code chapter 912.

6. Administration of sexual abuse examination payments as provided in Iowa Code section 709.10.

7. Appeal procedures for victim compensation claims denied by the department.

8. Appeal procedures for grants administered by the department and denied by the board.

61—9.9(912) Director and staff. The attorney general shall employ a director and staff for the victim assistance division and they shall be employees of the department.

61—9.10(912) Duties of department. In addition to the duties contained in Iowa Code section 13.13, the department shall:

1. Administer other funds, grants, or programs for victim assistance created by public law or the department.

2. Provide administrative support to the board.

3. Enter into agreements under Iowa Code chapter 28E or other law including agreements with other state agencies and political subdivisions for the transfer to the department of funds authorized by law for victim service programs.

4. Accept, use, and dispose of contributions of money, services, and property, which are made available by an agency or department of the state or any of its political subdivisions, the federal government, a private agency, or an individual, that are specifically designated for crime victim assistance programs.

61—9.11 to 9.24 Reserved. IAC 3/30/94, 12/27/00

Attorney General [61] Chapter 9
Division II
Crime Victim Compensation

Effective as amended January 2001

61—9.26(915) Definitions. For rules of the crime victim compensation program of the crime victim assistance division of the department of justice, the following definitions apply:

“Affinity” means the relationship of persons who are related by marriage, cohabitation, or engagement to be married.

“Applicant” includes the following individuals who file an application with the crime victim compensation program:

1. A victim of a crime as defined in Iowa Code section 915.80(6).
2. A person responsible for the care and maintenance of a victim.
3. A resident of Iowa who is the victim of an act that would be compensable had it occurred within the state of Iowa and the act occurred in a state or foreign country that does not have a victim compensation program as defined in the federal law.
4. In the event of a victim’s death, the spouse, children, parents, siblings, or persons cohabiting with or related by blood or affinity to the victim. An estate is not an eligible applicant for crime victim compensation. An estate shall, however, be reimbursed for funeral and burial expenses if the estate paid the costs on behalf of an eligible applicant who shall benefit from the proceeds of the estate.
5. A legal representative authorized to act on behalf of any of the persons listed above.

“Board” means the crime victim assistance board of the department of justice.

“Causal relationship” means that the crime would not have occurred without the action of the victim. A causal relationship exists if the actions of the victim result in a foreseeable injury, play a substantial role in the injury, or directly cause the injury.

“Claimant” means an applicant who has been found to be eligible for compensation.

“Cohabiting” means living in the same household. It is not necessary to establish that a sexual relationship exists between the parties.

“Compensation” means moneys awarded by the division as authorized in Iowa Code chapter 915.

“Consent” means to agree to a course of action or to voluntarily allow what is planned or done by another.

“Counseling” means problem solving and support concerning emotional issues that result from a compensable crime. Counseling is a confidential service provided in person on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person’s sense of well-being and social functioning. Counseling does not include victim advocacy services such as crisis telephone counseling; conversation in a non-private setting such as the common area of a shelter or a courthouse; transportation; or attendance at medical procedures, law enforcement interviews or civil and criminal justice proceedings.

“Crime” as defined in Iowa Code section 915.80 includes:

1. Conduct punishable as a misdemeanor or a felony.
2. Property crimes including but not limited to robbery, residential burglary, and residential arson, where there is a threat of personal injury or harm against a person.
3. Violation of a custody order in which the custodial parent suffers injury, IAC 12/27/00

“Denial” means disqualification of an application or reduction in the amount of compensation paid.

“Department” means the department of justice, attorney general’s office.

“Dependent” means a person who is unable to care for himself or herself due to injury, disability, or minor age status.

“Director” means the director of the crime victim assistance division established in the department of justice.

“Division” means the crime victim assistance division of the department of justice.

“Incitement” means to urge forward or to goad to action.

“Income” or *“wages”* means gross income or gross wages.

“Medical care” means services provided by or provided under the supervision of a person licensed under Iowa law as a medical physician or surgeon, osteopathic physician or surgeon, chiropractor, podiatrist, physical therapist, acupuncturist, or dentist. Medical care also includes services rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

“Medically necessary” means items and services, prescribed by a medical provider under the prescriptive authority of the medical provider’s license, which are reasonably necessary to facilitate the victim’s physical and emotional recovery from the compensable crime.

“Pecuniary loss” means the amount of medical or medical–related expenses and shall include, but not be limited to, eyeglasses, hearing aids, dentures, prosthetic devices including those which were taken, lost, or destroyed during the crime, home health care, medications, counseling, pregnancy–related services, equipment rental or purchase, property alteration, transportation for emergencies and medical care provided outside the victim’s county of residence, or health insurance premiums covered by an employer previous to the victim’s disability from the crime. Pecuniary loss shall also include the loss of income that the victim has incurred as a direct result of the injury to the extent that the victim has not been and shall not be indemnified from any other source.

“Personal injury” or *“injury”* means bodily harm or mental suffering and shall include a victim’s pregnancy or miscarriage resulting from a crime.

“Program” means the crime victim compensation program of the department of justice.

“Provocation” means to cause anger, resentment, or deep feelings that cause or instigate another to take action.

“Public funds” means moneys provided by federal, state, county, city or other local government.

“Reasonable charges” means charges ordinarily charged by the provider of the service to the general public for services of a similar nature.

61—9.27(915) Duties of the division. The duties of the division shall include, but not be limited to, the duties provided for in Iowa Code sections 13.31 and 915.83, as well as:

1. To prepare appropriate forms for the filing and processing of compensation applications.
2. To conduct an administrative review of claims when a request for reconsideration is filed by an applicant with the director.
3. To receive moneys bequeathed, awarded, or donated to the crime victim assistance division by a public or private organization or individual.

61—9.28(915) Application for compensation. An applicant may file an application for compensation by telephone or in writing within two years of the occurrence or discovery of a crime pursuant to Iowa Code section 915.84(1). For a victim of sexual abuse when the offender has been referred pursuant to Iowa Code chapter 229A, the date of the discovery of the crime shall be considered to be the date when the referral was made. The department may waive the requirements of Iowa Code section 915.84(1) if good cause is shown.

9.28(2) Good cause. In determining whether there is good cause for waiver of the two–year application filing requirement, the victim’s age, physical condition, psychological state, cultural or

linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.

