

# Iowa Attorney General's Crime Victim Assistance Division (CVAD)

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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 to ensure that all victims and survivors of crime are treated with respect and dignity.

## Annual Report

State Fiscal Year 2020

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This current grant year is a non-competitive grant cycle. Except for one law enforcement applicant, who voluntarily relinquished their year 2 and year 3 grants, all year one grantees were level funded in year 2. Because this is a non-competitive year, none of the grants required an external review.

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## Bonuses

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CVAD’s victim services program does not allow federal or state funds to be used to reimburse bonuses to any CVAD victim services grantee. This includes non-profit and nongovernmental agencies.

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## Out-of-State Conferences/Training

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The table below shows of out-of-state travel for CVAD victim services staff from July 1, 2019 to November 2019. CVAD sent 10 different staff to 9 different mandatory federal conferences required by the respective federal funding agency. Travel for these events was paid through federal administrative funds.

Staff Out-of-State Travel	Federal Funds	State Funds	Number of Staff
Agate Intelligrants Demo – Software training, AZ	\$4,606.16		5
American Evaluation Association Conf, MN	\$100.00		1
NACVCB Board Meeting, San Diego	\$180.43		1
2019 VOCA National Training Conference, San Diego	\$3,726.42		3
Statewide Sexual Assault Response Reform in SAKI, NC	\$1,660.78		2
NAVAA Board Meeting & Peer-to-Peer Meeting, SC	\$2,375.33		2
OVC Federal Meeting, NM	\$206.80		1
Building Collaborative Responses to Trafficked Victims of Domestic Violence & Sexual Assault, OR	\$1,3111,84		1
<b>Total</b>	<b>\$15,714.76</b>	<b>\$0</b>	

## Overtime

Iowa's victim service advocates respond 24 hours a day, 7 days a week to victims at hospitals, law enforcement or other safe locations. Victim Service funds support eight emergency shelters in Iowa's six regions. The victim service organizations who paid overtime did so to cover shelter, hotline and emergency response services due to staff training, vacancies, sick leave, vacation and staffing shortages. Law enforcement used overtime to conduct follow-up investigations, victim safety checks, attend training and conduct arrests on violence against women cases. It is generally not cost effective for Iowa's rural law enforcement agencies to fund a full-time law enforcement officer/investigator with Iowa's STOP Violence Against Women (STOP) funds. A requirement of STOP funding is to fund law enforcement agencies to improve the response to domestic abuse, dating violence, sexual assault and stalking victims. See Appendix A for a map of the shelters funded with CVAD victim service funding.

The total amount of claims paid in grant year 2019-2020 is \$25,924,490.59. Of this amount CVAD paid \$199,287.05 in overtime, (0.07%).

Main City	Region	Type of Program	Contractor Name/Program Name	Overtime Hours	Overtime Cost
Sioux City	1	DAC	SafePlace formerly: Council on Sexual Assault and Domestic Violence	38.5	\$1148.47
Sioux City	1	SH	SafePlace: formerly Council on Sexual Assault and Domestic Violence	296.75	\$7747
Ames	2	DAC	Assault Care Center	2.5	\$63.35
Waverly	3	SH	Cedar Valley Friends of the Family	45.37	\$855.94
Waverly	3	HT	Cedar Valley Friends of the Family	2	\$38.34
Des Moines	5	SH	Children and Families of Iowa	551.25	\$12,792.38
Ottumwa	5	SH	Crisis Intervention Services	72.08	\$1549.44
Sioux Center	1	IS	Family Crisis Centers	6	\$180.48
Sioux Center	1	DAC	Family Crisis Centers	23.75	\$630.41
Sioux Center	1	HL	Family Crisis Centers	374	\$9419.67
Sioux Center	1	HP	Family Crisis Centers	4	\$143.85

Davenport	6	SAC	Family Resources, Inc. SafePaths	60.12	\$703.5
Davenport	6	SH	Family Resources, Inc. SafePaths	680.87	\$8355.05
Iowa City	6	DAC	Domestic Violence Intervention Program	51	\$1233.70
Iowa City	6	SH	Domestic Violence Intervention Program	93.5	\$2281.07
Spencer	1	NI	NW IA Mental Health Center: Seasons	6.58	\$192.51
Fort Dodge	2	SH	Domestic/Sexual Assault Outreach Center	52.75	\$1271.23
Fort Dodge	2	HP	Domestic/Sexual Assault Outreach Center	21.75	\$522.35
<b>Victim Service Total</b>				<b>2382.77</b>	<b>\$49,128.74</b>

Main City	Region	Type of Program	Contractor Name/Program Name	Total Overtime Hours	Total Amount of Overtime Paid
Dubuque	3	LE	Dubuque County Attorney	66.75	\$2804.18
Mason City	2	LE	Mason City Police Department	394.2	\$8603.37
Des Moines	State	PR	Iowa Dept of Justice	1563.75	\$114,455.98
Des Moines	5	LE	Des Moines Police Department	345	\$19,501.00
Des Moines	State	LE	Iowa Law Enforcement Academy	36.5	\$1129.50
Muscatine	6	LE	Muscatine County Sheriff's Office	136.34	\$3664.28
<b>Law Enforcement (LE) Total</b>				<b>2542.54</b>	<b>\$150,158.31</b>
<b>Overall Total</b>				<b>4925.31</b>	<b>\$199,287.05</b>















## Region #6 — Southeast Iowa

Expense Categories	Total
Advertising:	\$3576.26
Benefits:	\$609,492.75
Communications:	\$20,172.52
Contractual Services:	\$18,929.41
Equipment:	\$14,701.86
Insurance:	\$432
Other Direct/Client Assistance:	\$139,646.68
Payroll:	\$2,541,834.19
Rent:	\$43,438.04
Repairs & Maintenance:	\$5,414.45
Supplies:	\$46,479.66
In-State Travel for Training:	\$3,544.28
In-State Travel for Services:	\$44,971.79
Out-of-State Travel:	\$0
Utilities:	\$13,845.68
Indirect Costs:\$	\$265,832.72
<b>Total:</b>	<b>\$3,771,562.29</b>

### Agencies funded in Region #6

Community Crisis Services and Food Bank, Des Moines County Attorney's Office, Domestic Violence Intervention. Program, Family Resources, Iowa City Police Department, Johnson County Attorney's Office, Lee County, Muscatine County Sheriff's Office, Muscatine Police Department, Neighborhood Centers of Johnson County, University of Iowa (SAC, SART, New Initiative), SAL Family and Community Services, Scott County Sheriff's Office, The Project of the Quad Cities, United Action for Youth, University of Iowa

# Culturally-Specific Programs

Expense Categories	Total
Advertising:	\$6,906.99
Benefits:	\$314,512.74
Communications:	\$41,412.47
Contractual Services:	\$173,759.94
Equipment:	\$2,4057.36
Insurance:	\$23,666.19
Other Direct/Client Assistance:	\$69,345.96
Payroll:	\$1,307,132.55
Rent:	\$112,171.50
Repairs & Maintenance:	\$7,673.92
Supplies:	\$65,591.03
In-State Travel for Training:	\$3,483
In-State Travel for Services:	\$22,686.29
Out-of-State Travel:	\$2,435.45
Utilities:	\$13,458.76
Indirect Costs:	\$15,666.18
<b>Total:</b>	<b>\$2,204,060.33</b>

**Culturally Specific Agencies:**

Amani, Monsoon, EMBARC Thrive Together, formerly Deaf Iowans Against Abuse, Latinas Unidas por Nuevo Amanecer (LUNA), Meskwaki Family Services, Nissa African Refugee Project

## Statewide Programs

Expense Categories	Total
Advertising:	\$50,593.39
Benefits:	\$397,151.69
Communications:	\$34,245.05
Contractual Services:	\$126,440.75
Equipment:	\$43,878.72
Insurance:	\$25,123.28
Other Direct/Client Assistance:	\$23,130.63
Payroll:	\$1,896,603.78
Rent:	\$53,721.38
Repairs & Maintenance:	\$11,359.48
Supplies:	\$36,737.03
In-State Travel for Training:	\$5,749.36
In-State Travel for Services:	\$21,141.38
Out-of-State Travel:	\$21,74.97
Utilities:	\$15,882.71
Indirect Costs:	\$44,220.23
<b>Total:</b>	<b>\$2,797,153.83</b>

### Statewide Programs:

Iowa Coalition Against Domestic Violence, Iowa Coalition Against Sexual Assault, Iowa Dept. of Public Health, Iowa Law Enforcement Academy, Iowa Coalition for Collective Change, Sexual Abuse Hotline, University of Iowa, State Court Administrator's Office, Boys State Training School and Family Crisis Centers Helpline.











# IowaVINE

Iowa Victim Information and Notification Every Day (IowaVINE) is a free and anonymous telephone service that provides victims of crime with two important services: information and notification. IowaVINE is provided by the Iowa Attorney General's Crime Victim Assistance Division (CVAD), Iowa Department of Justice, initially implemented through a grant awarded by the Federal Bureau of Justice Assistance.

IowaVINE monitors the custody status of offenders in all of Iowa's county jails and the Iowa Department of Corrections facilities. The information is stored at the VINE Communications Center in Louisville, KY and is available 24 hours a day, 7 days a week. The IowaVINE services are available in English, Spanish, Bosnian and Somali. Individuals can access the notification system via telephone at 888-742-8463, at [www.vinelink.com](http://www.vinelink.com), or the VINEMobile smartphone app.

The information is open to anyone in the community with an interest in an offender held in custody. To search for an offender, the first and last name or offender identification number is needed. A secondary search option is the offender's birthdate or age. Registrants can access the offender's name, identification number, current custody status, location of offender, facility contact information, scheduled release date (if available), and information about crime victim services in the registrant's area.

The IowaVINE system began in 2006 with just a few counties. Today, all 99 counties participate along with the Iowa Department of Corrections (9 prisons). Of those 99 counties, 90 county jails and the Iowa Department of Corrections' facilities have photographs of the offender available online.

Registrants can choose to receive notifications via telephone, text and/or email. If the registrant chooses telephone, a four digit PIN number must be entered upon registration. The following are the automated call patterns of the system:

**Normal:** Calls will be made every 30 minutes for 24 hours or until the correct PIN is entered to confirm and stop the notification calls. If an answering machine or a person answers a call and the correct PIN is not entered, then calls will be made every 2 hours for the remainder of the 24-hour period.

**Normal with Delay:** Calls will be made every 30 minutes for 24 hours or until the correct PIN is entered to confirm and stop the notification calls. If an answering machine or a person answers a call and the correct PIN is not entered, then calls will be made every 2 hours for the remainder of the 24-hour period. *Transfer notification calls will be delayed for 4 hours from the time the record is received by VINE. Death notification calls will be delayed for 24 hours from the time the record is received by VINE.*

**Non-Emergency with Delay:** Calls will be made every 30 minutes between 7:00 am – 10:00 pm for 24 hours or until the call is confirmed. Calls are confirmed and stopped by entering your PIN. If an answering machine or a person answers a call and the correct PIN is not entered, calls will continue every 2 hours for 24 hours between 7:00 am – 10:00 pm.

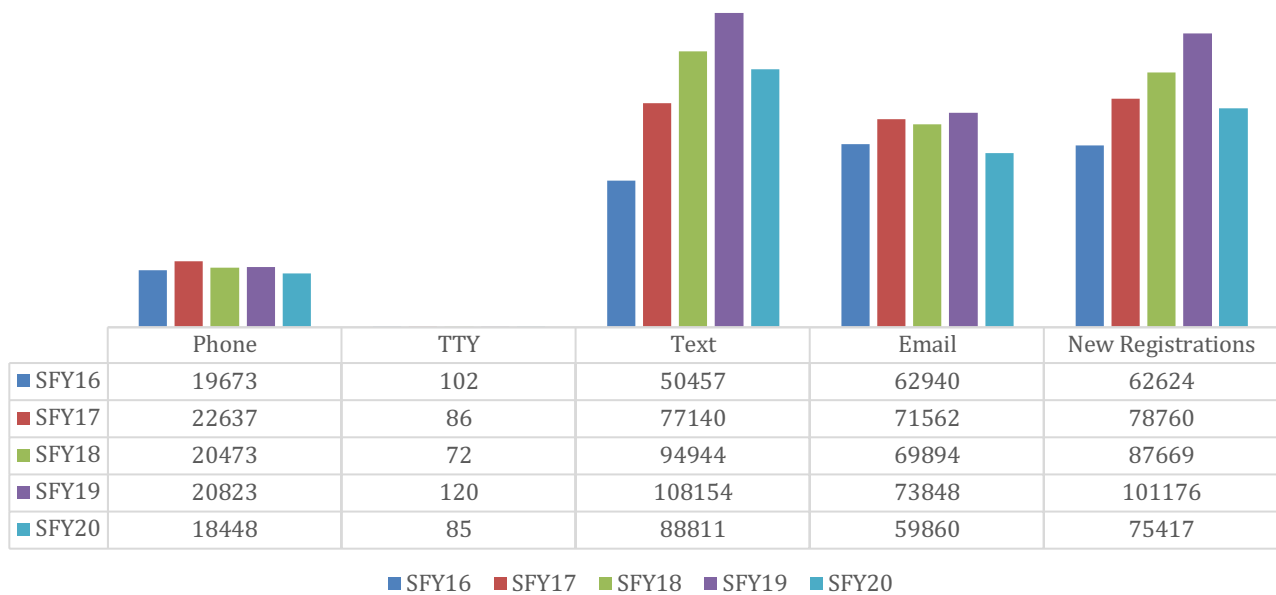
Over the past few years, IowaVINE has consistently seen an increase in use both for its search functions and its registration and notification capabilities. There has been a consistent trend to electronic notification and specifically an increase in the use of text and email notifications. The following tables show a five-year summary from SFY 15 to SFY20.

**SFY16– SFY20 Total Searches**

	SFY16	SFY17	SFY18	SFY19	SFY20
Phone	2,024	2,404	2,254	2,407	1,543
VINEWatch	2,463	2,649	2,358	2,545	2,047
VINELink	505,341	608,426	798,714	908,752	685,239
VINEMobile	1,700,289	1,317,628	51,183	0	0
MobilePatrol	2,602,580	3,672,463	4,445,873	5,094,42	5,387,911

The next table outlines the five-year trend of notification and registration events.

**SFY16-SFY20 VINE Phone, TTY, Email, and New Registrations**



# Iowa Identity Theft Passport Program

The Iowa Identity Theft Passport Program was implemented on July 1, 2009. Iowans who are victims of identity theft after that date and who have reported the crime to the appropriate law enforcement agency may submit an application for an Identity Theft Passport.

Iowa law defines an identity theft victim as someone whose "identification information" is both stolen and fraudulently used or attempted to be used to obtain credit, property, or services without the authorization of the victim. An individual's identification information includes their name, address, date of birth, telephone number, driver's license number, non-operator's identification number, social security number, place of employment, employee identification number, parent's legal surname prior to marriage, demand deposit account number, savings or checking account number, or credit card number.

An Identity Theft Passport will not be issued to a person in the case of an identity mistake or because the person has lost documents containing identifying information.

When a victim reports identity theft to law enforcement, they can apply for an Identity Theft Passport. The law enforcement agency will submit the completed application, law enforcement verification form, and other necessary documents to the Identity Theft Passport Program. Once all necessary information is obtained, eligibility for an Identity Theft Passport will be determined. An application will generally be processed within 30 days of receipt by the program.

A law enforcement agency, creditor, or consumer report agency may consider the Identity Theft Passport as they determine their course of investigation and action. The information may help prevent the victim's arrest or detention for an offense committed by someone using their identity. The information may also help a creditor who is trying to determine if fraudulent charges were made against the victim's accounts or if accounts were opened using the victim's identity. And the Identity Theft Passport may be given to a consumer-reporting agency to show that there is an identity dispute on the victim's consumer record. The consumer-reporting agency will include the Identity Theft Passport information in future credit reports related to the crime victim.

An identity theft passport is valid for five (5) years from the date of issuance or renewal. A person can apply to renew an Identity Theft Passport within 30 calendar days after its expiration.

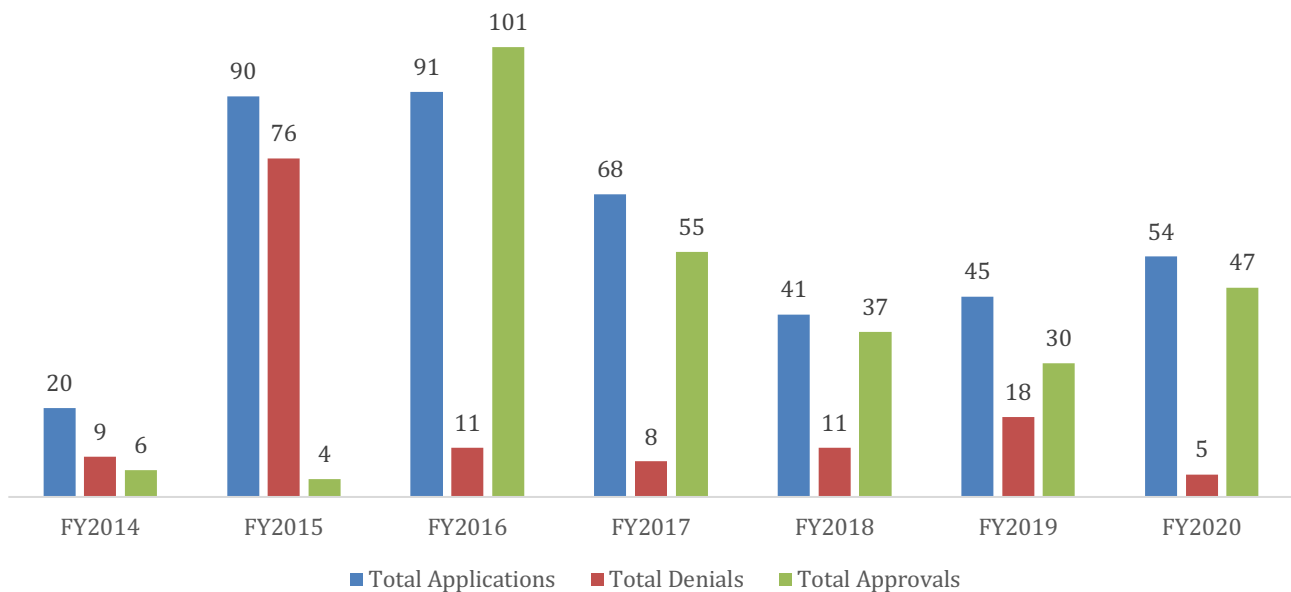
A person issued an Identity Theft Passport must notify the Identity Theft Passport Program in writing of a change in their name or address. The holder of an Identity Theft Passport must immediately notify the program and the investigating law enforcement agency if the document is lost or stolen.

Iowa Code Chapter 22 requires that an application for an Identity Theft Passport is confidential and is not a public record subject to disclosure. Any person other than the holder of the Identity Theft Passport will be directed to the victim or the law enforcement agency that was the source of the information.

The Iowa Legislature changed the eligibility requirements of the legislation around the Identity Theft Passport program. Before July 1, 2015 (SFY16), proof that the crime happened in Iowa was required. New legislative language clarified that the victim must only reside in Iowa at the time of the crime or the crime must have happened in Iowa. This change has allowed more victims to receive Identity Theft Passports.

In SFY20, the program saw a slight increase in applications. CVAD staff continue to raise awareness about the program. As part of the Iowa Identity Theft Victim Assistance Coalition (IDTVAC), CVAD staff share information about the program with coalition members to increase awareness of the resource and how it works. The program is listed as a resource on an informational sheet that all members from the organization distribute to the populations they serve. CVAD staff have developed relationships with the Iowa DOT’s Bureau of Investigation & Identity Protection, Consumer Protection Division, Polk County Attorney’s Office, Iowa Legal Aid, and various law enforcement agencies around the state regarding the program. CVAD staff utilize social media and display our brochures at tabling events to raise awareness of the program and reach more individuals.

The chart below shows the Identity Theft Passport Program usage since its launch in SFY2014.



Applications can be accessed on the website at <https://www.iowaattorneygeneral.gov/for-crime-victims/identity-theft-passport-program/>.

# Iowa Protective Order Notification (IowaPON)

The Iowa Protective Order Notification (IowaPON) system was launched May 1, 2012 as a service for domestic violence, sexual assault and elder abuse protective order petitioners and others deemed to be at-risk by the abuser (respondent), advocates, and officers. The service was designed to provide information on the status of the protective order or no-contact order. Additionally, the service was intended to provide the opportunity to register for notification upon service of a protective order or no contact order and 30 days prior to its expiration.

Starting in December 2018, CVAD launched a collaborative review of the IowaPON system with partners including the Department of Human Rights-Division of Criminal & Juvenile Justice Planning (CJJP), Iowa Judicial Branch, Iowa Department of Public Safety and the vendors responsible for maintaining the IowaPON (Appriss) and Iowa courts online (URL Integration) systems.

This review occurred after concerns were raised the IowaPON system was not properly reflecting protective order and no contact order service information and expiration dates. Upon a full and comprehensive review, CVAD made the difficult decision to suspend the IowaPON system in SFY19. The review found the system was not properly reflecting returns of service across the state on a portion of protective orders and no contact orders. This was primarily determined to be a business practice issue resulting from a wide variance in how and when local law enforcement agencies, sheriff's offices and court clerks enter return of service information.

At the time the system was suspended, all registered individuals were notified the system was in outage and that they should take appropriate steps to ensure they would receive pertinent information on the protective order or no contact order, directly from the local clerk of court or Sheriff's office.

# Registrant Watch Program

The Registrant Watch Program is Iowa's automated notification system for tracking of sex offenders. Registrant Watch was developed by the Iowa Division of Criminal Investigation's Department of Public Safety's Sex Offender Registry Program and CVAD partnered in SFY12 to expand the notification options (phone calls) offered by the system. The Sex Offender Registry Program maintains the data received from the counties regarding sex offender updates.

Registrant Watch assists individuals who register for notification of sex offender updates in their neighborhoods, cities, or states. Registered sex offenders fall along a tier system in the State of Iowa. Tier one offenders must update registration once per year. Tier two offenders must update their status twice per year. Tier three offenders must update their information three times per year.

Registrant Watch provides 24-hour access to sex offender registration information online while having the ability to register for a sex offender's location and changes in appearance of the individual. The system then provides the registrant with email or phone messages with a change in the location or identifying characteristics of that sex offender. Phone calls can come at any time of the day. If there is no answer or the call goes to an answering machine, the system will call back once for a total of two calls. A short message will be left on the answering machine. This service is confidential and free of charge.

To register, go to [www.iowasexoffender.com](http://www.iowasexoffender.com) or call 515-725-6050.

# Human Trafficking Initiatives

The Iowa Attorney General's Office is dedicated to protecting trafficking victims and preventing future trafficking within the state of Iowa. As a department, we work to combat the crime of human trafficking by providing programming that increases understanding of human trafficking and its victims, by funding local crime victim service organizations that provide direct services to trafficking survivors and by assisting the criminal justice system in holding traffickers responsible for the effects of their actions.

## Human Trafficking Direct Services

Under the terms of Victims of Crime Act (VOCA) funding, all victim service providers, regardless of specialization, must provide assistance to any victim of a violent crime who reaches out to them for assistance. Victim services providers may then determine an appropriate referral for ongoing services if the needs of the victim fall outside of the capacity of the program. While victim service agencies across the state continue to provide services to human trafficking survivors, CVAD was able to provide targeted funding to four programs to deliver human trafficking-specific victim services: Catholic Charities (Council Bluffs), Chains Interrupted (Cedar Rapids), Friends of the Family (Waterloo), and Braking Traffik (Davenport).

## Statewide Training and Collaboration

The Iowa Attorney General's office collaborates with the Iowa Department of Public Safety Office to Combat Human Trafficking, the Iowa Department of Public Health, and the Iowa Law Enforcement Academy as well as many other local and statewide partners, to train professionals and community members on the dynamics of human trafficking. In SFY20, CVAD's Human Trafficking Coordinator provided 6 trainings and 11 outreach events, reaching 736 people. These numbers were a significant decline from past SFY due to pandemic-related travel restrictions. While virtual training/outreach efforts continue, many opportunities that arose during this time were canceled or postponed.

# Sexual Assault Kit Initiative

The Sexual Assault Kit Initiative (SAKI) continued during SFY20. In February 2020 the Bureau of Justice Assistance (BJA) granted a no-cost extension through September 30, 2020 allowing project activities to continue with the support of grant funds. Bode Forensics analyzed 438 kits during SFY20. 292 kits screened positive for foreign DNA, and 146 screened negative. 255 DNA profiles were entered into the Combined DNA Index System (CODIS). 165 hits to DNA profiles in CODIS occurred.

CVAD's partnership with the Department of Public Safety Division of Intelligence (DOI) continued. Utilizing grant funds, the DOI provided jurisdictional law enforcement agencies investigative information such as criminal history and last known contact information for the individual whose DNA matched the kit evidence. This information gives local law enforcement a head start in notifying the victim of the new information from the case and re-investigating through the DNA match. 165 cases with a DNA match that occurred in SFY20 were forwarded to law enforcement for follow up. Law enforcement made contact with 20 survivors in SAKI-related cases in SFY20. Each of the survivors contacted did not wish to re-engage with an investigation. 113 total cases with a DNA match remained open as of December 31, 2020.

CVAD and staff from the Iowa Law Enforcement Academy (ILEA) in consultation with experienced sexual assault investigators, developed new course material for ILEA's basic academy classes that began being taught in January 2020. The courses involve a basic class on trauma and with trauma-informed victim interviewing techniques. These classes are now embedded ILEA's basic academy course.

During SFY20, the SAKI program conducted several training and outreach activities throughout the state. More than 700 professionals involved in sexual assault response received training. These trainings are designed to help law enforcement officers and others to respond not only to sexual assault, but all violent crimes in which trauma effects the victim. However, due to the coronavirus pandemic, a number of trainings had to be postponed. Because these trainings and other SAKI activities were impacted by the pandemic, a second no-cost extension was requested in August 2020. BJA approved the request, allowing grant funds to support SAKI activities through September 30, 2021. Trainings were made available using webinars during the pandemic.

CVAD began development and implementation of the "Track-Kit" system in SFY20. A competitive bidding process led to a contract with STACS DNA to provide "Track-Kit" to the state of Iowa. The system tracks the status and movement of sex assault kits from the point of distribution to a medical facility, to use in an evidence collection exam, to law enforcement possession, to the DCI crime lab for analysis. Survivors have the ability to receive text and email notifications alerting them when the status changes. STACS and CVAD staff planned a regionally-based implementation schedule for spring and early summer of 2020 that would have resulted in the system being in place on a statewide level in July. The implementation was designed to involve a combination of in-person and webinar trainings. Due to the pandemic, the implementation was put on hold for a period. After re-designing the process, CVAD and STACS began the implementation in late July. By the end of October, "Track-Kit" was in use in about 75% of medical facilities and law enforcement agencies in Iowa. Implementation, training, and technical assistance for users continued through the fall of 2020.

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

ADDENDUM I

AUTHORIZING STATUTES IN THE  
CODE OF IOWA

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## Attorney General's Office

(Crime Victim Assistance Division)

### 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, Tit. 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, Tit. IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 42 U.S.C. § 13701.
7. Administer an automated victim notification system as authorized pursuant to section 915.10A.  
*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; 2007 Acts, ch 27, §1; 2010 Acts, ch 1061, §180*

*Federal Act reference updated pursuant to Code editor directive*

## Crime Victim Compensation Fund

### 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, to victims under section 710A.2, and for the support of an automated victim notification system established in section 915.10A. 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; 2007 Acts, ch 22, §111; 2007 Acts, ch 27, §10*

# Crime Victim Compensation Program

(Crime Victim Assistance Board)

## 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.7, 462A.12, 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. A license suspension or revocation under section 462A.14, 462A.14B, or 462A.23 shall be considered by the department as evidence of a violation of section 462A.14 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.

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. "*Emergency Relocation*" means a relocation that takes place within thirty days of the date of a crime or the discovery of a crime, or within thirty days after a crime could reasonably be reported. "Emergency relocation" also includes a relocation that takes place within the thirty days before or after an offender related to the crime is released from incarceration.

6. "*Housing Assistance*" means living expenses associated with owning or renting housing, including essential utilities, intended to maintain or reestablish the living arrangement, health, and safety of a victim impacted by a crime. "*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.

7. 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 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.

7A. "Survivor of a deceased victim" means a survivor who is a spouse, former spouse, child, foster child, parent, legal guardian, stepparent, sibling, or foster sibling of a victim, or a person, or a person cohabitating with the victim, or otherwise related by blood or affinity to, a victim, if the victim dies as a result of a crime, good-faith effort to prevent the commission of a crime, or a good-faith effort to apprehend a person suspected of committing a crime.

8. "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; 2007 Acts, ch 27, §7

#### **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

#### **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*

### **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*

### **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*

### **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*

### **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 twenty-five thousand dollars. Reasonable charges incurred for mental health care not to exceed five 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.

a. The department shall establish the rates at which it will pay charges for medical care.

b. If the department awards compensation, in full, at the established rate for medical care, and the medical provider accepts the payment, the medical provider shall hold harmless the victim for any amount not collected that is more than the rate established by the department.

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 for up to three days after the crime or the discovery of the crime to allow the victim's parent or caretaker to assist the victim and when the victim's parent or caretaker accompanies the victim to medical and counseling services, not to exceed one thousand dollars per parent or caretaker.

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 two 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 four 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 148. The allowable charges under this subsection shall not exceed five 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 148. The allowable charges under this subsection shall not exceed two thousand dollars per secondary victim.

13. Reasonable dependent care expenses incurred by the victim, the victim's parent or caretaker, or the survivor of a homicide victim as described in subsection 10 for the care of dependents while attending criminal justice proceedings or medical or counseling services, not to exceed one thousand dollars per person.

14. Reasonable expenses incurred by a victim, the victim's parent or caretaker, or the survivor of a victim as described in subsection 10 to replace locks, windows, and other residential security items at the victim's residence or at the residential scene of a crime, not to exceed five hundred dollars per residence.

15. Reasonable expenses incurred by the victim, a secondary victim, the parent or guardian of a victim, or the survivor of a homicide victim as described in subsection 10 for transportation to medical, counseling, funeral, or criminal justice proceedings, not to exceed one thousand dollars per person.

16. Reasonable charges incurred by a victim, a secondary victim, the survivor of a deceased victim, or by a victim service program on behalf of a victim, for emergency relocation expenses, not to exceed one thousand dollars per person per lifetime.

17. Reasonable expenses incurred by a victim, or by a victim service program on behalf of a victim, for up to three months of housing assistance, not to exceed two thousand dollars per person per lifetime.

18. a. Additional compensation to a victim, secondary victim, or survivor of a deceased victim in an amount not to exceed a total of five thousand dollars per person for charges, expenses, or loss of income incurred that would otherwise be compensable under this section but for the eligibility requirements and compensation limits provided for in at the time of the initial application for compensation under this section under the following circumstances:

1. The charges, expenses, or loss of income incurred were not compensable under this section at the time of the initial application for compensation under this section.
  2. The victim, secondary victim, or survivor of a deceased victim demonstrates that denial of additional compensation under this subsection would constitute undue hardship.
  3. The victim, secondary victim, or survivor of a deceased victim incurs additional charges, expenses, or loss of income upon the occurrence of a new event related to the event authorizing compensation under this section that would otherwise be compensable under this section but for the compensation limits provided for the applicable compensation category. For the purposes of this subparagraph, "new event" includes additional criminal justice proceedings due to mistrial, retrial, or separate or additional trials resulting from the existence of multiple offenders; a new appellate court decision relating to the event authorizing compensation under this section; a change in venue of a trial; a change in offender custody status; the death of the offender; or the exoneration of the offender.
- a. Additional compensation otherwise authorized by this subsection shall not be awarded for an application for compensation under subsection 7, 16, or 17.

*98 Acts, ch 1090, §47, 84; 98 Acts, ch 1128, §1, 2; 99 Acts, ch 10, §2; 2000 Acts, ch 1064, §1, 2; 2007 Acts, ch 27, §8, 9; 2009 Acts, ch 178, §29; 2009 Acts, ch 179, §47*

### **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*

### **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*

### **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*

### **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*

#### **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*

#### **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*

#### **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*

#### **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](#), to victims under [section 710A.2](#), and for the support of an automated victim notification system established in [section 915.10A](#). 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; 2007 Acts, ch 22, §111; 2007 Acts, ch 27, §10

## 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

## Victim Services Support Program

(Domestic Abuse and Sexual Abuse Program and domestic and sexual abuse hotlines)

### 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*

## IowaVINE and IPONDA Programs

### **915.10A Automated victim notification system.**

1. An automated victim notification system is established within the crime victim assistance division of the department of justice to assist public officials in informing crime victims, the victim's family, or other interested persons as provided in this subchapter and where otherwise specifically provided. The system shall disseminate the information to registered users through telephonic, electronic, or other means of access.

2. An office, agency, or department may satisfy a notification obligation to registered victims required by this subchapter through participation in the system to the extent information is available for dissemination through the system. Nothing in [this section](#) shall relieve a notification obligation under this subchapter due to the unavailability of information for dissemination through the system.

3. Notwithstanding [section 232.147](#), information concerning juveniles charged with a felony offense shall be released to the extent necessary to comply with [this section](#).

*2005 Acts, ch 158, §47; 2007 Acts, ch 27, §4*

## Identity Theft Passport Program

### **715A.9A Identity theft passport.**

1. The attorney general, in cooperation with any law enforcement agency, may issue an identity theft passport to a person who meets both of the following requirements:

*a.* Is a victim of identity theft in this state as described in [section 715A.8](#).

*b.* Has filed a police report with any law enforcement agency citing that the person is a victim of identity theft.

2. A victim who has filed a report of identity theft with a law enforcement agency may apply for an identity theft passport through the law enforcement agency. The law enforcement agency shall send a copy of the police report and the application to the attorney general, who shall process the application and supporting report and may issue the victim an identity theft passport in the form of a card or certificate.

3. A victim of identity theft issued an identity theft passport may present the passport to any of the following:

*a.* A law enforcement agency, to help prevent the victim's arrest or detention for an offense committed by someone other than the victim who is using the victim's identity.

*b.* A creditor of the victim, to aid in the creditor's investigation and establishment of whether fraudulent charges were made against accounts in the victim's name or whether accounts were opened using the victim's identity.

4. A law enforcement agency or creditor may accept an identity theft passport issued pursuant to this section and presented by a victim at the discretion of the law enforcement agency or creditor. A law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the offense of identity theft pertaining to the victim.

5. An application made with the attorney general under subsection 2, including any supporting documentation, shall be confidential and shall not be a public record subject to disclosure under chapter 22.

6. The attorney general shall adopt rules necessary to implement this section, which shall include a procedure by which the attorney general shall assure that an identity theft passport applicant has an identity theft claim that is legitimate and adequately substantiated.

*2006 Acts, ch 1067, §1*

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

ADDENDUM II

ADMINISTRATIVE RULES CODE

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**Iowa Administrative Rules Code**  
**Attorney General — 61**  
**Chapter 9**  
**VICTIM ASSISTANCE PROGRAM**  
(Crime victim assistance division)  
**DIVISION I**  
**ADMINISTRATION**  
(Crime Victim Assistance Board)

**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 7/1 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.

**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.

**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 Crime Victim Assistance Division

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

**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 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; conversation in a non-private setting such as the common area of a shelter or a courthouse; transportation; or attendance at medical procedures, law enforcement interviews or civil and criminal justice proceedings.

"*Crime*" as defined in Iowa Code section 915.80 includes:

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

"*Denial*" means disqualification of an application or reduction in the amount of compensation paid.

"*Department*" means the department of justice, i.e., the attorney general's office.

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

"*Lost wages or income,*" "*lost income,*" or "*lost wages*" means the gross rate of pay, decreased by 25 percent.

"*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 that the items and services prescribed or recommended by a medical provider under the prescriptive authority of the medical provider's license 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.

"*Residence*" means a property on which an applicant lives and may include but is not limited to a dwelling, detached garage, shed, or similar structure located on the property, or a privately owned vehicle if the vehicle serves as the primary residence.

**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 may be eligible for compensation if the program can obtain sufficient documentation to verify eligibility.

**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 436A(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. In the event good cause is found, the crime must be substantiated through disclosure to another provider including, but not limited to, a licensed medical provider, a licensed mental health professional, or a designated victim service provider.

