



# Crime Victim Compensation: Frequently Asked Questions by Sexual Assault Victims

*Violent crime is a senseless, often random act, and we see far too much of it in today's society. It is not enough to ensure that offenders receive punishment under the law. Victims and their families need support as they attempt to rebuild lives torn apart by tragedy.*

*Lisa Madigan*

Lisa Madigan  
Illinois Attorney General

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*These Frequently Asked Questions do not cover every situation. For all requirements and complete information, consult the Crime Victims Compensation Act, 740 ILCS 45/1 et seq. at [www.ilga.gov](http://www.ilga.gov).*

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Crime Victims  
Compensation  
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13th Floor  
Chicago, IL 60601  
1-800-228-3368  
TTY: 1-877-398-1130  
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## What Is the Crime Victims Compensation Act?

The Illinois Crime Victims Compensation Act provides eligible victims of violent crime with up to \$27,000 in financial assistance for certain out-of-pocket expenses resulting from the crime.

## Who Can Apply for Compensation as the Result of a Sexual Assault?

- **The victim.** The actual victim of sexual assault can apply for any compensable expense, such as medical/hospital expenses, counseling or loss of earnings.
- **The spouse and parents of a sexual assault victim.** The spouse and parents of a sexual assault victim can apply for any compensable expense, such as their own counseling or loss of earnings incurred while caring for a sexual assault victim.
- **The victim's minor siblings or children.** If the victim has minor siblings or minor children (under the age of 18), these individuals can apply for their own counseling expenses.

## What Must a Sexual Assault Victim Do To Be Eligible for Compensation?

- ✓ Notify law enforcement within 7 days of the incident. If you go to a hospital and have a sexual assault evidence collection kit performed or if you obtain an Order of Protection or a Civil No Contact Order, this is considered notification.
- ✓ File the application within 2 years of the date of the crime or within 1 year of the filing of a criminal charge, whichever is later.
- ✓ The victim and claimant must cooperate with law enforcement officials in the apprehension and criminal prosecution of the offender. Having a sexual assault evidence collection kit performed at a hospital and submitted to the police as evidence is considered cooperation.
- ✓ The victim must not have contributed to his/her injury by: engaging in a wrongful act; being the offender or accomplice of the offender; or substantially provoking the incident.
- ✓ An individual is not eligible to be paid compensation until the victim is released from probation, parole, mandatory supervised release for a felony or from a correctional institution. However, the claim must still be filed within 2 years of the date of the crime or 1 year of the criminal charge.

## What Is Different, If Anything, for Minor Victims of Sexual Assault?

Often, child victims of sexual assault do not tell anyone about an assault until years after the incident occurs. Therefore, for purposes of the Compensation Program, the "crime date" for minor victims of sexual assault (under the age of 18) is the date the crime is reported to a parent, teacher or other responsible party.

## **What Expenses Are Eligible for Reimbursement?**

The Compensation Program may reimburse the following expenses if they are necessary due to the crime, and if no other sources of reimbursement are available. Caps or limits may apply.

- ✓ Medical/Hospital and Dental Expenses
- ✓ Mental Health Counseling
- ✓ Loss of Earnings (up to \$1,250/month)
- ✓ Relocation (may include temporary lodging, first month's rent, security deposit, moving van and storage)
- ✓ Replacement Costs (hearing aids, eyeglasses, replacement of clothing/bedding taken as evidence and locks/windows damaged as a result of the incident)
- ✓ Crime Scene Clean-up and Accessibility & Usability of Property (wheelchairs, ramps, etc.)
- ✓ Loss of Tuition
- ✓ Replacement Services Loss (up to \$1,250/month)
- ✓ Funeral/Burial Expenses (up to \$7,500)
- ✓ Loss of Support (up to \$1,250/month)
- ✓ Transportation to and from Medical and Counseling Treatment Facilities