9.28(3) *Multiple erroneous claims.* When two or more applications are filed by or on behalf of an individual applicant during a calendar month and the applications appear on initial review to be erroneous claims based on innocent misrepresentation or circumstances of a similar nature, the claims shall be treated as a single application. Verification shall be investigated for each crime recorded in a file with multiple erroneous applications. If any of the crimes recorded in a combined application are verified as compensable crimes, the applications for compensation for those crimes shall be separated from the combined file and assigned distinct application numbers. The department will notify the applicant whenever two or more applications have been combined as one application.

9.28(4) *Program effective date.* The effective date of the crime victim compensation program is January 1, 1983. Victims and survivors of crimes that were committed prior to the effective date are not eligible for compensation.

9.28(5) *Concurrent primary and secondary applications.* A victim may be both a primary victim and a secondary victim in the same crime. The secondary victim application shall not be opened until a benefit has been exhausted for the primary application and there is documentation of need for further benefits in that category. The secondary victim application shall be considered timely filed if the primary victim application was timely filed.

9.28(6) *Concurrent secondary victim applications.* A victim may be a secondary victim to multiple primary victims in a crime. A subsequent secondary victim application shall not be opened until a benefit has been exhausted in the first secondary victim application and there is documentation of need for further benefits in that category. Subsequent secondary victim applications shall be considered timely filed if the primary victim application was timely filed.

61—9.29(915) Report to law enforcement. A person is not eligible for compensation unless the crime is reported to law enforcement pursuant to Iowa Code section 915.84(2). The department may waive the requirements of Iowa Code section 915.84(2) if good cause is shown.

9.29(1) *Law enforcement report sources.* The department finds there is good cause to accept that the report of a crime to any of the following is a report to law enforcement pursuant to Iowa Code section 915.84(2):

- a. Sheriffs and their regular deputies.
- b. Marshals and police officers of cities.
- c. Peace officers of the department of public safety.
- d. Special security officers employed by a board of regents institution as identified in Iowa Code section 262.13.
- e. Peace officers as authorized by Iowa Code section 350.5 or 456A.13.
- f. Employees of the department of transportation who are designated “peace officers” by resolution of the department under Iowa Code section 321.477.
- g. Correctional officers, including parole and probation officers.
- h. County and state prosecutors.
- i. An employee of the department of human services having jurisdiction to investigate the incident.
- j. A magistrate or judge of the Iowa court system.

9.29(2) *Elements of a report.* A victim is considered to have made a report to law enforcement when the victim has provided a true and accurate report of the incident, which shall include to the best of the victim’s knowledge:

- a. The nature of the crime,
- b. The location of the crime,
- c. The name, whereabouts and description of the suspect, if known, and
- d. The names of witnesses, if known.

9.29(3) Law enforcement record. A law enforcement trip record may satisfy the requirement that the crime be reported to law enforcement.

9.29(4) Good cause. In determining whether there is good cause for waiving the requirement to report a crime to law enforcement within 72 hours of the occurrence of the crime, the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim may be considered.

9.29(5) Child victim. If the victim is a child as defined in Iowa Code section 232.2 and is reported to be a victim of child abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

9.29(6) Dependent adult victim. If the victim is a dependent adult as defined in Iowa Code section 235B.2(4) and is reported to be a victim of dependent adult abuse, the department finds there is good cause to waive the 72-hour reporting requirement.

9.29(7) Sexual abuse victim. For a victim of sexual abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a sexual abuse evidentiary examination was completed within 72 hours of the crime and the victim files a subsequent law enforcement report.

9.29(8) Domestic abuse victim. For a victim of domestic abuse, the department finds there is good cause to waive the 72-hour reporting requirement if a pro se protection order pursuant to Iowa Code chapter 236 is entered by the court and the victim files a subsequent law enforcement report.

9.29(9) Victim of a sexually violent predator. For a victim of sexual abuse, the department finds good cause to waive the 72-hour reporting requirement when the offender is referred pursuant to Iowa Code chapter 229A.

61—9.30(915) Cooperation with law enforcement. To be eligible for compensation, the victim of crime must cooperate with the reasonable requests of law enforcement.

9.30(1) Reasonable cooperation. Reasonable cooperation by the victim may include, but is not limited to, the following:

- a. Providing law enforcement with a true and accurate report of the crime.
- b. Participating in the investigation of the crime to assist law enforcement in the identification of a suspect as requested including the review of photographs, composites, and lineups.
- c. Participating in prosecution procedures including deposition and trial testimony as requested.

9.30(2) Determination of cooperation. In determining whether a victim reasonably cooperated with law enforcement, the division may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim.

9.30(3) Polygraph testing. In determining whether a victim reasonably cooperated with law enforcement, the refusal of a victim to undergo a polygraph examination shall not be the basis of denial.

9.30(4) Sexual abuse victim. A victim of sexual abuse shall be deemed to have reasonably cooperated with law enforcement if the victim undergoes a sexual abuse evidentiary examination.

9.30(5) Domestic abuse victim. A victim of domestic abuse shall be deemed to have reasonably cooperated with law enforcement if a report of the crime was made to law enforcement.

61—9.31(915) Contributory conduct. The division shall reduce or disqualify compensation when there is a causal relationship between the contributory conduct on the part of the victim and the victim's injury or death. Contributory conduct includes consent, provocation, or incitement of the crime on the part of the victim.

9.31(1) Consent, provocation, and incitement. In assessing consent, provocation or incitement on the part of the victim pursuant to Iowa Code section 915.87(2) "a," the division may consider factors including, but not limited to, the following:

- a. Whether charges are filed against the suspect;
- b. Whether the victim attempted to withdraw from the incident;

- c. Comparable or reasonable force on the part of the suspect in response to an action of the victim;
- d. The amount of time from the beginning of the interaction between the victim and the suspect and the criminal act committed by the suspect;
- e. The age of the victim; and
- f. Comparable size or strength of the victim and suspect.

9.31(2) Additional assessment of consent. In assessing the causal nature of consent pursuant to Iowa Code section 915.87(2) “a,” the division may consider the victim’s age, physical condition, psychological state, cultural or linguistic barriers, and any compelling health or safety reasons that would jeopardize the well-being of the victim.

9.31(3) Consent in intoxicated driving cases. A victim who was the passenger in the vehicle of a driver who has been determined to have been legally intoxicated at the time of the crash shall not be automatically denied eligibility for compensation. The division may consider whether the victim could have reasonably known the intoxication level of the driver, the driver’s behavior or judgment appeared impaired, the victim encouraged or discouraged the driver from driving, or the victim’s judgment was impaired.

9.31(4) Additional assessment of provocation and incitement. In assessing the causal nature of provocation or incitement pursuant to Iowa Code section 915.87(2) “a,” the division may consider law enforcement documentation that indicates:

a. *Retaliatory action.* The crime was committed as retaliation for a prior physical assault or injury committed by the victim against the perpetrator, and the victim could have reasonably foreseen the likelihood of retaliation.

b. *Gang action.* The crime was a direct result of gang activity, including gang initiation, or was inflicted as retaliation for prior gang activity in which the victim participated in a criminal street gang as defined in Iowa Code section 723A.1(2).

- c. *Mutual combat.* The crime was an incident of mutual combat if the victim:
- (1) Initiated a physical altercation;
 - (2) Made a credible threat of bodily harm against the person, took action to indicate the intent to carry out the threat and a physical altercation immediately followed; or
 - (3) Accepted a verbal challenge to engage in a physical altercation, took action to indicate acceptance of the challenge and a physical altercation immediately followed.

d. *Exception to mutual combat.* Incitement and provocation are not present in an incident of mutual combat when a significant escalation of the fight, such as the introduction of a deadly weapon, is made by a person other than the victim or when a third party becomes involved resulting in more serious injury than the victim could have reasonably expected.

9.31(5) Victim’s criminal act. Contributory conduct includes assisting in, attempting, or committing a criminal act by the victim. A causal relationship must be documented between the injury or death for which compensation is sought and the criminal act of the victim.

9.32(1) Determination of eligibility. A denial of eligibility shall be based on written documentation that an application does not satisfy the requirements of Iowa Code chapter 915. An applicant shall be deemed eligible for compensation if the division has not obtained written documentation supporting a denial within six months of the date of the application. Notwithstanding the foregoing, the division may extend the determination of eligibility beyond six months if a court date or grand jury hearing is pending and is reasonably expected to result in information necessary to render an eligibility decision.

9.32(2) Reopening applications. Pursuant to Iowa Code section 915.83(2), the department may reopen and reinvestigate an application if the department determines that the decision was incorrect or incomplete. A denied application may be reopened and reinvestigated if it is discovered through a criminal trial or other investigatory source that the information relied upon for the denial decision was incorrect or incomplete. The eligibility of an approved application will be reopened for consideration if information is discovered through a criminal trial or other investigatory source that indicates that there is reason to deny the application. The reopening of a denied or approved case

is at the discretion of the administrator for the compensation program.

9.32(3) *Withdrawal of application.* An applicant may withdraw the application for compensation from consideration.

9.32(4) *Maximum compensation.* Compensation shall be reduced or disqualified to the extent that the maximum compensation allowable pursuant to Iowa Code chapter 915 and these rules has been awarded.

61—9.33(915) *Emergency award of compensation.* Emergency awards of compensation may be made if the applicant has incurred a loss of income or pecuniary loss as a direct result of the crime.

9.33(1) *Preliminary eligibility determination.* The program must determine that the application is likely to be eligible based on documentation available including, at minimum, the law enforcement verification form provided to law enforcement by the program.

9.33(2) *Documentation.* To make an emergency award of compensation, the program must have documentation of the lost wages or the pecuniary loss.

9.33(3) *Emergency award decision.* A decision denying an emergency award shall not be appealable.

9.33(4) *Offset.* Any emergency award shall be deducted from the final award of compensation made to the claimant.

61—9.34(915) *Computation of compensation.* The division shall determine the amount of compensation to be awarded to an eligible applicant.

9.34(1) *Benefit limits.* Compensation shall be made up to the benefit category limits in effect on the date the application is filed. For an eligible victim of sexual abuse when the offender has been referred pursuant to Iowa Code chapter 229A, compensation shall be paid for expenses incurred after referral of the offender.

9.34(2) *Payer-of-last-resort.* The program is a payer-of-last-resort pursuant to federal law 42 U.S.C. 10602(1403). Compensation shall not be paid for services when the provision for those services is mandated by law or administrative rule to be the responsibility of another governmental unit, private agency or program. Payments shall be reduced by payments made by offenders and third parties responsible for the damages of the crime.

9.34(3) *Voluntary financial programs.* Compensation applicants will be encouraged to apply for other financial assistance programs to pay costs resulting from the crime-related injury. However, no applicant will be denied compensation benefits based on the applicant's refusal to seek funds from a voluntary financial assistance program.

9.34(4) *Insurance providers.* Eligible victims and claimants must give service providers the information necessary to bill insurance providers for crime-related treatment. Payment of compensation will not be made if the victim refuses or fails to provide information requested by the service or insurance provider or sign the required assignment of benefits within a reasonable time frame.

9.34(5) *Supplanting of funds prohibited.* Compensation shall be made only when the claimant is responsible for the cost of crime-related injury. Compensation shall not be paid when a government entity, including but not limited to a mental health facility, jail, or prison, is responsible for the costs of treatment for injury from crime.

61—9.35(915) *Computation of benefit categories.* The division shall determine the amount of compensation to be awarded to an eligible applicant for injury from crime for each benefit category pursuant to Iowa Code section 985.86.

9.35(1) *Medical care.* Compensation may be paid for the reasonable expenses of medical care provided to eligible crime victims by, or under the supervision of, a person licensed by the state under Iowa Code chapter 147, 148, 148A, 148E, 149, 150A, 151, 152C, or 153. When preexisting medical conditions are treated during crime-related medical care, the program may reduce payment

to a percentage equal to the portion of the medical care determined to be directly related to the compensable crime. Medical care expenses include the following:

a. *Medical care sanctioned by sovereign nations and tribes.* Compensation may be paid for medical care rendered in accordance with a method of healing sanctioned by a federally recognized sovereign nation or tribe.

b. *Medical counseling costs.* Compensation may be paid for counseling provided under the direct supervision of a psychiatrist or other physician and shall be applied toward the medical benefit maximum.

c. *Medical care for homicide victim survivors.* Compensation may be paid to the spouse, child, parent, sibling, or person related by blood or affinity to a homicide victim for the same types of medical care which are allowable for primary victims, including but not limited to hospital and physician care, psychiatric care, prescriptions, and transportation expenses related to injury from the crime.

