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**Rules of**  
**Department of Public Safety**  
**Division 30—Office of the Director**  
**Chapter 18—Crime Victims' Compensation**

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**Title 11—DEPARTMENT OF  
PUBLIC SAFETY  
Division 30—Office of the Director  
Chapter 18—Crime Victims'  
Compensation**

**11 CSR 30-18.010 Rules Governing Crime  
Victims' Compensation**

*PURPOSE: This rule sets forth requirements for filing and pursuing claims under Chapter 595, RSMo.*

(1) Definitions.

(A) All terms in this rule shall have the same meaning as in Chapter 595, RSMo.

(B) A "compensable crime" is the crime that is the subject of a claim for compensation.

(2) Filing of Documents.

(A) Unless otherwise specified in this rule, any document filed with the Crime Victims' Compensation Program of the Department of Public Safety, Office of the Director (program) is considered filed on the date the document is received by the program.

(B) Documents received by mail are considered filed on the postmark date.

(C) Any document requiring a signature may be signed electronically.

(3) Review of Claims. It is the responsibility of the claimant to prove to the satisfaction of the program that it is more likely than not that the physical, emotional, or mental harm or trauma giving rise to the application, and the expense for which compensation is sought, is caused by a compensable crime under section 595.010.1(5), RSMo, that is the subject of the application.

(4) Supporting Documents.

(A) No compensation may be paid without proper documentation.

(B) Claimants are to produce any document or information requested by the program as necessary to support the claim.

(C) Following the initial filing of a claim, if a claimant fails to provide requested information, the claim may be denied.

(D) In cases involving the death of the victim, the claimant shall submit a death certificate.

(E) Claimants shall promptly provide, in writing, their current contact information, including mailing address, phone number and/or email address to the program. The claimant is responsible for informing the program of any change in contact information. Failure to do so may result in denial of the claim.

(5) Cooperation. All claimants are to cooperate with the program and its representatives. Lack of cooperation is grounds for claim denial.

(6) Reduction.

(A) Contributory conduct.

1. If, through consent, provocation, incitement, or negligence, the victim contributed to the infliction of the victim's injury or death, the claim shall be denied.

2. In order to ensure consistency in awards, no partial reduction in the amount of compensation may be made due to contributory conduct by the victim.

3. Factors to be considered when determining whether a victim contributed to the conduct include, but are not limited to:

A. Whether the victim's actions directly and substantially caused the offender's actions;

B. Whether the victim's misconduct was willfully part of a continuous flow of events leading to the crime and the victim's involvement was reasonably avoidable;

C. Whether it was reasonably foreseeable that the victim's actions would cause the offender to inflict an injury on the victim; and

D. Whether the victim's participation in the commission of a potential crime was the result of threat, force, coercion, or control.

4. Determinations regarding contributory conduct shall be made on basis of facts and substantial evidence.

(B) Fundraising and crowdsourcing.

1. Payments made to claimants shall be reduced by any amount received as a result of fundraising on behalf of the victim. Such sources include, but are not limited to, memorial funds, in-person fundraisers, and fundraising from websites such as GoFundMe.

2. In order to determine whether fundraising has been used to pay for otherwise compensable expenses, and thus constitutes a collateral source, the program may request any documentation necessary to determine the extent to which a claimant has received funding from such efforts. If the program cannot establish that the fundraising has paid for otherwise compensable expenses, then no reduction in payments may occur.

(C) Unrelated services. If expenses for services unrelated to a compensable crime are submitted by a claimant, those expenses shall not be reimbursed.

(7) Maximum Award Amounts. Maximum award amounts are set in Chapter 595, RSMo. The following are the current maxi-

mum award amounts:

(A) Reasonable and necessary expenses actually incurred for preparation and burial in the event of death, including funeral expenses: five thousand dollars (\$5,000);

(B) Actual loss of earnings or support from gainful employment: four hundred dollars (\$400) per week;

(C) Attorney fees related to filing of Crime Victims' Compensation (CVC) application: up to fifteen percent (15%) of total award; and

(D) Total for any claim, including funeral expenses, lost earnings, out-of-pocket losses, attorney fees, and all other categories of expenses: twenty-five thousand dollars (\$25,000).

(8) Determination of Lost Earnings or Support.

(A) In determining whether to award lost earnings or support to a victim or a dependent of a victim, the program shall consider whether the victim was gainfully employed at the time of the crime.

(B) In order to make this determination, the program may request and consider the following documentation:

1. Documentation of wages, including pay stubs;

2. Federal or state income tax returns, including any forms showing estimated taxes;

3. A document releasing the victim to return to work, signed by a medical provider or a psychiatric treatment or counseling service provider, who treated or examined the victim for injuries caused by a compensable crime; or

4. Any other document that would demonstrate gainful employment.

(C) Lost earnings or support may include compensation in instances where a victim is unable to maintain employment as a result of the crime.