## **What If There Is Insurance or Reimbursement from Other Sources?**

The Compensation Program is the "payer of last resort." If any other sources of reimbursement are available, the sources must be used before any Compensation Program payment can be made. Applicants are responsible for informing the Program of all available reimbursement sources, including:

- ✓ Medical/health, dental, vision, and life insurance
- ✓ Sexual Assault Survivors Emergency Treatment Act benefits
- ✓ Hospital Uninsured Patient Discount Act benefits
- ✓ Public Program benefits (Public Aid, Medicare, Worker's Compensation Benefits, etc.)
- ✓ Auto insurance
- ✓ Court-ordered restitution and civil lawsuit recoveries

## **Does the Money Go Directly to the Victim?**

Reimbursement is made to the victim for out-of-pocket expenses, or to any person who paid the victim's expenses. Reimbursement may also be paid directly to service providers, such as hospitals, doctors, funeral homes and others, for expenses incurred by the victim as a result of the crime.

## **How Does the Process Work? How Do You Obtain Referrals or Check Status of a Claim?**

To file an application, contact the Crime Victims Compensation Bureau at 1-800-228-3368 (TTY: 1-877-398-1130) or download the application at [www.illinoisattorneygeneral.gov/victims/cvc.html](http://www.illinoisattorneygeneral.gov/victims/cvc.html). Once the application is submitted, it will be given a claim number. The Office of the Illinois Attorney General will review the information on the application and will request additional information and documentation to determine if you are eligible for the Compensation Program. The Office of the Illinois Attorney General makes a recommendation to the Court of Claims and the Court of Claims will render a decision based on the application and the Office of the Illinois Attorney General's recommendation. A copy of the decision will be mailed to the applicant (also referred to as the claimant). All payments are then issued by the Illinois Comptroller's Office.

If you have any questions about the Compensation Program or if you would like referrals for counseling or other services, please contact our office at 1-800-228-3368 (TTY: 1-877-398-1130) or visit our website at [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov). Completed applications and other forms should be returned to:

**Office of the Illinois Attorney General  
Crime Victims Compensation  
100 West Randolph St., 13th Floor  
Chicago, IL 60601  
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# Crime Victims Compensation: Frequently Asked Questions

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## Who is eligible?

- A person killed or injured in Illinois as a result of a violent crime.
- The parent of a person killed or injured in Illinois as a result of a violent crime.
- Dependents of homicide victims.
- A person who personally witnessed a violent crime in Illinois or a person whose testimony establishes a necessary nexus between the offender and the violent crime.
- An Illinois resident who becomes a victim in another country that does not have a crime victims compensation program.
- A minor (under the age of 18) who is the brother, sister, half-brother, half-sister, child, or stepchild of a person killed or injured in Illinois (for mental health treatment only).
- A deceased person whose remains are desecrated.

## What crimes are covered?

- Arson
- Assault
- Battery
- Child Pornography
- Criminal Sexual Abuse
- Criminal Sexual Assault
- Desecration or Removal of Human Remains
- Dismembering of a Human Body
- Domestic Battery
- Driving While Under the Influence
- Exploitation of a Child
- Hate Crimes
- Hit and Run of a Pedestrian/Person
- Operating Vehicle Moved Solely by Human Power or Using a Mobility Device
- Homicide
- Human Trafficking
- Involuntary Manslaughter
- Kidnapping
- Fleeing or Attempting to Elude a Peace Officer
- Non-consensual Dissemination of Private Sexual Images
- Reckless Conduct
- Stalking
- Posting of Identifying or Graphic Information on Pornographic Internet Sites
- Violations of Protective Orders (Domestic Violence Orders of Protection, Civil No Contact Orders, and Stalking No Contact Orders)