d. *Medical equipment and property alteration.* Compensation may be paid for equipment and property alteration which are prescribed as medically necessary care due to injury from the crime.

e. *Medical supplies.* Compensation may be paid for medical care supplies and incidental supplies necessary for medical care due to injury from the crime.

f. *Medical care for pregnancy.* Compensation may be paid for medical care costs related to pregnancy resulting from the crime of sexual abuse. Eligible expenses for care of the victim shall be paid. Expenses incurred for care of a newborn child are not compensable.

g. *Medical devices.* Compensation may be paid for the replacement of a medical device including but not limited to a sight or hearing device, dentures, prosthetic device, wheelchair, and medication that was taken, lost or destroyed during the crime.

h. *Transportation for medical emergency.* Compensation may be paid for the reasonable cost of transportation in a medical emergency by private vehicle at the state rate for boards and commissions per mile. Mileage will be based on mileage calculation from the most current map published by the department of transportation. Transportation within a city limits will be based on the program's estimate of mileage from the location of the injured victim to the medical facility.

i. *Transportation for non-emergency care.* Compensation may be paid for the cost of transportation by commercial vehicle or by private car for non-emergency medical care and counseling received outside of the victim's county of residence. Transportation provided by private vehicle for non-emergency care will be reimbursed at the state rate for boards and commissions per mile. Mileage will be based on mileage calculation from the most current map published by the department of transportation. IAC 12/27/00

j. *Transportation medical benefit.* Compensation may be paid for transportation from the applicable medical care or counseling benefit category. The available funds to the victim from the applicable benefit category will be reduced by the amount of compensation paid for transportation.

k. *Health insurance.* Compensation may be paid for premiums to continue a health insurance policy that was provided in whole or in part by the victim's employer prior to the crime and the employment ceased as a result of the crime.

9.35(2) *Medical care records.* When compensation for medical care is requested, the provider shall submit medical records that document the care provided and show that the medical care is for injury from crime.

9.35(3) *Mental health counseling.* Compensation may be paid for the reasonable costs of mental health counseling for eligible crime victims and survivors of a homicide victim. When preexisting mental health issues are addressed during crime-related counseling, the program may reduce payment to a percentage equal to the portion of the counseling determined to be directly related to the compensable crime. The mental health counseling provider shall submit a vitae establishing the provider's educational qualifications for compensation. A provider who is required to be licensed under Iowa law must provide proof of licensure and good standing with the professional licensing board. Compensation shall be paid for mental health counseling provided by the following:

a. *Master's level counselor.* Compensation may be paid for mental health counseling provided by a person holding at least a master's degree in a mental health or counseling field including but not limited to social work, psychology, guidance and counseling, behavioral sciences, art therapy, marriage and family therapy, child life therapy, and advanced mental health registered nursing.

b. *Supervised mental health counselor.* Compensation may be paid for mental health counseling provided by a counselor who does not have a master's degree but is under the supervision of a counselor with a master's degree. The supervising mental health counselor must sign the session notes, which must be submitted for review by the program.

c. *Intern mental health counselors.* Compensation may be paid for mental health counseling provided by an intern candidate for a master's degree when the counseling is provided within a course of professional education and the intern is supervised by a provider eligible for compensation.

d. *Out-of-state providers.* Compensation may be paid to mental health counselors outside Iowa who provide services to victims of crime eligible for the Iowa program if the mental health counselor meets the professional licensure criteria of the state in which the counselor works.

9.35(4) *Mental health counseling records.* When compensation for mental health counseling is requested, the provider shall complete verification forms related to the counseling as follows:

a. *Treatment plan and certification form.* Information submitted on the treatment plan and certification form shall include, but not be limited to, a summary of the initial evaluation, any preexisting mental health diagnoses currently being treated, current diagnoses, issues addressed, counseling goals, expected length of counseling services, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

b. *Treatment progress and certification form.* At six-month intervals for the duration of the crime-related mental health counseling, the provider shall submit a treatment progress and certification form. Information on the form shall include progress on previously stated goals of counseling, current goals, current diagnosis, expected length of additional counseling, and certification of the percentage of mental health counseling directly related to issues arising from the victimization.

c. *Session notes.* The program may require submission of session notes to determine if the mental health counseling is directly related to the crime when:

- (1) The counseling expenses for a victim exceed \$3,000.
- (2) The provider has not completed the treatment and certification plan with statement of the percentage of treatment directly related to the crime. IAC 12/27/00
- (3) The counseling begins, or is provided, more than one year after the crime.
- (4) The treatment plan or progress summary indicates that the victim is receiving treatment for a diagnosis or issue not exacerbated by the crime.

9.35(5) *Victim service counseling.* Reasonable charges for counseling provided by a victim counselor as defined in Iowa Code sections 236A.1 and 915.20A, when fees for services to the general public for services of a similar nature have not previously been established, may be paid within the following guidelines:

a. *Counselors funded with VOCA.* Counseling provided by victim counselors whose position is funded, in whole or in part, or whose position is used as match requirement for federal Victims of Crime Act fund shall not be eligible for compensation payment.

b. *Computation of victim service counseling expenses.* Counseling services provided to an eligible victim by a victim counselor may be compensated as follows:

- (1) Individual counseling at an hourly rate of \$35.
- (2) Group counseling at an hourly rate of \$20.

c. Compensation paid, combined with other funding sources for the service, shall not be in excess of the total cost of providing the counseling hour.

9.35(6) *Victim service counseling records.* A record of each counseling session shall be maintained in the victim's file including the date of service, the length of service, the name of the victim counselor who provided the service, the general topics addressed, and referrals made.

9.35(7) Counseling with the perpetrator. Compensation for mental health or victim service counseling that includes the perpetrator of the crime may be payable when the perpetrator takes part only to take responsibility for the crime and apologize to the victim and the victim is allowed to confront the perpetrator regarding the effects of the crime.

9.35(8) Family counseling. Compensation for family mental health or victim service counseling may be paid only for sessions where the victim is present and the focus of the session is to assist the victim in recovery from a compensable crime.

9.35(9) Lost wages or income. Compensation may be paid for reasonable lost wages or income when an eligible crime victim is unable to work as the result of injury from crime or as a result of cooperation with the investigation or prosecution of the crime. Lost wages or income due to crime is determined as follows:

a. Gross wages computed. Lost wages are computed as the gross rate of pay times the number of scheduled hours of work missed.

b. Variable income. Income that is variable shall be computed based on the average income earned during a minimum 28-day period within the three months preceding the crime. Estimated earnings not supported by past income statements shall not be accepted.

c. Self-employment and small business income. Self-employed persons or small business employees must provide federal or state income tax forms for the most recent year completed or verification of average income for a minimum of the past six months. Work estimates, labor contracts, and affidavits from individual employers may be used to establish wages.

d. Vacation, sick, holiday and annual leave. Lost wages or income paid shall not be reduced by vacation, sick, holiday, or annual leave available or used by the victim due to the crime.

9.35(10) Lost wages or income due to disability. Compensation shall be paid for lost wages incurred by an eligible crime victim within two weeks after injury from crime or an eligible survivor of a homicide victim for up to five days within two weeks after the death of a victim without an authorized disability statement. Compensation for lost wages may be paid to the spouse, child, or parent of the homicide victim for up to one month without a disability statement as determined reasonable by the program. A victim or survivor of a homicide victim seeking lost wages for a longer period of time shall submit a disability statement from a licensed physician. Compensation shall be made for lost wages under the following circumstances:

a. Victim injured. Compensation may be paid when the victim cannot work due to injury from crime. IAC 12/27/00

b. Lost hire income. Compensation may be paid when the victim has been hired by an employer but is unable to begin employment because of injury due to the crime, until medically released to work. Required documentation includes a signed affidavit by the employer.

c. Employment terminated. Compensation may be paid when the victim is terminated from employment as a result of crime-related injuries, until medically released to seek work.

d. Unemployment eligible. Compensation may be paid for the difference between the victim's gross wage and the unemployment benefit when the victim is terminated from employment because of injury from crime and is found to be eligible for unemployment benefits.

e. Unemployment ineligibility. Compensation may be paid for the amount of the victim's unemployment benefit when the victim is rendered ineligible for unemployment benefits because of injury from the crime, until the victim is medically released to work.

f. Worker compensation benefit eligible. Compensation may be paid for the difference between the victim's gross wage and the worker compensation benefit when the victim is unable to work because of injury from crime and is found to be eligible for worker compensation benefits.

g. Medical and counseling appointments. Compensation may be paid to a primary victim, the parent or guardian of a minor aged primary victim, or the caretaker of a dependent adult primary victim for wages lost due to medical care or counseling appointments for the victim.

9.35(11) Lost wages or income during investigation and prosecution. Compensation may be paid for lost wages incurred by an eligible primary victim, survivor of a homicide victim as described in Iowa Code section 915.86(8), parent or guardian of a minor aged primary victim, or caretaker of a

dependent primary victim while cooperating with the investigation and prosecution of the crime including, but not limited to, participation at identification sessions, arraignment, deposition, plea agreement meetings, trial, sentencing, parole and probation hearings, and sexually violent predator civil commitment proceedings.

9.35(12) Residential crime scene cleanup. Compensation may be paid for the reasonable costs of an eligible victim or applicant for cleaning a residential crime scene, which includes a home, or a private vehicle in which the crime was committed. Cleaning a residential crime scene means to remove, or attempt to remove, from the crime scene blood, dirt, stains, or other debris caused by the crime or the processing of the crime scene. Compensation shall be paid for the reasonable out-of-pocket cost of cleaning supplies, equipment rental, labor, and the value of property which is essential to the victim and which is held by law enforcement for evidentiary purposes. Cleaning a residential crime scene does not include replacement or repair of property damaged in the crime.

9.35(13) Loss of support. Compensation for loss of support may be paid for the dependents of an eligible homicide victim or of a victim disabled for a period of 60 days or more when the applicant documents that the dependent relied on the victim wholly or partially for physical care or financial support.

a. Period of dependency. Compensation may be paid for loss of support for the remaining period of dependency, up to the limits established in Iowa Code section 915.86(5), in an amount equal to the lost wages or income the victim was earning at the time of death or disability. The amount of compensation shall be subject to reduction by the amount of collateral sources designated as support pursuant to Iowa Code section 915.87(1).

b. Dependent care. Compensation may be paid for loss of support at the current hourly rate of the Iowa minimum wage for dependent care provided by a person other than the victim if the victim was providing physical care to the dependent at the time of the crime.

9.35(14) Clothing and bedding. Compensation may be paid for clothing and bedding held as evidence by law enforcement and not returned to the victim. Compensation shall not be made for the clothing of a deceased victim which is held as evidence. IAC 12/27/00

9.35(15) Funeral and burial expenses. Compensation may be paid for reasonable expenses incurred for the funeral and burial or cremation for an eligible crime victim. The following expenses may be paid up to the maximum expense established in Iowa Code section 915.86(4):

a. Funeral service. Compensation may be paid for expenses related to funeral and burial or cremation preparation and services.

b. Burial plot and vessel. Compensation may be paid for the cost of a burial plot, vault, casket, urn, or other permissible vessel.

c. Burial effects. Compensation may be paid for miscellaneous funeral and burial expenses including, but not limited to, flowers, burial clothing for the victim, transportation of the victim's body, and travel and lodging expenses for survivors of the homicide victim as described in Iowa Code section 915.87(8) with priority for the surviving spouse, children, and parents of the victim. Documentation must be provided for all miscellaneous funeral and burial expenses.

61—9.36(915) Appeal of compensation decisions. An applicant shall be informed in writing of the basis for the denial of eligibility or the amount of an award.

9.36(1) Applicant appeal. An applicant may appeal a compensation decision as follows:

a. Appeal to director. An applicant aggrieved by a denial decision or the amount of compensation awarded by the program may appeal to the director.

b. Appeal to board. An applicant may appeal the director's decision to the board.

c. Appeal to district court. An applicant who disagrees with the decision of the board has the right to appeal to the district court for judicial review within 30 days of receipt of the board's decision.

9.36(2) Director appeal period. An applicant shall submit to the director a written request for reconsideration within 30 days of the date the notice of the crime victim compensation program decision is mailed or otherwise issued by the division. Any request for reconsideration postmarked

within the prescribed time period shall be considered timely filed by the division. Barring any unusual circumstances, within 30 days of the receipt of the request for reconsideration, the director shall issue a decision.

9.36(3) *Board appeal period.* An applicant may file with the board a request for consideration of the director's decision. This written request for consideration by the board shall be submitted within 30 days of the date the notice of the director's decision is mailed or otherwise issued by the director. Any request for review postmarked within the prescribed time period shall be considered timely filed by the division. Barring any unusual circumstances, within 90 days of the receipt of the request, the board, or a committee designated by the chair of not fewer than five members of the board, shall issue a decision.

9.36(4) *District court appeal period.* An applicant shall submit a petition for judicial review to the district court within 30 days of the receipt of the notice of the board's decision.

These rules are intended to implement Iowa Code sections 915.80 through 915.94.

61—9.37 to 9.49 Reserved.

Attorney General [61] Chapter 9

Division III Victim Services Grant Program

Effective as amended February 23, 2005

61—9.50(13) Administration of the victim services grant program. The victim services grant program of the Iowa department of justice shall administer the victim services grants as provided in Iowa Code chapters 13 and 236. All questions, comments, requests for information, or applications for grant funds shall be directed to the victim services grant program. Requests should be addressed to: Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th Street, Lucas State Office Building, Ground Floor, Des Moines, Iowa 50319, telephone (515)281-5044.

61—9.51(13) Definitions. **As used in this chapter:**

“Applicant” means a public or private nonprofit program that provides direct services to crime victims or training and technical assistance to crime victim service providers and that makes a request for funds from the victim services grant program.

“Application” means a request which complies with federal and state requirements for funds from the following funding streams:

1. The federal Victims of Crime Act.
2. The state domestic and sexual abuse program funds provided for in Iowa Code chapter 236.
3. The federal Family Violence Prevention and Services Act.
4. The federal Violence Against Women Act.
5. Other grants or funds available by law for crime victim assistance.

“Board” means the crime victim assistance board.

“Competitive grant” means a grant for which the division solicits a request for proposals (RFP) from eligible applicants, reviews the applications for eligibility and completeness, and then convenes a grant review committee to recommend grant awards to the crime victim assistance board.

“Crime victim center” means a crime victim center as defined in Iowa Code section 915.20A(1).

“Department” means the Iowa department of justice.

“Director” means director of the crime victim assistance division of the Iowa department of justice.

“Division” means the crime victim assistance division of the Iowa department of justice.

“Focus grant” means a one-time grant for specific activities, including but not limited to training, travel, or materials, awarded at the discretion of the division directly to a program that has received a competitive grant in the fiscal year.

“Funding stream” means a distinct source of federal or state funding available for grants.

“Grant” means a competitive or focus grant award to a local or statewide government or private nonprofit agency.

“Grantee” means a local or statewide government or private nonprofit agency that is awarded or receives funds from the crime victim assistance division.

“Grant review committee” means a division of justice committee designated to review grant applications.

“Justice support” means duties performed in the justice system related to investigation, prosecution, or disposition of a criminal case that assist or inform a victim of crime.

“Program” means the victim services grant program of the Iowa department of justice.

“RFP” means request for proposals.

“Victim” means a crime victim as defined in Iowa Code section 915.80.

61—9.52(13) Program description. Any eligible local or statewide government or private nonprofit agency or a combination thereof may apply for and receive a grant through the program. The program shall operate as a competitive and focus grants program and be administered by the

department. A contractual agreement specifying the terms of the grant award shall be executed between the department and the approved applicant.

61—9.53(13) Availability of grants. In any year in which federal or state funds are available, the division shall administer grants with eligible applicants. The amount of the funds awarded shall be contingent upon the funds available. The director shall announce the opening of an application period through public notice including but not limited to notice to current grantees and other eligible agencies identified by the program. Applications must be received by the designated due date.

9.53(1) Competitive grants will be awarded based on the availability of funds, history and demonstration of quality of services provided, compliance with the requirements of the division, number of victims served or cases investigated and prosecuted, population served, and geographical distribution of funds in the state. A preference shall be given to continued funding of successful grantees.

9.53(2) Focus grants will be awarded at the discretion of the director and of the deputy attorney general who oversees the division. Funds utilized for focus grants must comply with all applicable state and federal rules and regulations. The total of focus grants from one funding source may not exceed 3 percent of the funds available from the funding source in one state fiscal year.

61—9.54(13) Application requirements. Applicants shall submit applications to: Crime Victim Assistance Division, Iowa Department of Justice, 321 East 12th Street, Lucas State Office Building, Ground Floor, Des Moines, Iowa 50319. Applications shall be in the form prescribed by the division and shall be available upon request to all interested parties.

9.54(1) To be included in the review process and considered for funding, an application shall be received in the offices of the division by 4:30 p.m. on the due date. Applications may be delivered to the division during regular business hours anytime prior to the deadline. An extension of the filing deadline may be requested of the director or grant administrator prior to the deadline and may be granted for good cause. The determination of a good cause extension by the division director shall be final.

9.54(2) An applicant shall have on file with the division current copies of the applicant's table of organization and articles of incorporation as required.

9.54(3) An applicant shall have on file with the division evidence of any insurance coverage the applicant carries for liability or property.

9.54(4) The division may allow combined applications from two or more agencies if a combined application will encourage cooperation between those agencies on behalf of crime victims. Each agency receiving funds under a combined application shall sign a grant contract for the use of awarded funds.

61—9.55(13) Contents of application. Each application shall contain the following information:

9.55(1) A paragraph describing the agencies or units of government requesting the funds.

9.55(2) A description of services for which funding is being requested. The description shall include, but not be limited to, the following:

- a. The geographical area to be served.
- b. The crime victim population to be served.
- c. Victim eligibility requirements for the applicant's services.
- d. A description of substantial financial support from other sources.
- e. The intended use of volunteers, if any.
- f. The stated goals and objectives of the program.
- g. A description of the proposed victim service, training, or technical assistance to be implemented during the funding year.
- h. The amount of grant funds requested.
- i. The amount of cash or in-kind resources or combination thereof which is committed where required by the division.

- j. A description of how the proposed victim service, training, or technical assistance will provide or improve services to victims of crime.
- k. Proof of coordination with appropriate agencies at the local level.
- l. A total program budget for all services provided by the applicant's crime victim program.
- m. A proposed budget for the requested grant funds.
- n. A list of other anticipated sources of income, including written commitments, if possible, and plans for continued funding of the grant-funded activities.
- o. Other information identified in the RFP.
- p. Signed certified assurances as required by statute or regulation.