**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 72-hour reporting requirement may be waived for good cause if a sexual abuse evidentiary examination was completed within 72 hours of the crime or if the crime was disclosed to another provider including, but not limited to, a licensed medical provider, a licensed mental health professional, or a designated victim service provider.

**9.29(8) Domestic abuse victim.** For a victim of domestic abuse, the 72-hour reporting requirement may be waived for good cause if a domestic abuse protective order pursuant to Iowa Code chapter 236 is entered by the court or if the crime was disclosed to another provider including, but not limited to, a licensed medical provider, a licensed mental health professional, or a designated victim service provider.

**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 239A.

**61—9.30(915) Cooperation with law enforcement.** To be eligible for compensation, the crime victim must cooperate with the reasonable requests of law enforcement. After considering the factors in subrule 9.29(4), the department may waive the requirement if good cause is shown.

**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 and commission of a criminal act.** In assessing the causal nature of provocation or incitement and commission of criminal act pursuant to Iowa Code section 915.87(2) 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 915.87(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 the information relied upon to make the decision was incorrect or incomplete. The reopening of a denied or approved case is at the discretion of the administrator for the compensation program, the director, or the board.

**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 915, 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 34 U.S.C. 20102. 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. The department may waive this requirement for good cause after considering the factors in subrule 9.29(4), for compensation made from state funds.

**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 to sign the required assignment of benefits within a reasonable time frame. The department may waive this requirement if the victim can demonstrate good cause exists. Good cause may include, but is not limited to, situations where the insurance policyholder is the perpetrator of the crime that gave rise to the claim.

**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, unless the entity is legally allowed to pass those costs along to the victim.

**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 915.86.

**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 state-recognized or 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 per-mile rate established by the department of administrative services for state employees using a privately-owned vehicle for state business. 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 per-mile rate established by the department of administrative services for state employees using a privately owned vehicle for state business. 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 up to 12 mental health counseling sessions for eligible crime victims and survivors of a homicide victim with the provision of a treatment plan and certification as defined in 9.35(4) "a." Costs for those 12 sessions will be paid in full if the crime is noted in the treatment plan. If preexisting mental health issues are addressed during crime-related counseling sessions following the initial 12 visits, 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) 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 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(6) Family counseling.** Compensation for family mental health 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; or at the request of the victim.

**9.35(7) 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 physical or emotional injury from a crime, as a result of cooperation with the investigation or prosecution of the crime, or due to health and safety concerns related to maintaining employment. Lost wages or income are computed as follows: the gross rate of pay multiplied by the number of scheduled hours of work missed, decreased by 25 percent pursuant to the definition of "lost wages or income" in rule 61-9.26(915). Lost wages or income due to the crime is determined as follows:

- a. *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.
- b. *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.
- c. *Vacation, sick, holiday, bereavement and annual leave.* Lost wages or income paid shall not be reduced by vacation, sick, holiday, bereavement, or annual leave available or used by the victim due to the crime.
- d. *Calculation when rate of pay cannot be established.* In the event employment can be verified but the rate of pay cannot be established through pay stubs, state or federal tax forms, or bank statements, compensation shall be calculated at the current state minimum wage rate on the basis of an eight-hour workday.

**9.35(8)** *Lost wages or income as the result of physical or emotional injury from a crime.* Compensation for lost wages or income incurred within the first two weeks following the crime shall be paid to an eligible crime victim without a disability statement. A victim seeking lost wages for a period of time longer than two weeks, or an eligible survivor seeking lost wage for longer than 30 days under Iowa Code section 915.86(10), shall submit a disability statement from a licensed medical provider for a physical injury or an injury related to mental health, or from a licensed mental health provider as included in paragraphs 9.35(3) "a" through "d" for an injury related to mental health. Compensation shall be made for lost wages or income under the following circumstances:

- a. *Lost income.* Compensation may be paid when the victim misses work due to physical or emotional 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 ceases.* Compensation may be paid when the victim's employment ceases 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 lost wages or income 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. *Workers' compensation benefit eligible.* Compensation may be paid for the difference between the victim's gross wage and the workers' 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(9)** *Lost wages or income for cooperation in an investigation and prosecution.* Compensation may be paid for lost wages or income incurred by an eligible primary victim, survivor of a deceased 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(10) *Lost wages or income due to health or safety concerns related to maintaining employment.***

Compensation for lost wages or income shall be paid to an eligible crime victim for up to 30 days following an event that compromises the health or safety of the victim including, but not limited to, the approved crime, stalking, or harassment. Compensation for lost wages or income beyond 30 days may be extended at the discretion of the program administrator, the director, or the board.

**9.35(11) *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 if the vehicle serves as the primary residence, 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(12) *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(13) *Clothing and bedding.*** Compensation may be paid for clothing and bedding held as evidence by law enforcement. Compensation shall not be made for a deceased victim's clothing, which is held as evidence.

**9.35(14) *Funeral, burial, and memorial 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(6):

*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 deceased victim as described in Iowa Code section 915.80(7) with priority for the surviving spouse, children, and parents of the victim. Documentation must be provided for all miscellaneous funeral and burial expenses.

*d. Memorial* Reasonable memorial costs may be paid for commemorating the memory of a deceased victim, including but not limited to, a structure, or public or private event.

**9.35(15) *Dependent care.*** Compensation may be paid for reasonable costs of dependent care incurred by a

primary victim, the parent or caretaker of a dependent primary victim, or the survivor of a deceased victim, to attend medical or counseling appointments or criminal justice proceedings. Dependent care expenses may be paid for the parent or caretaker of a primary victim to attend the parent's or caretaker's own medical or mental health appointments.

Compensation may include, but is not limited to, expenses for care provided by a day care center, private residential childcare, relative who is not a tax dependent, before- or after- school program, custodial elder care, adult day care center, nanny, or au pair. Expenses may be paid to the maximum benefit established in Iowa Code section 915.86(13).

**9.35(16) Residential Security** Compensation may be paid for reasonable costs incurred by a victim, the victim's parent or caretaker, or the survivor of a deceased victim to install new residential security items, or to replace inadequate or damaged residential security items, not to exceed the maximum expense established in Iowa Code section 915.86(14).