## What are the basic qualification requirements?

- Notify law enforcement within 72 hours of the crime's occurrence. In cases of sexual assault, sexual abuse, or human trafficking, notify law enforcement within 7 days.
- File an application within 2 years of the crime date (some limited exceptions may apply).
- Cooperate with law enforcement to arrest and prosecute the offender.
  - The following also satisfies the notification and cooperation requirements:
    - » Obtaining a Plenary Order of Protection, Civil No Contact Order or Stalking No Contact Order
    - » Having a sexual assault evidence collection kit performed
    - » Engage in a proceeding involving the status of a human trafficking victim
- The victim must not have contributed to or provoked the crime.
- A victim who is in jail, prison, probation, or mandatory supervised release for a felony conviction must wait until s/he is discharged from custody before compensation may be granted.

## **What types of expenses may the Crime Victim Compensation Program pay?**

- Medical, hospital, and dental expenses.
- Mental health treatment expenses.
  - Services must be provided by a psychiatrist, licensed clinical psychologist, licensed clinical social worker, licensed clinical professional counselor, or a Christian Science practitioner/nurse. Services performed by an unlicensed person working with a licensed person cannot be paid.
- Lost wages (up to a maximum of \$1,250 per month) due to time missed from work that was not reimbursed by employer with sick, vacation, or personal paid time. The victim must be employed at the time of the crime.
- Accessibility costs (e.g., wheelchair, walker, crutches, shower stool).
- Relocation costs/temporary lodging.
- Loss of tuition for classes dropped as a result of the crime.
- Crime scene cleanup (does not include replacement of damaged property).
- Tattoo removal costs for victims of human trafficking.
- Replacement services loss (i.e., domestic tasks that a victim used to perform, but is no longer able to perform due to the crime).
- Replacement costs for the following: locks and windows, prosthetic devices, eyeglasses and hearing aids damaged or necessary as a result of the crime, and clothing or bedding taken as evidence by the police.
- Funeral/burial expenses (up to a maximum of \$7,500).
- Loss of support if the decedent was employed and supporting dependents (up to a maximum of \$1,250 per month).
- Dependent replacement services loss (i.e., necessary domestic services that the victim would have continued to perform for the survivor's benefit without being compensated).
- The maximum total payments are limited to \$27,000 and several expenses have caps (e.g., funeral/burial expenses as stated above).

## **Do I have to use insurance or other sources of payment?**

Yes. The Illinois Crime Victims Compensation Program is the payor of last resort. All other sources of payment must be exhausted before an award may be issued by the Crime Victims Compensation Program.

Payment will not be recommended for expenses or losses that can be covered by any other available sources, including the following: medical, health, dental, or vision insurance, Public Aid, Medicare, discounts available under the Hospital Uninsured Patient Discount Act, Worker's Compensation Benefits, life insurance, auto insurance, restitution, and any other reasonable source.

## **What types of expenses cannot be paid by the Crime Victim Compensation Program?**

- Any expenses not related to the crime
- Stolen, damaged or lost property (except locks and windows)
- Pain and suffering
- Attorney's fees

## **Do I get the money for compensation?**

Payment will be reimbursed to you for your out-of-pocket expenses or directly reimbursed to the service providers if the bills are outstanding.

## **What happens when the Crime Victim Compensation Program receives my application?**

- Your application will be reviewed.
- Our office will obtain the police report and other documents necessary to determine your eligibility.
- You will receive a phone call from our office to conduct an interview.
- If you are eligible, you will receive a letter requesting that you submit proof of your losses within 30 days of receiving the letter.
- Our office will verify your losses and will make a recommendation to the Court of Claims.
- The Court of Claims will render a final decision based on the application and the Attorney General's recommendation.
- The final decision will be mailed to you. Any and all payments will be issued by the Comptroller's Office..

If you have any questions please contact the Illinois Attorney General's Office Crime Victims Compensation Program at 1-800-228-3368 (TTY: 1-877-398-1130), by email at [crimevictimservices@atg.state.il.us](mailto:crimevictimservices@atg.state.il.us) or visit our website at [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov).