

# **ANNUAL REPORT**

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

**Fiscal Year 2006 Annual Report  
July 1, 2005 - June 30, 2006**

**ATTORNEY GENERAL THOMAS J. MILLER  
DEPUTY ATTORNEY GENERAL THOMAS H. MILLER  
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 2006 REPORT**

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# **CRIME VICTIM ASSISTANCE DIVISION ACKNOWLEDGMENTS**

The mission of the Iowa Attorney General's Crime Victim Assistance Division and Crime Victim Assistance Board requires collaboration. Multidisciplinary cooperation and joint government/private effort is key to providing crime victim rights and services.

- Victim service providers
- Iowa Organization for Victim Assistance
- Iowa Coalition Against Sexual Assault
- Iowa Coalition Against Domestic Violence
- Private mental and physical health providers
- Clergy and other spiritual services
- Law enforcement agencies
- Prosecutors and Appeal Attorneys
- Department of Corrections
- Judicial District Correctional Service
- Department of Public Health, Violence Prevention Office
- Commission on the Status of Women
- Federal Granting Agencies
- National Victim Advocacy Groups

We also thank the interns and volunteers who donate their time and expertise to the Attorney General's Crime Victim Assistance Division in FY06.

## **ATTORNEY GENERAL'S CRIME VICTIM ASSISTANCE BOARD**

The Crime Victim Assistance Board is established in Iowa Code section 915.82. The Attorney General appoints Board members to three-year terms of service. The Attorney General appoints the Chair of the Board at the beginning of each fiscal year.

The Board is required by Administrative Rule to meet four times annually. The Board adopts administrative rules and indexed policy 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 (6) times during FY06. Five (5) meetings were held in Des Moines and one (1) was conducted by conference telephone call. In FY06, the Board had an attendance rate of 73%.

### **Crime Victim Assistance Board Members, January 2007**

**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 Department of Corrections, Des Moines (2008)

**Patrick Jackson**, Des Moines County Attorney, Burlington (2010)

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

**Paul Fitzgerald**, Story County Sheriff, Nevada (2010)

**Patty Beard**, Represents Crime Victims, Keokuk (2007)

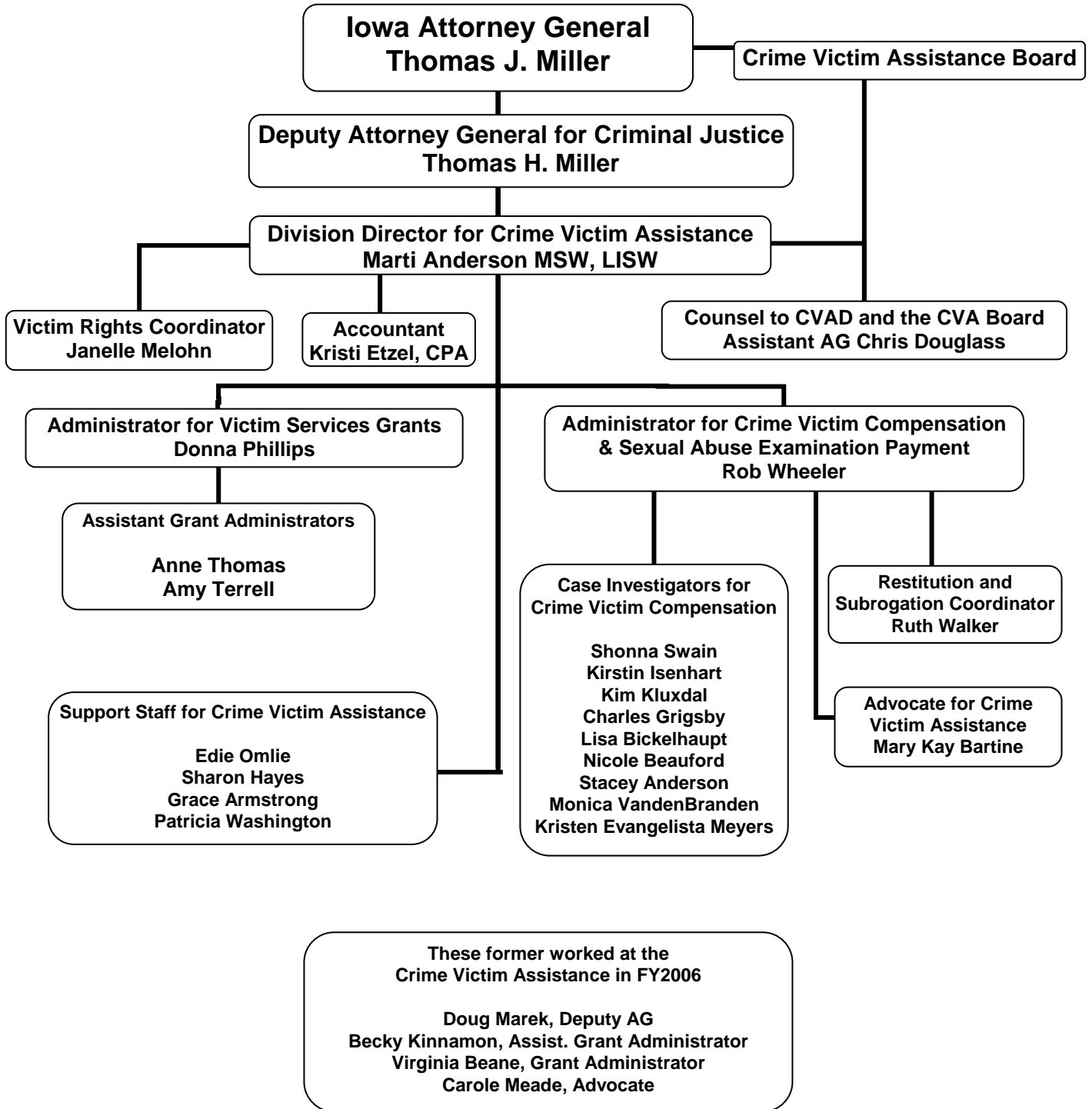
**Mary Ingham**, Crisis Intervention Service, Mason City (2007)

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

**John Sturdy**, Represents Crime Victims, Fontanelle (2010)

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

**IOWA DEPARTMENT OF JUSTICE  
ATTORNEY GENERAL'S OFFICE  
CRIME VICTIM ASSISTANCE DIVISION  
Table of Organization**



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

## **DIVISION OVERVIEW**

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

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**
- **IowaVINE**

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.

Funds for 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 has 160 nationally trained community crisis response volunteers. Funds to support the team come from private donations and criminal fines and penalties.

The IowaVINE is an automated victim information and notification program being implemented by the CVAD with Federal grant funds appropriated by Congress.

# ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION STATE FISCAL YEAR 2006 BUDGET

<u>RESOURCES</u>	<u>REVENUE</u>	<u>SOURCE</u>
VOCA Compensation funds*	\$1,843,000	U.S. Department of Justice
OWI Civil Penalties*	\$1,304,360	Iowa civil penalty for drunk drivers
Criminal Fine Surcharge*	\$4,918,555	Collections by Iowa Courts from Offenders
Restitution recovery*	\$625,050	Collections by Iowa Courts from offenders
Subrogation recovery*	\$200,093	Victim civil law suit settlements
Inmate wage deposits*	\$90,818	Department of Corrections from offenders
Domestic & Sexual Abuse funds	\$3,200,000	Iowa Compensation Fund
VOCA Assistance funds	\$3,949,000	U.S. Department of Justice
STOP Violence Against Women	\$1,446,000	U.S. Department of Justice
Family Violence Prevention & Services	\$1,164,357	U.S. Department of Health & Human Service
<b>Total Resources</b>	<b>\$18,741,233</b>	

\* Revenue deposited in the state Compensation Fund.

<u>OBLIGATIONS</u>	<u>EXPENDITURES</u>	<u>SOURCE</u>
Staff Operating Expenses	\$1,807,277	Compensation Fund & Grant funds
Victim Compensation claims*	\$4,959,010	Compensation Fund
Sexual Abuse Examination claims*	\$1,322,406	Compensation Fund
Victim Advocate Training	\$30,000	Compensation Fund
Collection Expenses	\$93,460	Compensation Fund
Grants to local programs:		
Victims of Crime Act	\$3,705,167	U.S. Department of Justice
FVP&S Act	\$1,108,116	U.S. Department of Health & Human Services
Violence Against Women Act	\$1,464,440	U.S. Department of Justice
Domestic Abuse	\$2,073,126	Compensation Fund
Sexual Abuse	\$1,115,667	Compensation Fund
<b>TOTAL FY06 EXPENDITURES</b>	<b>\$17,678,669</b>	

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

**Crime Victim Fund Reserve:** Both the revenue and the expenditures in the CVAD budget vary with the number of crimes committed, applications received, and fines and penalties paid. A Compensation Fund three-month cost reserve is maintained so that obligations to victims, victim programs, and staff can always be met. The Compensation Fund reserve on July 1, 2006 was \$3,844,357.