61—9.56(13) Eligibility requirements. Funds must be used only to provide victim services, or justice support to victims of crime, and training or technical assistance to victim service providers and allied professionals. Program grants shall not be used to supplant other available or mandated funds. An applicant must meet the following requirements:

9.56(1) The applicant shall be a public agency or private nonprofit organization, or combination thereof, that provides services to crime victims or training and technical assistance to victim service providers and allied professionals.

9.56(2) The applicant shall provide services to victims of crime through crime victim centers, law enforcement officers, prosecutors, and other allied professionals. Services provided to victims by crime victim centers shall include but are not limited to crisis intervention, law enforcement and court advocacy, group and individual follow-up counseling, transportation, and information and referral.

9.56(3) An applicant providing services to victims of domestic abuse must also provide or arrange safe shelter for victims and their children when needed at no cost to the victims. To ensure staff training and best practice standards, preference will be given to domestic abuse programs certified by the Iowa Coalition Against Domestic Violence.

9.56(4) An applicant providing services to victims of sexual abuse must also provide support to victims at the time of an evidentiary sexual abuse examination. To ensure staff training and best practice standards, preference will be given to sexual abuse programs certified by the Iowa Coalition Against Sexual Assault.

9.56(5) The applicant shall promote within the community a coordinated public and private effort to assist victims.

9.56(6) The applicant shall be an equal-opportunity employer and provide services on an equal-opportunity basis.

9.56(7) The applicant shall comply with applicable federal and state statutes and rules, all requirements specified in the grant between the department and any outside funding source, and all requirements in the RFP or any other contractual document.

9.56(8) The applicant shall assist victims in seeking state compensation benefits.

9.56(9) The applicant shall have a grievance procedure established for victims, employees and volunteers.

9.56(10) The applicant shall ensure that all employees and volunteers of crime victim centers that provide direct services to victims are trained as victim counselors as defined in Iowa Code section 915.20A.

9.56(11) The applicant shall provide services within the geographical service area without regard to a victim's ability to pay.

9.56(12) An existing program must document results of prior programming that demonstrate that the needs of victims have been met effectively and that the applicant has financial support from other sources.

61—9.57(13) Selection process. The division shall conduct a preliminary review of each application to ensure that the applicant is eligible, the application is complete, and the proposed

victim service, training or technical assistance is consistent with the division's mission of providing quality assistance to crime victims and crime victim programs throughout the state.

9.57(1) In selection of competitive grantees, the division may utilize generally accepted methods of grant review including but not limited to checklists, quality scales, written comments by grant review committee members, and formulas based on past funding, population, clients served and available funds.

9.57(2) In selection of competitive grantees, the division shall establish a grant review committee. The committee shall submit recommendations for grant awards to the director. The director shall submit to the board the recommendations of the grant review committee and any alternative recommendations by the program staff.

a. The committee shall be comprised of representatives from the crime victim assistance board and experts in the fields of victim services, grant administration and management, and criminal justice.

b. The division shall provide the committee with information related to the applicant's performance with previous grants, the quality and quantity of services provided, and community support for the applicant.

c. The committee shall review the content of the grant applications and information provided by the division and members of the committee regarding the applicant and the geographical area to be served.

9.57(3) The board shall consider the recommendations of the grant review committee and the director to determine final competitive grant awards to the extent that funds are available and to the extent to which applications meet the RFP criteria. The board may reject any or all applications.

9.57(4) In selection of grantees for a focus grant, a written proposal shall be solicited from current grantees. Interested grantees shall submit a proposal to the director outlining the purpose, cost, and outcome of the proposed grant. The director shall submit a recommendation to the deputy attorney general for criminal justice who shall make a final decision based on the availability of funds and the merits of the proposal.

61—9.58(13) Notification of applicants. An applicant shall be notified within 90 days after the application due date whether the application has been denied or approved by the board and the amount of funds approved for the application.

61—9.59(13) Request for reconsideration.

9.59(1) An applicant may file with the board a request for reconsideration of the denial or of the amount of an award. The request for reconsideration must be submitted within ten working days of the date the notice of decision is mailed or otherwise issued by the director to the grantee. The request must state grounds for reconsideration. The board or a committee designated by the board chairperson shall review the request in a timely manner. A decision of the board or designated committee shall constitute final agency action.

9.59(2) At the time a request for reconsideration is received by the director, notice that a request for reconsideration has been filed shall be sent to all approved applicants whose funds may be affected by the request.

9.59(3) Funds shall not be disbursed pending a request for reconsideration to the extent that the funds are affected by the outcome of the request. Every applicant that would be adversely affected shall be notified if a request for reconsideration is approved, and grant awards shall be reduced as necessary.

61—9.60(13) Contract agreement.

9.60(1) A contract shall be negotiated by the department and the applicant.

9.60(2) Prior to entering into a contract, the department or the board may require modification of the proposed program, submission of further information or documents, or other stipulation of the applicant. The required modification, information, document, or stipulation shall be specified in the notification of grant award.

9.60(3) The applicant or the department may request a modification of the program budget to reflect the amount, expenses and activities allowed by the grant award. Both parties must agree to any modification of the grantee program budget.

9.60(4) In the event of a state, federal, or other audit, the grantee shall be responsible for the audit and liable for payment of any funds required to conduct the audit, to compensate for any grant disallowance, or to repay any funds received or spent contrary to the contract, these rules, or applicable law.

9.60(5) Funds shall be spent to meet the program proposals as provided in the contract. Expenditures shall be reimbursed pursuant to regular reimbursement procedures of the state of Iowa.

9.60(6) The grantee shall sign the certified assurances for the grant program at the time of application and at any time requested by the division.

9.60(7) Nothing in these rules shall be construed as limiting the remedies available to the state or the program for improper use of grant funds or other breach of the grantee's duties under the contract and applicable law.

61—9.61(13) Performance reports. Performance reports shall be submitted to the division from all grantees. Failure to submit reports by the due date shall result in suspension of financial payments to the grantee by the program until such time as the report is received. Delinquent or inadequate reports from prior grants may detrimentally influence the award of grants for the following year.

61—9.62(13) Termination. Contracts may be terminated for the following reasons:

9.62(1) Termination by grantee. The grantee may terminate the contract at any time during the contract period by providing notice to the division.

9.62(2) Termination by department. The department may terminate a contract upon a ten-day notice when the grantee or any of its subcontractors fail to comply with the grant award stipulations, standards or conditions. The department may terminate a contract when there is a reduction of funds by executive order or otherwise.