**9.35(17) Transportation and Lodging.** Compensation may be paid for reasonable transportation and lodging expenses incurred by the victim, secondary victim, parent or guardian of the crime, or survivor of a deceased victim for medical and counseling services, criminal justice proceedings, or funeral activities, not to exceed the benefit limit established in Iowa Code section 915.86(15).

a. privately owned vehicle. Use of a privately owned vehicle shall be paid at the per-mile rate established by the department of administrative services for state employees using a private vehicle for state business.

b. Commercial vehicle transport shall be paid at the cost incurred by, or on behalf of, an eligible applicant.

**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

(Victim Services Support Program)

**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

**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:

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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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## Iowa Attorney General - 61

### Chapter 35

#### IDENTITY THEFT PASSPORT

##### **61—35.1(715A) Definitions.**

"*Creditor*" means a person or entity who is owed money or property by another person via the extension of credit to that other person to defer payment of debt, to incur debt and defer its payment, or to purchase property or services and defer payment therefor, or a person or entity to whom a creditor's right to payment has been assigned.

"*Division*" means the crime victim assistance division in the attorney general's office.

"*Division director*" means the director of the crime victim assistance division in the attorney general's office.

"*Identity theft*" means the commission of the offense of identity theft, as stated in Iowa Code section 715A.8(2), which includes when a person fraudulently uses or attempts to fraudulently use identification information of another person, with the intent to obtain credit, property, services, or other benefit.

"*Law enforcement agency*" means an agency that employs peace officers.

"*Peace officer*" means the same as defined in Iowa Code section 801.4(11).

"*Person*" means an individual.

"*Report of identity theft*" means a request by a person to a peace officer in any jurisdiction described in Iowa Code section 715A.8(5) for the peace officer to take a report regarding an alleged commission of identity theft against the person.

"*Victim*" means a person who alleges that identity theft has been committed against the person.

##### **61—35.2(715A) Application for identity theft passports.**

###### **35.2(1) Completion of application.**

a. A person who has filed a report of identity theft may apply for an identity theft passport through the law enforcement agency to which the report was made.

b. An application for an identity theft passport shall include the following:

(1) Completion by the person, or by another on behalf of the person, and by the law enforcement agency, of the identity theft passport application form and the identity theft verification form set out in rule 61—35.8(715A), along with any documentation supporting the claim that the person is a victim of identity theft.

(2) A copy of the report of identity theft made to the law enforcement agency.

(3) Photographic identification of the victim in one of the following formats in order of preference:

1. A copy of the victim's current driver's license or state-issued nonoperator's identification card.

2. A current photograph of the victim certified as valid by signature of the law enforcement investigator who received the report of identity theft.

c. Upon completion of the application for an identity theft passport, the law enforcement agency which received the application shall forward it to the crime victim assistance division of the office of the attorney general.

**35.2(2) Confidentiality of application.** An application made with the attorney general shall be confidential and shall not be a public record subject to disclosure under Iowa Code chapter 22.

#### **61—35.3(715A) Issuance of identity theft passports.**

**35.3(1)** Upon receipt of a completed application for an identity theft passport, the division shall review the application and determine whether to issue the applicant an identity theft passport. In determining whether to issue the identity theft passport, the division shall consider all the facts and circumstances reported in the application, any recommendations received from the law enforcement agency to which the report was made, and any other facts that the division deems necessary to make the determination.

**35.3(2)** An identity theft passport shall be in the form of a card or certificate as determined by the attorney general.

#### **61—35.4(715A) Usage of identity theft passports.** An identity theft victim may present the passport to:

**35.4(1)** A law enforcement agency to help prevent the victim's arrest or detention for any offense committed by someone other than the victim who is using the victim's identity, and

**35.4(2)** A creditor of the victim to aid in the creditor's investigation and establishment of whether fraudulent charges were made against accounts in the victim's name or whether accounts were opened using the victim's identity.

**61—35.5(715A) Acceptance of identity theft passports.** A law enforcement agency or creditor may accept an identity theft passport from the victim and may consider the surrounding circumstances and available information regarding the offense of identity theft pertaining to the victim.

**61—35.6(715A) Expiration of identity theft passports.** An identity theft passport issued by the office of the attorney general shall be valid for a period of five years from the date of issuance or renewal. The victim to whom an expired identity theft passport was issued may reapply to the office of the attorney general for renewal of the identity theft passport within 30 days after its expiration. The office of the attorney general may renew the identity theft passport in the same manner that initial passports are issued, as outlined in rule 61—35.3(715A).

#### **61—35.7(715A) Revocation of identity theft passports.**

**35.7(1)** If the division determines that an identity theft passport which has been issued should not have been issued, the division shall notify the person to whom the identity theft passport was issued of the intended

revocation of the identity theft passport and the reasons for the intended revocation.

**35.7(2)** The person who has received a notice of intended revocation of an identity theft passport may request reconsideration of the intended revocation. The request and all information in support of a reconsideration of the intended revocation shall be submitted to the division director within 30 calendar days of the mailing date on the notice of intended revocation.

**35.7(3)** The division director will issue a decision regarding the reconsideration of the intended revocation of the identity theft passport within 30 days of receipt of the request for reconsideration whenever possible. The decision of the division director regarding the revocation of the identity theft passport constitutes final agency action.

**35.7(4)** If, after notice, the division determines that the identity theft passport is revoked, the division shall notify the person of the revocation in a mailing to the person's last-known residential address.

**35.7(5)** A person shall not use a revoked identity theft passport for any purpose.

**61—35.8(715A) Identity theft passport application and verification forms.**

**35.8(1)** *Identity theft victim application and affidavit.* The following form may be used to apply for an identity theft passport.

**61—35.8(2)** *Identity theft law enforcement report verification.* The following form must be completed by the investigating officer and submitted in conjunction with the identity theft application and affidavit. [Forms Below]

**61—35.8(3)** *Submission of documentation.* In order to be considered for an identity theft passport, a victim must submit the following documentation to the Crime Victim Assistance Division, Ground Floor, Lucas State Office Building, Des Moines, Iowa 50319:

- a. The Identity Theft Victim Application and Affidavit form, signed by the victim.
- b. The Identity Theft Law Enforcement Report Verification form, signed by the investigating officer.
- c. A copy of the law enforcement agency's investigative report.

These rules are intended to implement Iowa Code section 715A.9A.

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