# **CRIME VICTIM ASSISTANCE DIVISION CRIME VICTIM COMPENSATION PROGRAM**

## **DETAILED REPORT FISCAL YEAR 2006**

The Crime Victim Compensation Program provides financial reimbursement to victims who have suffered personal injury as a result of a criminal act. Benefits are awarded for out-of-pocket expenses incurred as a direct result of the crime. In addition, eligible victims may be reimbursed for lost wages related to 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 are those emotionally or physically injured by crimes including but not limited to:

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	

Applicants must meet the following criteria for eligibility:

1. A law enforcement report **MUST BE** made 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. A Department of Human Services report **MUST BE** filed in cases of child abuse or dependent adult abuse by a caretaker.
3. An application **MUST BE** filed within two years of the crime or discovery of the crime. The filing time limit requirement may be waived if good cause is shown.
4. The victim must have signed the appropriate release forms and subrogation agreement with the application to be eligible for any reimbursements.
5. The victim must not have been assisting, attempting or committing a criminal act that caused their injuries.
6. The victim must not have consented to, provoked, or incited the crime that resulted in their injuries.

## BENEFITS

The **maximum benefits** available to crime victims for their out-of-pocket expenses resulting from crime are established in Iowa Code Chapter 915. The Benefits available in Fiscal Year 2006 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 two-page form is printed on a postage paid section attached to the program brochure. Applications are also accepted by telephone on a toll-free number. The Advocate will assist a victim of crime in filing an application and identifying other resources. Information about the program is available on the Internet at [www.state.ia.us/government/ag/cva.html](http://www.state.ia.us/government/ag/cva.html).

Program brochures and applications in English and Spanish are available at all victim service programs, county attorney offices, hospitals, and law enforcement agencies. Applications can be mailed or filed by telephone at 1-800-373-5044, and by fax at 515-281-8199.

In FY06, the average processing time from receipt of the application to eligibility determination was 39 days. The average amount paid for a case was \$1,791. An applicant is notified of the program decision by mail. Benefits may be paid directly to a service provider on behalf of a crime victim or reimbursed directly to the crime victim for their out-of-pocket expenses.

Applicants who are denied eligibility or who disagree with the amount of a benefit payment may request (appeal) that the Division Director reconsider the program decision. An applicant who disagrees with the decision of the Division Director may appeal to the Crime Victim Assistance Board. Decisions of the Board may be appealed to the Iowa District Court.

## Crime Victim Compensation Funding Sources

No tax dollars fund the Crime Victim Compensation Program or the operational expenses. Funds are drawn from the Compensation Fund established in Iowa Code section 915.94. The Compensation Fund is comprised of fines and penalties paid by convicted criminals including:

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

**CRIME VICTIM COMPENSATION PROGRAM  
FY06 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>
<b>Total Program Expenses</b>	<b>\$5,572,268</b>

### 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>
<b>Total Program Revenue</b>	<b>\$8,707,833 *</b>

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

# **CRIME VICTIM ASSISTANCE DIVISION SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM**

## **DETAILED REPORT FISCAL YEAR 2006**

The Iowa Sexual Abuse Examination Payment Program was established in 1979 to pay the cost of forensic examinations of the victim in sexual abuse crimes. All funds for the program come from the Compensation Fund, which consists of fines and penalties paid by convicted 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 Sexual Abuse Examination Payment Program purpose is to encourage victims to have a forensic and medical examination that assures their wellbeing and collects evidence before it deteriorates. The Program will pay the expenses of the sexual abuse examination whether or not the victim reports the crime to law enforcement.

Sexual abuse forensic evidence deteriorates quickly in the seventy-two hours immediately following an assault and is best collected within twelve hours of the crime. Sexual assault often are too traumatized or frightened to decide whether or not to report the crime to law enforcement during these crucial hours for the evidence. The payment policy assures that prosecutors and law enforcement will have evidence effectively collected if the victim later decides to make a report.

Victims are not required to sign for a medical provider to submit the examination bill to their insurance carrier. However, a victim may choose to sign so that insurance is 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 pays the cost of the forensic examination, the program will reimburse the victim up to the limits set in the Iowa Administrative Rules Code.

### **PROGRAM PROCEDURES**

Medical providers submit the bill for the sexual abuse examination directly to the Sexual Abuse Examination Payment Program. A victim of sexual abuse should never be billed for the evidentiary examination or necessary medications. If a sexual abuse victim is inadvertently billed and pays a provider, the Program will reimburse the victim according to the limits established by rule.

Many victims do sign to authorize a provider to bill their insurance company for the examination. The Program will pay costs that a victim does not assign to insurance up to limits set in the Iowa Administrative Rules Code.

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**

**FY2006  
Final Report**

**CASE INFORMATION**

**CASE CLAIMS RECEIVED:**

New sexual abuse victim cases	2,157
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**PAYMENT INFORMATION**

<b>TOTAL AMOUNT PAID:</b>	<b>\$1,346,620.01</b>
Number of warrants issued	625

**PROGRAM REIMBURSEMENT AND COST SUMMARY**

**REIMBURSEMENT TO FUND:**

Refunds from providers	\$19,775.76
Cancelled warrants	\$1,747.50
Restitution received	<u>\$1,976.82</u>
Total reimbursement	\$24,212.48

**CASE COSTS:**

Total new cases	2,157
<b>Total examination cost</b> [paid (-) reimbursed]	<b>\$1,322,408.53</b>
Average case cost	\$613.07

# CRIME VICTIM ASSISTANCE DIVISION VICTIM SERVICE GRANT PROGRAM

## DETAILED REPORT FISCAL YEAR 2006

The Victim Services Grant Program (VSG) provides partial funding to Iowa community-based and statewide victim service programs. Primary purposes of the program are to best steward state and federal funds and provide technical assistance in victim services program development, fiscal management, and best service practices.

Programs funded include victim services that provide free and confidential counseling and advocacy for victims and survivors of crime. In addition, funds are distributed for specialized investigative, prosecution, and court services for women who are victims of domestic abuse, sexual abuse, and stalking. In FY06 the Victim Services Grant Program administered two State and three Federal grant funds. The total funds were 72% Federal and 28% State.

In FY06 the VSG managed 202 contracts with 84 public and non-profit organizations. The Program awarded \$8,756,440 in state and federal fund contracts. Many of the funded organizations offer services for victims of more than one type of crime. The organizations are often eligible to receive fund contracts from several of the five VSG grant sources.

In FY06, the local programs funded by VSG served 30,888 crime victims, including the survivors of homicide victims. The service cost for the combined State and Federal funds is \$283 per crime victim. This compares with the FY05 service cost per crime victim of \$288.

Local programs receiving VSG funds in FY06 include:

- 31 domestic abuse victim service programs;
- 31 sexual abuse victim service programs;
- 15 prosecutor-based victim service programs;
- 4 homicide victim survivor service programs;
- 1 program for teen victims of crime;
- 24 law enforcement programs for crimes against women;
- 9 special prosecutors for crimes against women; and

Statewide programs receiving VSG funds in FY06 include:

- The Iowa Domestic Abuse Hotline, Iowa Sexual Abuse Hotline;
- The Iowa Law Enforcement Academy Crimes Against Women Curricula Unit;
- The Iowa Attorney General's special prosecutor for crimes against women;
- The Iowa Department of Public Health Violence Prevention Coordinator;
- The State Court Administrator's Office Domestic Abuse Coordinator;
- The Iowa Coalition Against Domestic Violence Multicultural Outreach Program; and
- The Iowa Coalition Against Sexual Assault Multicultural Outreach Program.
- The Iowa Coalition Against Domestic Violence Advocate Certification Program; and
- The Iowa Coalition Against Sexual Assault Advocate Certification Program.

## 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, which comes entirely from fines and penalties paid by convicted federal criminals and collected by U.S. Attorney Offices. Each state receives a formula grant based on population. The funds are known as Victim Assistance (VA) grants.

**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. Each state receives a formula grant based on population. The funds are known as STOP Violence against Women (VW) grants.

**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. Each state receives a formula grant based on population.

**Iowa Domestic Abuse (DA) and Iowa Sexual Abuse(SA)** funds include an appropriation from the Iowa General Assembly and from the Crime Victim Fund established in Iowa Code section 915.94. The Compensation Fund comes entirely from criminal fines and penalties.

## GRANT APPLICATION AND REVIEW PROCESS

A public announcement is made each year about the availability of grant funds and grant writing workshops are conducted in three locations across the state, 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 due in early March of the year.

Applicants can apply on-line at [www.iowaattorneygeneral.org/CVAD/victim\\_serv.html](http://www.iowaattorneygeneral.org/CVAD/victim_serv.html). Application materials are also available in paper format, on computer disc, or by e-mail.

Each grant application is 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, number of victims served, community support, feasibility of proposal, evidence of efficient program management, geographical area, and size of the population served.

The grant review committee makes grant 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.

After the Board has voted on the grant awards, an award is sent to each applicant. The notice includes the amount of the award or the denial of the application. 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.

The services, management, and fiscal operations of funded programs are monitored by VSG staff for compliance with state and federal regulations as well as quality and effective services.



## FEDERAL FUNDS AWARDED TO IOWA FOR FY06

### Victims of Crime Act (VOCA)

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

**Total VOCA funds awarded to Iowa for FY06: \$3,949,000**

Distribution: \$3,751,550 to victim service programs  
\$197,450 for VSG administrative costs

Federal distribution requirements:

A minimum of 95% must be used for direct victim services  
Up to 5% may be used for state administrative costs  
Up to 1% may be used 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). Programs are required to provide a 20% local match for the funds.

FY06 is the twenty-first 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 awarded to Iowa for FY06: \$1,164,357**

Distribution: \$1,106,833 to domestic abuse programs  
\$57,524 for state administrative costs

Federal 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. Local match requirements are 35% for first year awards, 20% for second and subsequent year awards.

FY06 is the twenty-first 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 to Iowa for FY06: \$1,446,000**

Distribution: \$1,373,425 Law Enforcement, prosecutors, courts and victim services  
\$72,300 for state administrative costs

Federal 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

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.

FY06 is the tenth year STOP VAWA funds have been available in Iowa

## **STATE OF IOWA FUNDS AVAILABLE FOR FY06**

### **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 FY06: \$1,592,500**

Distribution: 100% to Iowa domestic abuse programs and the Iowa Domestic Abuse Hotline. There is no local match required for these funds.

FY06 is the twenty-eighth year these funds have been available for domestic abuse 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 FY06: \$857,500**

Distribution: 100% for Iowa sexual abuse programs and the Iowa Sexual Abuse Hotline. There is no local match required for these funds.

FY06 is the eighteenth year these funds have been available for sexual abuse in Iowa.

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

## STATISTICAL INFORMATION STATE FISCAL YEAR 2006 (July 1, 2005 through June 30, 2006)

### CRIME VICTIM SERVICE INFORMATION

#### Victims Served by Type of Crime

Domestic Abuse:	23,080
Women:	18,308
Men:	752
Children:	4,020
Sexual Abuse:	4,143
Adults:	2,053
Incest Survivors:	314
Teens:	913
Children:	863
Child Physical Abuse:	312
Elder Abuse:	29
Homicide Victim Survivors:	524
Drunk/Intoxicated Driving:	126
Robbery:	123
Stalking:	135
Assault:	1,748
Other Violent Crimes:	<u>668</u>
<b>Total Victims Served:</b>	<b>30,888</b>

#### Victims Provided with Safe Shelter

Domestic Abuse:	6,291
Women:	4,228
Men:	8
Children:	2,055
[0-12 years old:	1,735]
[13-17 years old:	320]
Sexual Abuse:	108
Other adult victims:	<u>20</u>
<b>Total sheltered:</b>	<b>6,419</b>

<b>Domestic Abuse Programs:</b>	<b>31</b>
Programs with Shelters:	22
Total shelter beds:	535*
Average beds per shelter:	24
<b>Total nights of shelter:</b>	<b>100,414**</b>

\* Does not include cribs and couches available, or transitional housing offered by some programs.

\*\* "Nights of shelter" count the number of adults provided shelter each night. Children are sheltered with an adult parent, but for purposes of counting "nights of shelter" only the adult is counted.

## Program by Type

Sexual Abuse Victim Programs:	31
Domestic Abuse Victim Programs:	31
Domestic and Sexual Abuse Statewide Hotlines:	2
Prosecutor-based Victim Programs:	15
Homicide Victim Survivor Programs:	4
Teen Victim Programs:	1
State University based Sexual Abuse Response Teams	2
Violence Against Women Law Enforcement Officers:	24
Violence Against Women Prosecutors:	9
Violence Against Women Statewide Programs:	<u>6</u>
<b>Total Programs funded:</b>	<b>125</b>

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

## Non-Profit Victim Service Program Staff and Volunteers

Total Paid Staff for programs:	350
Average Paid Staff per program:	9
Total Volunteers for programs:	3,822
Average Volunteers per program:	103
Total volunteer hours for programs:	165,085
Average Volunteers per program:	4,461

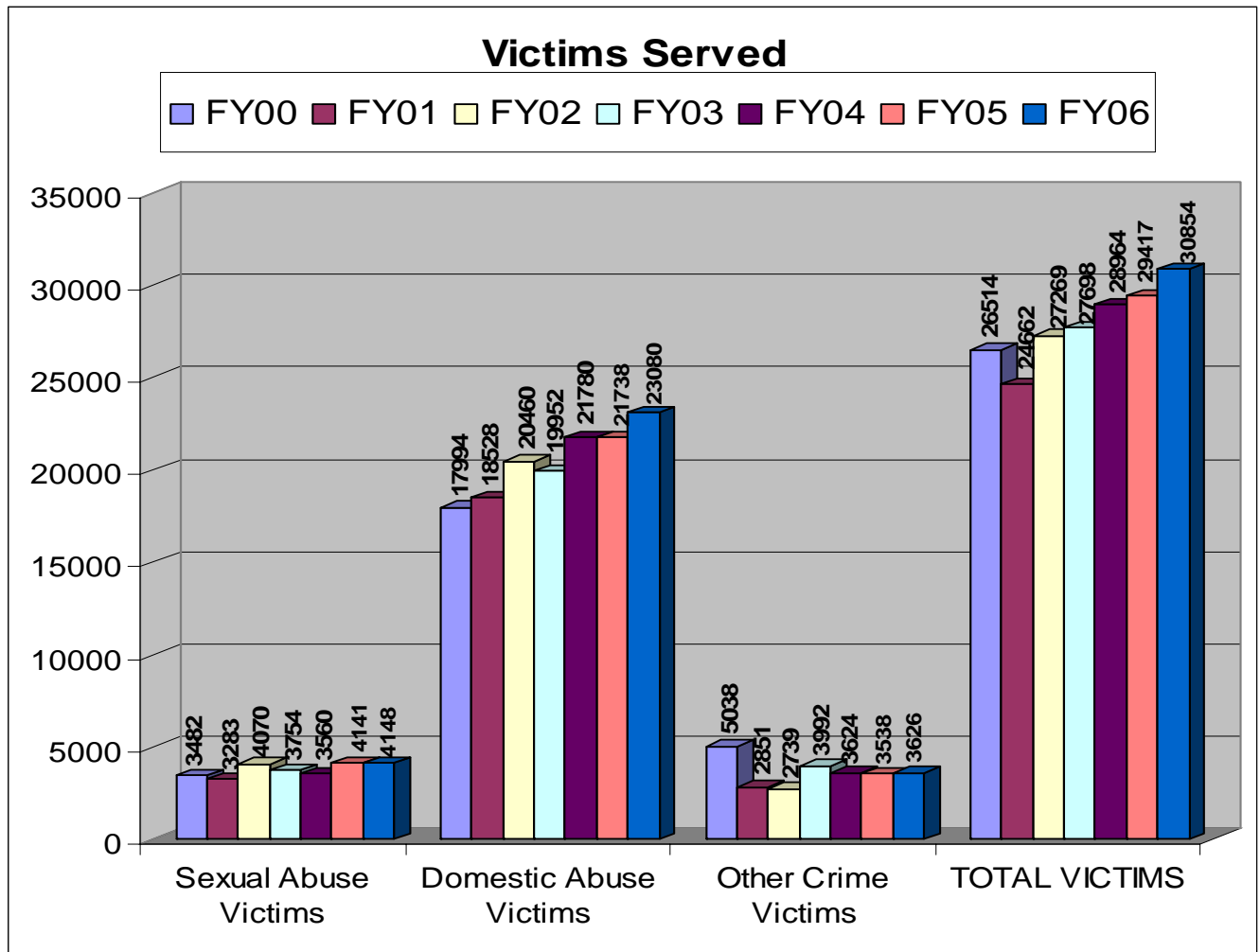
## Public Awareness and Prevention

Total Program Media Contacts:	2,022
Total Program Public Presentations:	4,173
Total Audience at Presentations:	123,136
Total Program Training Sessions:	1,554
Total Individuals Trained:	31,664