9.62(3) Termination for cause. If the grantee fails to fulfill its obligations under the agreement properly or on time, or otherwise violates any provision of the agreement, the board may terminate the agreement by written notice to the grantee. The notice shall specify the acts or omissions relied on as cause for termination. All finished or unfinished products and services provided by the grantee shall, at the option of the department, become state property. The department shall pay the grantee fair and equitable compensation for satisfactory performance prior to receipt of notice of termination minus any funds owing to the department, e.g., damages for breach, improperly spent funds.

61—9.63(13) Financial statement supplied. Within 45 days of the termination, the grantee shall supply the department with a financial statement detailing all costs incurred up to the effective date of the termination.

61—9.64(13) Indemnification. The grantee shall defend, indemnify, and hold harmless the state of Iowa, its officers, agents and employees and any of the state's federal funding sources for:

1. Grantee's performance or nonperformance of a contract entered into or violation of these rules.

2. Grantee's activities with subcontractors and all other third parties, or any other act or omission by a grantee, its agents, officers, and employees.

61—9.65(13) Records. Grantees shall keep statistical records of services provided and any other records as required by the division. The division shall have immediate access during working hours to records pertaining to the contract. No notice need be provided the grantee prior to inspection of the records.

These rules are intended to implement Iowa Code section 13.31.IAC 3/1/95, 12/27/00

Attorney General [61] Chapter 9
Division IV
Sexual Abuse Examination Payment

Effective as amended June 30 2004

61—9.80(915) Administration of sexual abuse examination payment. The crime victim assistance program of the department of justice shall administer the sexual abuse examination program as provided in Iowa Code section 915.41. That section states in part:

“The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing sexually transmitted disease shall be borne by the department of justice.”

Requests for payment should be addressed to: Sexual Abuse Examination Payments, Crime Victim Assistance Division, Lucas State Office Building, Ground Floor, 321 East 12th Street, Des Moines, Iowa 50319; telephone (515)281-5044 or 1-800-373-5044.

61—9.81(915) Definitions.

“*Administration*” means administrator of the crime victim assistance program established in the department of justice.

“*Board*” means crime victim assistance board.

“*Department*” means the Iowa department of justice.

“*Eligible claimant*” means a medical provider that provides a sexual abuse examination to a sexual assault victim. The following are eligible to file a claim with the crime victim assistance program in the event that they have made payment to a medical provider for the costs of a sexual abuse examination:

1. A victim of sexual abuse.
2. A person responsible for the maintenance of a sexual abuse victim.
3. A dependent of a victim who has died as a result of injuries sustained in a sexual assault.
4. The guardian of a sexual abuse victim.

“*Reasonable charges*” means those ordinarily charged by the provider of the service to the general public for services of a similar nature.

“*Sexual abuse*” means sexual abuse as defined in Iowa Code sections 709.1 and 726.2.

“*Sexual abuse examination*” means a medical examination provided to a woman, man, or child to collect evidence of sexual abuse victimization of that person as defined in Iowa Code sections 709.1 and 726.2 and provide treatment for the prevention of sexually transmitted disease pursuant to Iowa Code section 915.41. When applicable, the provider of a sexual abuse examination shall file a child abuse report with the Iowa department of human services as required by Iowa Code section 232.70.

61—9.82(915) Application for sexual abuse examination payment.

9.82(1) Consideration for payment. The department will consider payment upon receipt of a claim for reimbursement from a medical provider indicating that the claim is for the collection of evidence by sexual abuse examination. In the case that a victim, guardian of a victim, person responsible for the victim, or dependent of a victim who died of injuries sustained in a sexual assault has paid part or all of the charges incurred, a copy of the provider bill and documentation of personal payment of the bill must be submitted for reimbursement. An application for sexual abuse examination payment must include the federal identification number or social security number of the claimant.

9.82(2) Application filing. To apply for payment under the sexual abuse examination program, the form or bill submitted must identify the sexual assault victim by name, birth date, and patient number, indicate that the claim is for a sexual abuse examination, and itemize all services rendered and the fee for each service.

61—9.83(915) Computation of sexual abuse examination payments.

9.83(1) *Payment for examination.* The department shall make payment for sexual abuse examinations, as appropriate, for services including, but not limited to:

- a. Examiner's fee for collection of:
 - (1) Patient's medical history;
 - (2) Physical examination;
 - (3) Collection of laboratory specimens;
 - (4) Return visits to test for sexually transmitted disease;
 - (5) Treatment for the prevention of sexually transmitted disease.
- b. Examination facility.
 - (1) Emergency room, clinic room or office room fee;
 - (2) Pelvic tray and medically required supplies.
- c. Laboratory collection and processing of specimens for: criminal evidence; sexually transmitted disease; and pregnancy testing.

9.83(2) *Provider payment.* The department will pay up to \$300 for the examination facility and \$200 for examiner fees. Any charges in excess of these amounts will require additional documentation from the provider. The crime victim assistance program will pay only those charges determined by the department to be reasonable and fair.

The Iowa department of public safety division of criminal investigation makes sexual abuse examination kits available to health care providers at no cost.

61—9.84(915) Victim responsibility for payment. A victim of sexual abuse is not responsible for the payment of the costs of a sexual abuse examination determined to be eligible for payment by the department. A medical provider shall not submit any remaining balance after sexual abuse examination program payment to the sexual abuse victim.

61—9.85(915) Sexual abuse examination—right to restitution. In all criminal cases under Iowa Code chapter 709 and sections 726.2 and 710.2 in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, restitution may be ordered from the offender to the crime victim assistance program for the cost paid by the department for a sexual abuse examination rendered to the victim of that crime pursuant to Iowa Code section 910.2.

61—9.86(915) Erroneous or fraudulent payment—penalty. If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipients, the recipient is liable for repayment of the reparation. However, if the department does not notify the recipient of the erroneous payment or overpayment within one year of the date of payment, the recipient is not responsible for repayment to the department.

If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment to the department.

61—9.87(915) Right to appeal. An eligible claimant who disagrees with the department's decision concerning payment or amount of payment has the right to request reconsideration of that decision by the crime victim assistance board. The request for reconsideration must be received by the department within 60 days after the decision of the department is mailed.

Rules 9.80(915) to 9.87(915) are intended to implement Iowa Code section 915.41.

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