



Oklahoma

For information about victims compensation in Oklahoma, visit the website of the Crime Victims Compensation Board at this link:

http://www.ok.gov/dac/Victims_Services/index.html

WHO CAN GET HELP?

Applicants must meet the following reporting and filing requirements:

- The crime must have occurred in Oklahoma.
- The crime must have been reported to law enforcement within 72 hours of the incident (requirement may be waived for good cause, and exceptions are made for child victims).
- The claim for compensation must be filed within 1 year of the crime-related injury or death of the victim (unless there is a reasonable explanation for the failure to file a claim by that deadline). A claim will not be eligible unless filed within 2 years of the injury/death/identification of the victim.
- The claimant must cooperate with law enforcement during the investigation and prosecution of the offender.

Compensation will not be awarded if it would benefit the offender or an accomplice, and the claimant must not have been the offender or accomplice. Also, compensation will be reduced or denied if part or all of the victim's injury or death is attributable to the victim.

WHAT MUST I DO TO GET HELP?

Call 1-800-745-6098 or your local District Attorney's Office. The process begins with the victim or claimant completing an official claim form, which can be found at this link: http://www.ok.gov/dac/Victims_Services/index.html

Return your completed claim form to:

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District Attorneys Council
421 NW 13TH St., Suite 290
Oklahoma City, OK 73103-3710
Telephone: 405-264-5006 **(OKC)** or 1-800-745-6098 **(Toll-Free)**
Fax: 405-264-5097

According to the District Attorney's office:

- Once a claim is completed and mailed to the Crime Victims Compensation Board headquarters, the staff logs the claim into the database and assigns a claim number to the application. The claim is then forwarded to the appropriate District Attorney's office Victim-Witness Coordinator for further processing. Contact information and a claim number is sent by mail to the claimant after the claim is logged in.
- A Victim-Witness Coordinator in the District Attorney's office carries out the documentation process (a police report is requested, along with any other forms and reports that may be needed to determine out-of-pocket expenses). After the Victim-Witness Coordinator gathers all necessary information, the completed claim is forwarded back to the Crime Victims' Compensation Program for a decision.
- Your claim is then assigned to a claims examiner, who determines the compensable amount on the claim. Claims with expenses under \$10,000 are then decided by the Administrator of the program, while larger claims are decided by a three-member Board appointed by the Governor.
- Once approved, payments are sent directly to service providers on outstanding balances (at a rate of 80%). Medical, dental, and counseling service providers are required by law to write off the remaining 20% if they accept payment from the Crime Victims Compensation Board. Medical, dental, and counseling expenses that the victim is out-of-pocket will be reimbursed at 100%, provided there is documentation of payment and no collateral sources exist.

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- If your application is denied, you will get a written explanation and instructions on how to exercise your right to appeal. The first appeal is to the Crime Victims Compensation Board. If you remain dissatisfied with the decision, the second step in the process is to file a petition in District Court.

WHAT COSTS MAY BE PAID?

According to the District Attorney's Office, the following expenses may be covered (up to certain dollar limits):

- ✓ **Counseling for Victims** - Maximum compensable amount for a victim's counseling is \$3,000 (but this limit may be waived by the Board in extenuating circumstances).
- ✓ **Grief Counseling** - For crimes occurring on or after certain dates, crisis counseling that is initiated within a specified time after the crime occurred is compensable (subject to certain per person and per family dollar limits). Medical and pharmaceutical treatment for a family member of a homicide victim is not compensable.
- ✓ **Medical/Dental** (Includes products, services, and accommodations for medical care, e.g., doctor exams, dental work, hospital treatment, hospital stay, artificial limbs, prescriptions, and eye glasses). For crimes occurring on or after July 1, 2004, medical related fees will be paid up to 80% of the maximum allowance. For crimes before July 1, 2004, medical related fees could be paid up to 100% of the maximum allowance.
- ✓ **Lost Work** (i.e., loss of income from work the victim would have performed if he/she had not been injured; up to \$2,000 is available, if verified by the employer and the attending physician).
- ✓ **Caregiver Loss** (Only awarded to persons who have non-reimbursed wage loss due to caring for an injured victim of crime).
- ✓ **Future Economic Loss** (i.e., needed services which cannot be obtained without prior approval of the victims compensation claim or payment in advance from the victim).
- ✓ **Loss of Support** (in the event of the death of a victim). The Board may approve reimbursement for loss of support to a dependent based on the victim's net income Information compiled by RAINN and last updated December 2008. For more information, visit rainn.org. © RAINN 2009.

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at the time of death, less any collateral sources such as life insurance (over \$50,000), Social Security, Worker's Compensation, uninsured motorist coverage, or 3rd party reimbursements.

- ✓ **Funeral** (in the event of the death of a victim). Certain dollar limits apply.
- ✓ **Rehabilitation** (e.g., physical and psychological therapy, rehabilitative occupational training, and other remedial treatment and care).
- ✓ **Homicide Crime Scene Cleanup** - Effective July 1, 1999, homicide crime scene cleanup can be covered up to \$500.
- ✓ **Replacement Services** (i.e., expenses reasonably incurred in obtaining ordinary and necessary services in place of those the victim would have performed for the benefit of self or family, if the victim had not been injured).

Note that pain and suffering and personal property are NOT allowable expenses under the Crime Victims Compensation Act.

Also note that the Crime Victims' Compensation Fund is a payer of last resort. If expenses are paid (or eligible to be paid) from other sources (such as your health insurance, Medicaid, Workers' Compensation, Medicare, and Indian Health Services), then these expenses may not be compensated under the program. According to the District Attorney's office, employer-paid leave programs are also considered a collateral source when applying for work loss; and Social Security benefits are a collateral source when applying for loss of support.

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