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

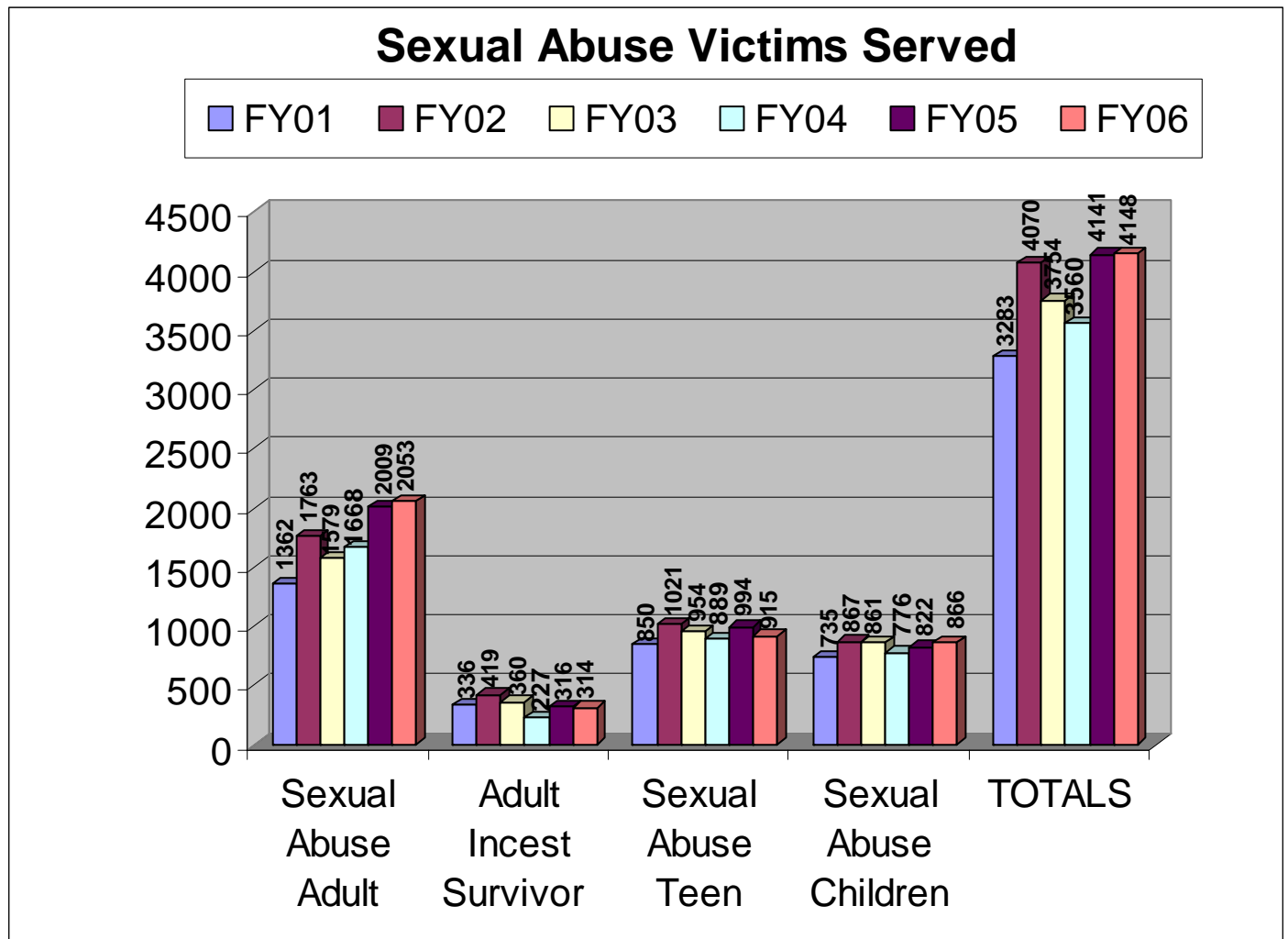
**Chart 1: Victims Served FY2000 - FY2006**

	<b>Sexual Abuse Victims</b>	<b>Domestic Abuse Victims</b>	<b>Other Crime Victims</b>	<b>TOTAL VICTIMS SERVED</b>
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
FY06	4148	23080	3626	30854
<b>7-year Total</b>	<b>26,438</b>	<b>143,532</b>	<b>25,408</b>	<b>195,378</b>



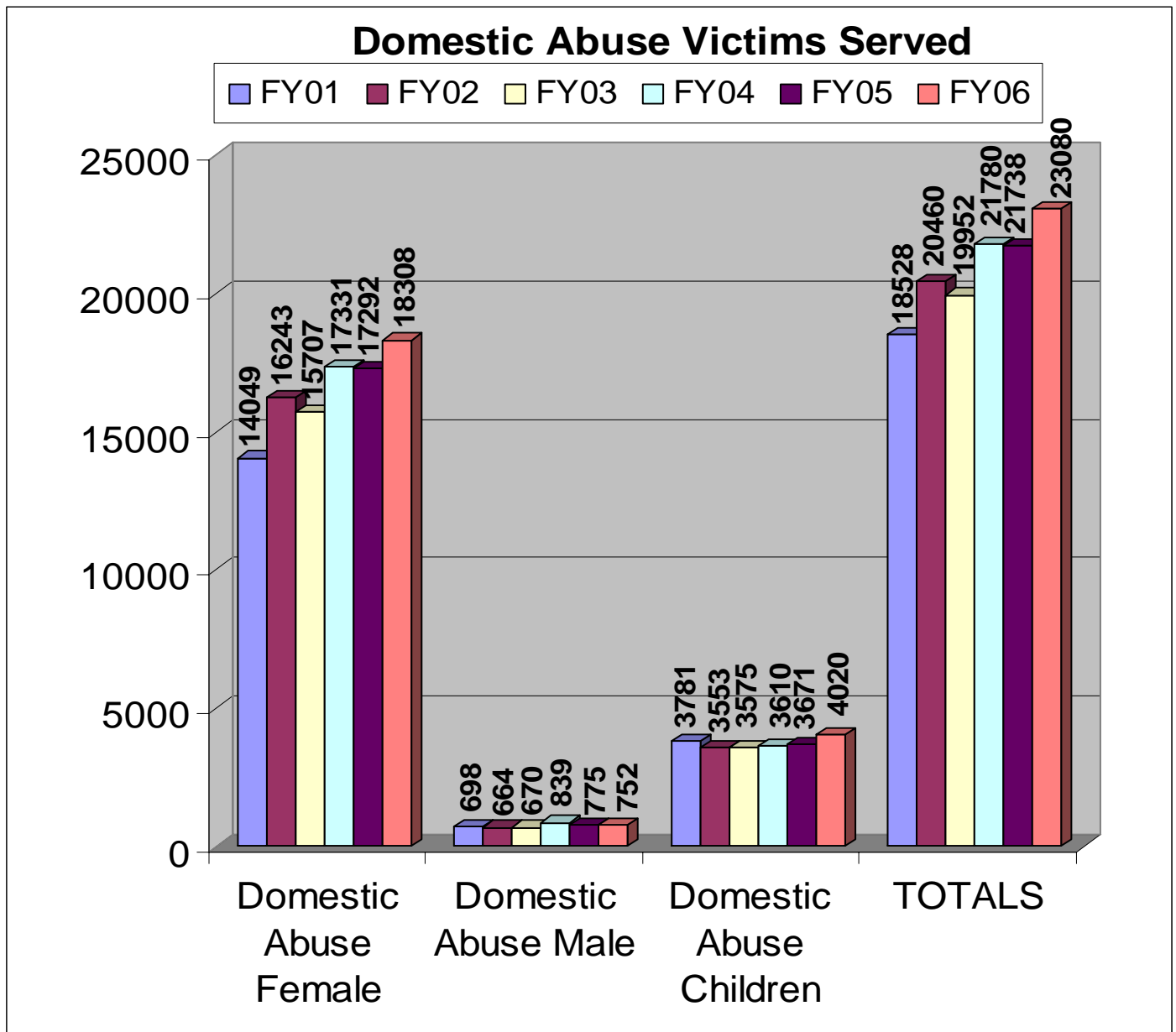
**Chart 2: Sexual Abuse Victims Served FY2000 - FY2006**

	<b>Sexual Abuse Adults</b>	<b>Adult Incest Survivor</b>	<b>Sexual Abuse Teens</b>	<b>Sexual Abuse Children</b>	<b>Total Victims Served</b>
FY00	1631	336	792	723	<b>3482</b>
FY01	1362	336	850	735	<b>3283</b>
FY02	1763	419	1021	867	<b>4070</b>
FY03	1579	360	954	861	<b>3754</b>
FY04	1668	227	889	776	<b>3560</b>
FY05	2009	316	994	822	<b>4141</b>
FY06	2053	314	915	866	<b>4148</b>
<b>Total</b>	<b>12,065</b>	<b>2,308</b>	<b>6,415</b>	<b>5,650</b>	<b>26,438</b>



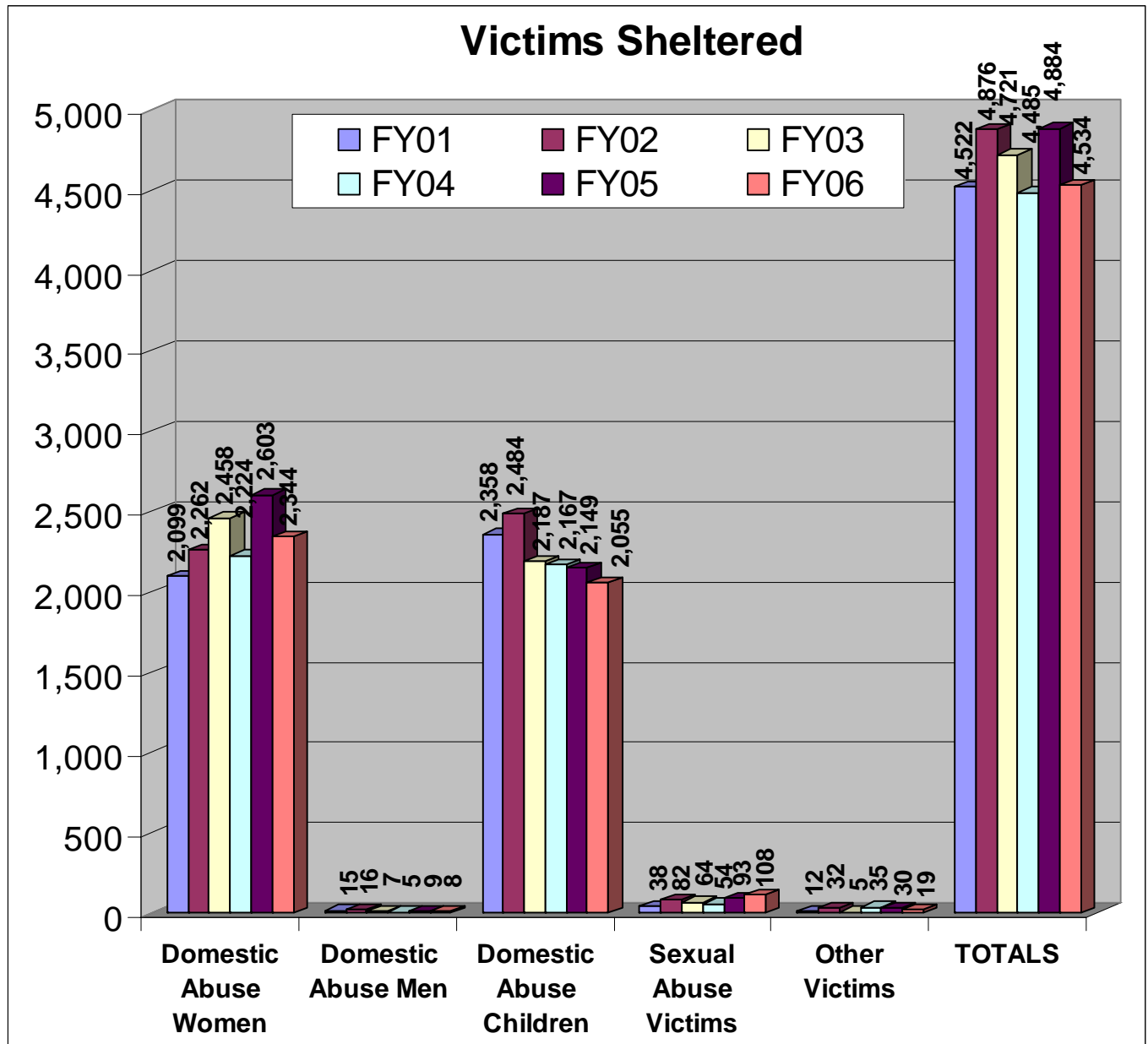
**Chart 3: Domestic Abuse Victims Served FY2000 - FY2006**

	Domestic Abuse Female	Domestic Abuse Male	Domestic Abuse Children	Total Victims Served
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
FY06	18308	752	4020	23080
<b>7-year Total</b>	<b>113,166</b>	<b>5,045</b>	<b>25,321</b>	<b>143,532</b>



**Chart 4: Victims Provided With Safe Shelter FY2000 - FY2006**

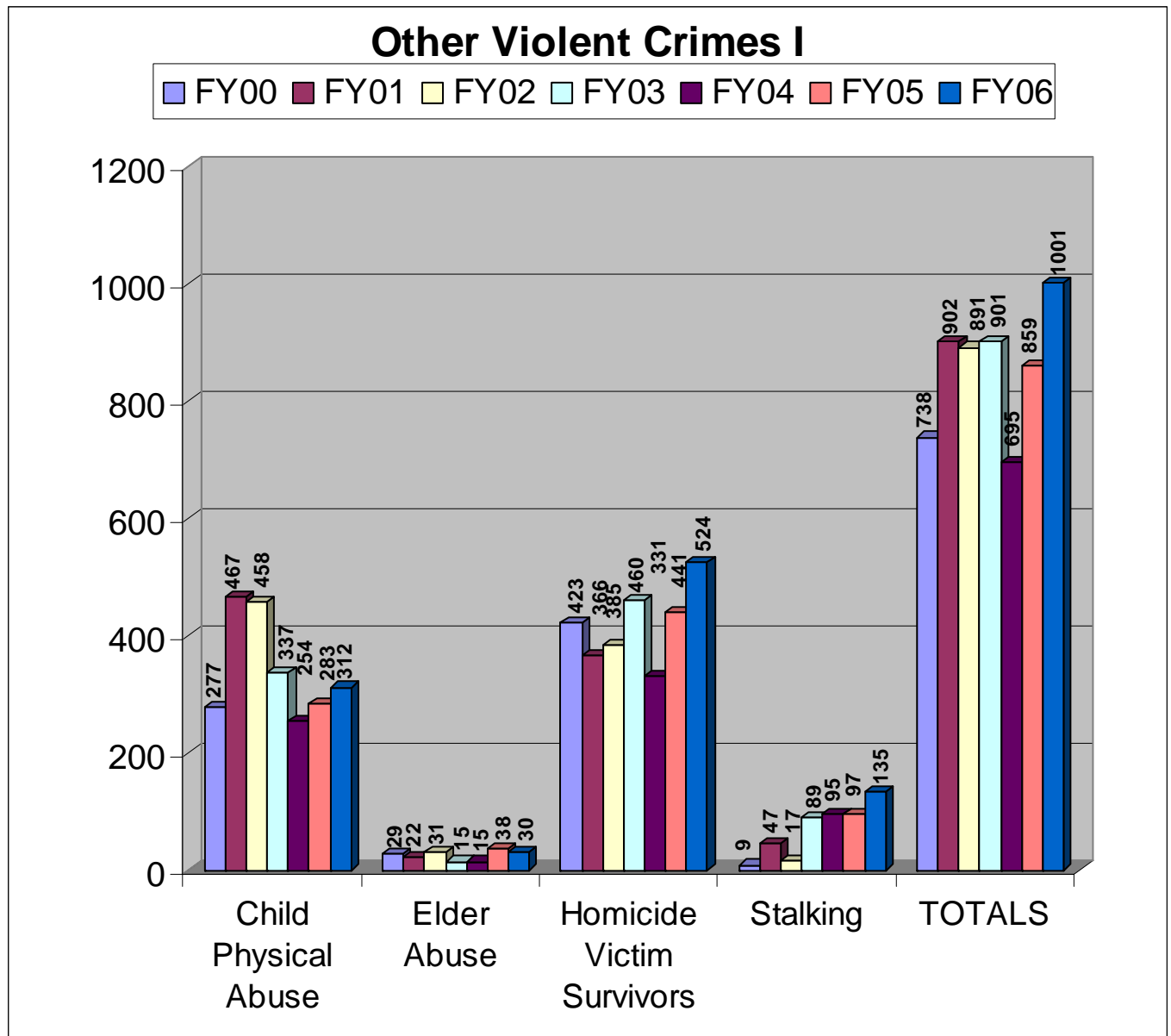
	Domestic Abuse Women	Domestic Abuse Men	Domestic Abuse Children	Sexual Abuse Victims	Other Victims	Total Victims Sheltered
FY00	2,217	13	2,383	0*	61	4,674
FY01	2,099	15	2,358	38	12	4,522
FY02	2,262	16	2,484	82	32	4,876
FY03	2,458	7	2,187	64	5	4,721
FY04	2,224	5	2,167	54	35	4,485
FY05	2,603	9	2,149	93	30	4,884
FY06	2,334	8	2,055	108	19	4,534
<b>7-year Total</b>	<b>16,207</b>	<b>73</b>	<b>15,783</b>	<b>439</b>	<b>194</b>	<b>32,696</b>





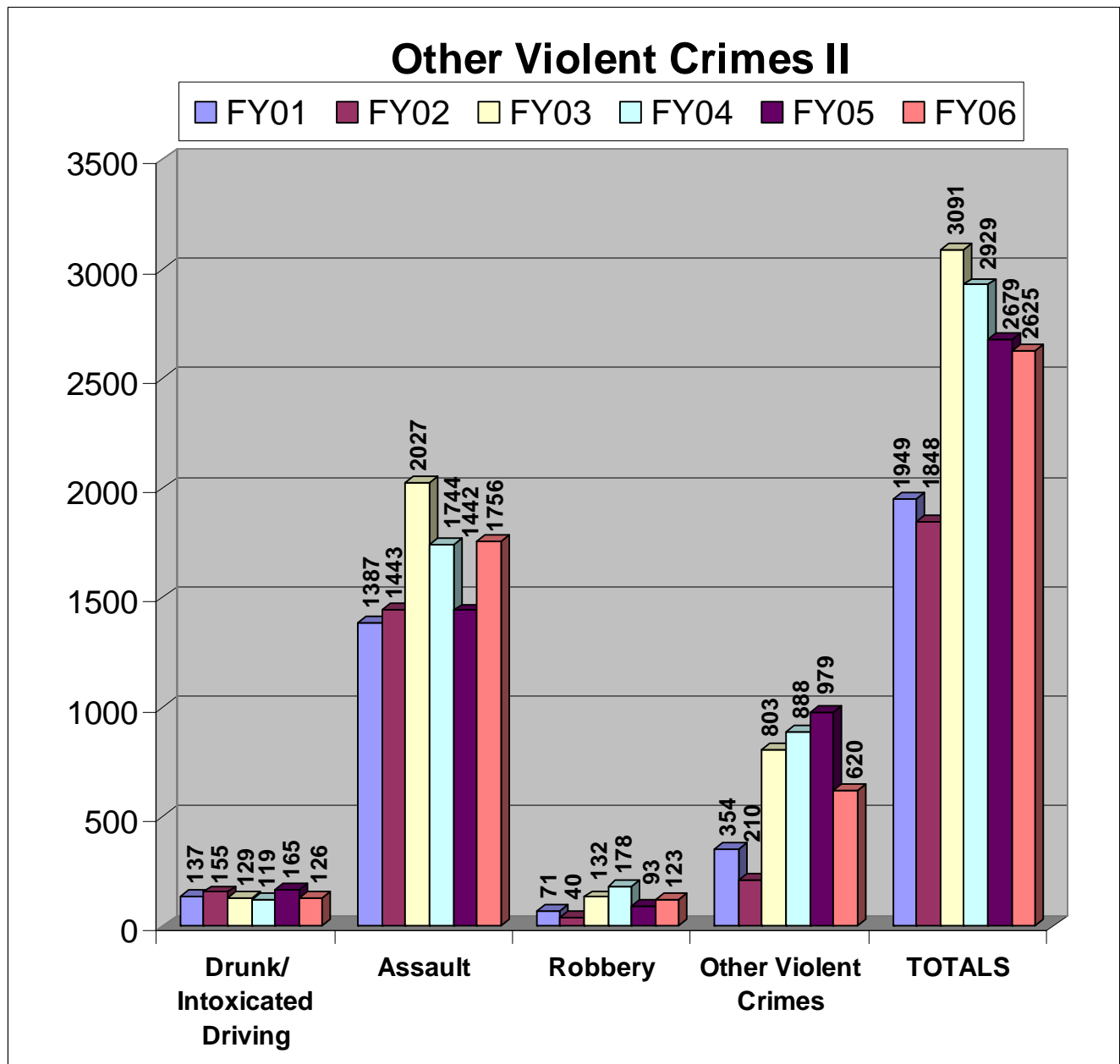
**Chart 5: Other Violent Crimes I**

	Child Physical Abuse	Elder Abuse	Homicide Victim Survivors	Stalking	Total Victims Served
FY00	277	29	423	9	<b>738</b>
FY01	467	22	366	47	<b>902</b>
FY02	458	31	385	17	<b>891</b>
FY03	337	15	460	89	<b>901</b>
FY04	254	15	331	95	<b>695</b>
FY05	283	38	441	97	<b>859</b>
FY06	312	30	524	135	<b>1001</b>
<b>7-year Total</b>	<b>2,388</b>	<b>180</b>	<b>2,930</b>	<b>489</b>	<b>5,987</b>



**Chart 6: Other Violent Crimes II**

	<b>Drunk and Intoxicated Driving</b>	<b>Assault</b>	<b>Robbery</b>	<b>Other Violent Crimes</b>	<b>Total Victims Served</b>
FY00	386	2942	147	825	<b>4300</b>
FY01	137	1387	71	354	<b>1949</b>
FY02	155	1443	40	210	<b>1848</b>
FY03	129	2027	132	803	<b>3091</b>
FY04	119	1744	178	888	<b>2929</b>
FY05	165	1442	93	979	<b>2679</b>
FY06	126	1756	123	620	<b>2625</b>
<b>7-year Total</b>	<b>1,217</b>	<b>12,741</b>	<b>784</b>	<b>4,679</b>	<b>19,421</b>



# CRIME VICTIM ASSISTANCE DIVISION VICTIM SERVICE GRANT PROGRAM

## Fiscal Year 2006 Grant Awards

**Fund Key:**

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

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
<b>Adel</b>	Crisis Intervention & Advocacy Center	VA	90,700	204,096	} 207,458
		FV	27,000		
		DA	38,500		
		SA	21,896		
		VW	26,000		
	Dallas County Sheriff's Office	VW	3,362	3,362	
<b>Algona</b>	Kossuth County Attorney	VA	11,350	34,350	34,350
		VW	23,000		
<b>Ames</b>	Assault Care Center Extending Shelter and Support (ACCESS)	VA	160,000	360,700	} 403,550
		FV	50,000		
		DA	85,200		
		SA	37,500		
		VW	28,000		
	ISU Department of Public Safety	VW	42,850	42,850	
<b>Atlantic</b>	Family Crisis Support Network	VA	117,691	232,296	232,296
		FV	41,692		
		DA	41,490		
		SA	24,085		
		VW	7,338		
<b>Burlington</b>	YWCA Domestic Violence Shelter and Sexual Assault Program	VA	70,000	174,369	} 187,169
		FV	38,000		
		DA	43,906		
		SA	16,863		
		VW	5,600		
	Des Moines County Attorney's Office	VA	12,800	12,800	

**Program City**

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Total</u>	<u>Total</u>
<b>Carroll</b>	Domestic Abuse Prevention Center, Inc.	VA	44,600		
		FV	22,200		
		DA	31,000		
		SA	11,500	109,300	109,300
<b>Cedar Rapids</b>	Waypoint - Services for Women, Children & Families	VA	69,300		
		FV	38,000		
		DA	56,553		
		SA	32,300	196,153	} 262,753
	Family Service Agency - Survivor's of Homicide Victim's Program	VA	66,600	66,600	
<b>Cherokee</b>	Council Against Domestic Abuse & Sexual Assault	VA	67,540		
		FV	26,000		
		DA	37,650		
		SA	16,600		
		VW	16,000	163,790	163,790
<b>Clinton</b>	Gateway YWCA - Domestic Violence/ Sexual Assault Resource Center	VA	109,000		
		FV	42,000		
		DA	64,592		
		SA	28,900		
		VW	18,000	262,492	262,492
<b>Council Bluffs</b>	Catholic Charities - Domestic Violence & Sexual Abuse Program	VA	131,000		
		FV	30,000		
		DA	40,000		
		SA	15,000		
		VW	19,000	235,000	235,000
<b>Creston</b>	Rural Iowa Crisis Center	VA	71,000		
		FV	22,000		
		DA	29,000		
		SA	21,100		
		VW	8,000	151,100	151,100
<b>Davenport</b>	Family Resource Inc. - Domestic Violence Advocacy & Rape/Sexual Assault Program	VA	116,000		
		FV	41,000		
		DA	60,215		
		SA	32,000	249,215	} 261,215
	Scott County Sheriff	VW	12,000	12,000	
<b>Decorah</b>	Helping Services of Northeast Iowa	VA	62,564		
		FV	30,000		
		DA	40,158		
		SA	27,256		
		VW	23,190	183,168	183,168

**Program City**

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Total</u>	<u>Total</u>
Des Moines	Children & Families of Iowa (CFI) Family Violence Center	VA	187,491		} 585,466
		FV	51,000		
		DA	96,000		
		VW	13,000	347,491	
	Latinas Unidas por un Nuevo Amanece (L.U.N.A.)	VA	43,100		
		FV	26,000		
		DA	16,600		
		SA	16,774		
		VW	25,502	127,976	
	Polk County Crisis & Advocacy Services	VA	102,999		
		SA	7,000	109,999	
	Dubuque	YWCA Domestic Violence Program	VA	82,300	
FV			30,713		
DA			69,000	182,013	
Riverview Center, Inc.		VA	71,500		
		SA	49,500		
		VW	5,000	126,000	
Dubuque County Attorney		VW	62,900	62,900	
Dubuque Police Department		VW	2,775	2,775	
Dubuque County Sheriff		VW	1,364	1,364	
Elkader		Elkader Police Department	VW	3,500	3,500
Estherville	Emmet County Attorney	VA	11,000	11,000	11,000
Fort Dodge	Domestic/Sexual Assault Outreach Center	VA	170,500		} 363,925
		FV	40,000		
		DA	75,075		
		SA	35,150		
		VW	22,000	342,725	
	Webster County Attorney	VA	21,200	21,200	
Garnavillo	Garnavillo Police Department	VW	1,900	1,900	1,900
Grundy Center	Seeds of Hope	VA	188,000		} 397,424
		FV	64,000		
		DA	71,000		
		SA	44,424		
		VW	30,000	397,424	

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
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<b>Guttenberg</b>	Guttenberg Police Department	VW	3,500	3,500	3,500
<b>Hawarden</b>	Hawarden Police Department	VW	1,000	1,000	1,000
<b>Indianola</b>	Warren County Attorney's Office	VA	22,750		
		VW	<u>29,000</u>	51,750	51,750
<b>Iowa City</b>	Rape Victim Advocacy Program (RVAP)	VA	119,500		
		SA	42,000		
		VW	<u>15,000</u>	176,500	
	Domestic Violence Intervention Program	VA	137,272		
		FV	46,920		
		DA	76,058		
		VW	<u>5,000</u>	265,250	
	Iowa City Police Department	VW	38,000	38,000	
	United Action for Youth	VA	68,850	68,850	
	University of Iowa - College of Nursing	VW	52,466	52,466	
<b>Keokuk</b>	Tri-State Coalition Against Domestic & Sexual Abuse	VA	115,601		
		FV	34,000		
		DA	67,000		
		SA	27,700		
		VW	<u>22,400</u>	266,701	266,701
<b>LeMars</b>	Plymouth County Attorney	VA	22,900	22,900	22,900
<b>MarMac</b>	Mar Mac Police Department	VW	3,500	3,500	3,500
<b>Marshalltown</b>	Domestic Violence Alternatives/ Sexual Assault Center	VA	107,382		
		FV	32,000		
		DA	48,632		
		SA	29,617		
		VW	<u>34,565</u>	252,196	
	Marshall County Attorney	VA	25,800		
		VW	<u>30,400</u>	56,200	
	Marshalltown Police Department-DART	VW	30,400	30,400	
<b>Mason City</b>	Crisis Intervention Service	VA	155,266		
		FV	60,000		
		DA	71,164		
		SA	38,850		
		VW	<u>36,625</u>	361,905	
	Cerro Gordo County Attorney	VW	33,600	33,600	
	Mason City Police Department	VW	9,228	9,228	
<b>City</b>	<b>Program</b>	<b>Fund</b>	<b>Award</b>	<b>Program Total</b>	<b>City Total</b>
<b>Monona</b>	Monona Police Department	VW	3,500	3,500	3,500

<b>Muscatine</b>	Family Resources, Inc. - Domestic Abuse & Sexual Assault Advocacy	VA	70,865	194,365	}	206,215
		FV	37,250			
		DA	45,750			
		SA	28,000			
		VW	<u>12,500</u>			
	Muscatine County Sheriff - DART	VW	3,600	3,600		
	Muscatine Police Department - DART	VW	8,250	8,250		
<b>Nevada</b>	Story County Attorney	VW	20,800	20,800		20,800
<b>Oelwein</b>	Oelwein Police Department	VW	7,200	7,200		7,200
<b>Orange City</b>	Sioux County Attorney	VA	13,500	20,000		20,000
		VW	<u>6,500</u>			
		Orange City Police Department	VW	1,000	1,000	
	Sioux County Sheriff	VW	1,000	1,000		1,000
<b>Oskaloosa</b>	Crisis Intervention Services	VA	130,200	280,000		280,000
		FV	53,000			
		DA	35,800			
		SA	36,000			
		VW	<u>25,000</u>			
<b>Ottumwa</b>	Crisis Center & Women's Shelter	VA	106,995	256,835	}	304,835
		FV	31,200			
		DA	62,050			
		SA	30,590			
		VW	<u>26,000</u>			
		Wapello County Attorney's Office	VA	22,000	48,000	
		VW	<u>26,000</u>			
<b>Rock Rapids</b>	Lyon County Attorney	VA	14,000	14,000		14,000
<b>Rock Valley</b>	Rock Valley Police Department	VW	1,000	1,000		1,000
<b>Sac City</b>	Sac County Attorney	VA	8,680	8,680		8,680
<b>Sioux Center</b>	Family Crisis Centers of Northwest Iowa	VA	76,828	206,503		206,503
		FV	36,500			
		DA	42,000			
		SA	21,175			
		VW	<u>30,000</u>			
	Sioux Center Police Department	VW	1,000	1,000		1,000

<u>City</u>	<u>Program</u>	<u>Fund</u>	<u>Award</u>	<u>Program Total</u>	<u>City Total</u>
Sioux City	Council on Sexual Assault &	VA	170,574		

	Domestic Violence	FV	38,000		
		DA	81,750		
		SA	45,320		
		VW	<u>24,500</u>	360,144	360,144
<b>Spencer</b>	Centers Against Abuse & Sexual Assault	VA	92,145		
		FV	26,500		
		DA	60,807		
		SA	23,250		
		VW	<u>17,000</u>	219,702	219,702
<b>Spirit Lake</b>	Dickinson County Attorney	VA	18,500		
		VW	<u>32,500</u>	51,000	51,000
<b>St. Olaf</b>	Clayton County Sheriff	VW	5,350	5,350	5,350
<b>Strawberry Pt.</b>	Strawberry Point Police Department	VW	3,500	3,500	3,500
<b>Waterloo</b>	Black Hawk County Attorney's Office	VA	25,500		
		VW	<u>29,000</u>	54,500	} 94,500
	Waterloo Police Department		40,000	40,000	
<b>Waverly</b>	Cedar Valley Friends of the Family, Inc.	VA	82,273		
		FV	19,200		
		DA	36,050		
		SA	29,150		
		VW	<u>8,500</u>	175,173	} 194,724
	Bremer County Attorney	VA	19,551	19,551	
<b>West Union</b>	Fayette County Sheriff	VW	9,500	9,500	9,500

### The Following Programs are Funded to Provide STATEWIDE Victim Services

<b>Statewide</b>	CFI - Domestic Abuse Hotline	DA	69,500	69,500	} 586,433
	RVAP - Sexual Abuse Hotline	SA	68,000	68,000	
	Iowa Coalition Against Domestic Violence	FV	72,658		
		VW	34,300		
	State Court Improvement Project	VW	<u>68,685</u>	175,643	
	Iowa Coalition Against Sexual Assault	VW	65,000	65,000	
	Iowa Department of Justice	VW	73,000	73,000	
	Iowa Department of Public Health	VW	44,000	44,000	
	Iowa Law Enforcement Academy	VW	<u>91,290</u>	91,290	
	<b>Total Awarded</b>		<u><u>8,726,440</u></u>		



# IOWA ATTORNEY GENERAL'S OFFICE CRIME VICTIM ASSISTANCE DIVISION IOWA CRISIS RESPONSE TEAM

The Iowa Crisis Response Team (ICRT) responds to communities in the wake of a crime related disaster. The response to a community is always coordinated with other primary crisis responders such as the Red Cross and Iowa Disaster Management Office as well as with local caregivers. The ICRT provides services to communities in crisis by invitation only.

The goals of the ICRT are:

- Assist local caregivers to plan and implement immediate and long-range response after a catastrophe or disaster.
- Provide emotional and respite support to local caregivers.
- Provide focused training on immediate crisis response and long-term reduction of traumatic stress.
- Provide Community Group meetings for critical groups in cooperation with local caregivers.

The ICRT is comprised of 165 nationally trained volunteers. ICRT members have each completed a minimum 40-hour community crisis response curriculum designed by the National Organization for Victim Assistance (NOVA). ICRT members come from a variety of professions, including: child psychology, clergy, criminal justice, education, health care, law enforcement, media, mental health, labor, and victim advocacy.

Funds to support the ICRT come from private donations and criminal fines and penalties. Members donate their time and are not reimbursed for salary or income. The CVAD reimburses ICRT members for travel, room, and board in the case of a crime related ICRT crisis response.

A response from the ICRT may be particularly helpful when:

- The crime or trauma affects a community of people strongly affiliated with each other.
- These are multiple witnesses to the trauma.
- The victims are of special significance to the community, such as government, community, and media leaders.
- Community members are exposed to carnage or misery
- The incident attracts significant media attention.

In FY06, ICRT members responded to four communities.

- 3 ICRT members responded to approximately 5-10 staff at a correctional facility;
- 8 ICRT members responded to approximately 24 staff and 10 clients at a nonprofit, shelter based program after a client's unexpected death;
- 8 ICRT members responded to approximately 24 staff and 10 clients at two nonprofit, shelter programs because of client suicides; and
- 9 ICRT members responded to approximately 30 community members in a rural community where there had been a multiple murder.

Some ICRT members have received advanced training to participate with the Iowa National Guard in the *Enduring Families Project*. The *Enduring Families Project* provides a safe place of renewal for families and soldiers returning from Afghanistan and Iraq.

## **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 2007 Code of Iowa provide authority for the administration of programs in the Crime Victim Assistance Division.

**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, ch. 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.

*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*

## Chapter 236 Domestic Abuse

### 236.16 DEPARTMENT POWERS AND DUTIES.

1. The department 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.
  - b. Design and implement a uniform method of collecting data from domestic 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. 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 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.

*85 Acts, ch 175, §7; 89 Acts, ch 279, §6; 91 Acts, ch 218, §15*

## 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.

*98 Acts, ch 1090, §41, 84; Referred to in § 622.69*

### 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.

*98 Acts, ch 1090, §42, 84; Referred to in § 622.69*

### 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.

*98 Acts, ch 1090, §43, 84; Referred to in § 622.69*

### 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.

*98 Acts, ch 1061, §10; 98 Acts, ch 1090, §44, 84; 98 Acts, ch 1128, §2  
Referred to in § 622.69*

### 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.

*98 Acts, ch 1090, §45, 84; 99 Acts, ch 10, §1  
Referred to in § 235A.15, 235B.6, 622.69, 915.51, 915.93*

#### 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.

*98 Acts, ch 1090, §46, 84; Referred to in § 622.69*

#### 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.

*98 Acts, ch 1090, §47, 84; 98 Acts, ch 1128, §1, 2; 99 Acts, ch 10, §2;  
2000 Acts, ch 1064 §1, 2; Referred to in § 622.69*

#### **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.

*98 Acts, ch 1090, §48, 84; Referred to in § 622.69, 915.92*

#### **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.

*98 Acts, ch 1090, §49, 84; Referred to in § 622.69*

#### **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.

*98 Acts, ch 1090, §50, 84; Referred to in § 622.69*

#### **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.

*98 Acts, ch 1090, §51, 84; Referred to in § 235A.15, 622.69*

#### **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.

*98 Acts, ch 1090, §52, 84; Referred to in § 622.69, 915.87*

#### **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.

*98 Acts, ch 1090, §53, 84; Referred to in § 622.69, 910.1*

#### **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, and 5.

*98 Acts, ch 1090, §54, 84; Referred to in § 622.69*

#### **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, and to victims of section 710A.2. 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.

*98 Acts, ch 1090, §55, 84; 2001 Acts, ch 84, §1; 2006 Acts, ch 1074, §8  
Referred to in § 321J.17, 602.8108, 622.69, 805.8A(14f), 809.17, 904.809, 915.41*

#### **915.95 THROUGH 915.99 Reserved.**

## **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.

*98 Acts, ch 1090, §34, 84; 99 Acts, ch 114, §48  
Referred to in § 13.31, 135.11, 915.27, 915.94*

## **Addendum II**

# **AUTHORIZING IOWA ADMINISTRATIVE RULES CODE**

**Attorney General [61**  
**Chapter 9**  
**VICTIM ASSISTANCE PROGRAM**

[Prior to 9/20/89, see Public Safety[661] Ch 17]

**DIVISION I**  
**ADMINISTRATION**  
**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.

**DIVISION II**  
**CRIME VICTIM COMPENSATION**  
**Amended 2004**

**61—9.25(915) Administration of the crime victim compensation program.** The crime victim assistance division of the department of justice shall administer the crime victim compensation program as provided in Iowa Code chapter [915](#). All questions, comments, requests for information, or applications for compensation shall be directed to the crime victim assistance division. Requests should be addressed to: 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—9.26(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 nonprivate 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.

*“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(1) Application postmarked.** An application postmarked within the prescribed time period shall be considered timely filed.

**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.

**61—9.32(915) Eligibility for compensation.** The program shall determine the eligibility of an application for compensation.

**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 nonemergency care.* Compensation may be paid for the cost of transportation by commercial vehicle or by private car for nonemergency medical care and counseling received outside of the victim’s county of residence. Transportation provided by private vehicle for nonemergency 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.

*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.

(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 for a physical injury or an injury related to mental health, or from a licensed mental health provider as included in paragraph 9.35(3) "a" for an injury related to mental health. 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.

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 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 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 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.

**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.

**61—9.37(17A) Waiver from rules.** This rule establishes a uniform process for granting waivers from rules adopted by the board governing the crime victim compensation program.

**9.37(1) When waiver is appropriate.** The board may grant a waiver from a rule the board has adopted if the board has rule-making authority to promulgate the rule, and no statute or rule otherwise controls the granting of a waiver from the rule. No waiver may be granted from a rule that defines a term. No waiver may be granted from a requirement that is imposed by statute. Any waiver must be consistent with statute.

**9.37(2) Criteria for discretionary waivers.** The board may grant a waiver from a rule, in whole or in part, in response to a request from an applicant or on the board's own motion, as applied to a specific claim, if the board finds that:

a. The application of the rule to the claim at issue would result in hardship or injustice to the person seeking compensation; and

b. The waiver would be consistent with the public interest or the public interest will be protected by other means substantially equivalent to full compliance with the rule; and

c. The waiver in the specific case would not prejudice the substantial legal rights of any person.

**9.37(3) Board discretion.** The decision about whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors.

**9.37(4) Criteria for mandatory waivers.** In response to an applicant's request, the board shall grant a waiver from a rule, in whole or in part, as applied to the particular circumstances, if the board finds that the application of the rule in that specific case would not, to any extent, advance or serve any of the purposes of the rule.

**9.37(5) Administrative deadlines.** When the rule from which a waiver is sought establishes deadlines, the board shall balance the specific individual circumstances of the applicant with the overall goal of uniform treatment of all applicants.

**9.37(6) Conditions.** The board may condition the granting of a waiver on reasonable conditions to achieve the objectives of the particular rule in question through alternative means.

**9.37(7) Public availability of waiver decisions.** A board decision granting or denying a waiver shall be included in the board minutes with reference to the following:

a. The particular case and the rule or portion thereof to which the decision pertains;

b. The relevant facts and reasons upon which the action is based; and

c. The scope and operative period of the waiver if one is issued.

Subject to the provisions of Iowa Code section [17A.3\(1\)](#) "e," the department shall maintain a record of all orders granting and denying waivers under this chapter. All waiver decisions shall be indexed and available to members of the public at the crime victim assistance division office.

**9.37(8) Voiding or cancellation.** A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The board may at any time cancel a waiver upon notice to the victim by regular mail and an opportunity to be heard, if:



- a. The facts as stated in the request are not true or material facts have been withheld, or
- b. The applicant has failed to comply with the conditions of the waiver.

**9.37(9)** *Effectiveness of waiver.* After the board issues a waiver, a person seeking compensation may rely on the terms of that waiver for the purposes of the particular case for which it was issued. A waiver shall only be effective in the case for which it is issued.

**9.37(10)** *Appeals from waiver decisions.* Any request for an appeal from a decision granting or denying a waiver shall be in accordance with the procedures provided in Iowa Code chapter [17A](#) and the board's rules. An appeal shall be taken within 30 days of the issuance of the waiver decision unless a contrary time is provided by rule or statute.

These rules are intended to implement Iowa Code sections [915.80](#) through [915.94](#).

**61—9.38 to 9.49** Reserved.

**DIVISION III**  
**VICTIM SERVICES GRANT PROGRAM**  
**Amended 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 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](#).

**61—9.66 to 9.79** Reserved.

**DIVISION IV  
SEXUAL ABUSE EXAMINATION PAYMENT**



## Amended 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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^Two ARCs

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