(D) Lost earnings or support may include earnings lost by a claimant as a result of participating in the criminal justice process, such as earnings lost due to meeting with officers or attending or participating in court proceedings.

(9) Determination of Out-of-Pocket Loss.

(A) An "out-of-pocket loss" is an unreimbursed or otherwise unreimbursable expense or indebtedness reasonably incurred. Out-of-pocket loss does not include loss of earnings or support.

(B) The following items are eligible for reimbursement as out-of-pocket loss if incurred as a result of a compensable crime:

1. Temporary lodging.



A. Temporary lodging may be reimbursed when a reasonable claimant would feel fear or apprehension if the claimant were to return to the claimant’s place of residence, and such fear or apprehension is related to a compensable crime.

B. Reimbursement may only be made for actual expenses of up to fourteen (14) days of temporary lodging, incurred at locations open to the general public that generally charge for accommodation. Examples of such locations are hotels; motels; bunkhouses; dormitories; campgrounds; and short-term rentals in private residences offered through electronic platforms such as Airbnb, HomeAway, or VRBO.

C. No reimbursement may be made for lodging expenses exceeding the rate adopted by the State of Missouri, Office of Administration for state employee travel expenses or the General Services Association’s Continental United States (CONUS) per diem rates, whichever is lower;

2. Replacement costs for clothing and bedding held as evidence;

3. Replacement or repair of locks at the victim’s residence or other involved residence; and

4. Dependent care to allow victims to participate in criminal justice activities or secure medical treatment and rehabilitation services, when such care would not have been incurred but for the compensable crime. The care shall be provided by providers licensed by or registered with the Missouri Department of Health and Senior Services, the Missouri Department of Social Services, or a provider licensed by a similar entity to provide such care in the state in which the service is provided.

(C) The program shall develop a schedule of the amounts that are eligible for reimbursement pursuant to this section. This schedule shall be reviewed and updated at least once per state fiscal year.

(D) The following expenses shall not be allowed as out-of-pocket losses:

1. Pain and suffering;

2. Any expense not reasonably resulting from a compensable crime;

3. Any expense eligible for payment from another payer, such as insurance or other benefit programs, or fundraising or crowdsourcing; and

4. Any expense not listed in subsection (A) of this section.

(E) This section shall apply to any claim regarding a crime committed on or after the effective date of these rules. Claims arising from crimes committed prior to the effective date of this section are ineligible for reimbursement of losses under this section.

(10) Offer of Compensation and Award.

(A) Offer of compensation.

1. An “offer of compensation” or “offer” is notification of a determination as to the claimant’s eligibility for compensation and the anticipated amount of such compensation, if any.

2. Once the program issues an offer, the offer is final.

3. The program may rescind an offer at any time for ineligibility.

4. Acceptance of an offer does not establish a contract between the claimant and the program.

5. The program shall adopt procedures to provide claimants adequate notification of offers and document such notification. Such procedures shall be made publicly available upon request.

(B) Disbursement of award.

1. When disbursing an award, proceeds are applied in the following order:

A. Compensation paid to claimants, in the following order:

(I) Loss of income or support; and

(II) Other expenses paid by the claimant; and

B. Outstanding crime-related expenses to be paid directly to providers.

(I) The program may prorate the remaining amount of the award among providers after other compensation awarded has been deducted.

(II) If no response is received by the program within thirty (30) days of issuing an offer of compensation, the program may pay expenses compensable under this paragraph. Such expenses shall be debited against the maximum award amount. Once the maximum award amount is reached, no further payment will be made.

2. The program is not bound by any agreements between providers and claimants regarding priority of expenses.

(C) If the victim is legally incompetent, the program may require that a conservatorship be established and the award be delivered to the conservator.

(11) Attorneys.

(A) Claimants may be represented before the program by a licensed attorney. The attorney is to file a notice of appearance.

(B) Completion of the attorney information section on the Application for Crime Victims’ Compensation form is considered the same as filing a notice of appearance.

(C) If an award of attorney fees is made pursuant to section 595.025.4, RSMo, such fees are considered awarded concurrently with other compensation awarded in the order of priority set in section (9) of this rule. For

administrative convenience, the program may choose to pay such compensation in a lump sum at any time prior to closing a claim.

(12) Death of Victim During Claims Process. If a person eligible for compensation pursuant to section 595.020.1(1) or (2), RSMo, files a claim for compensation and subsequently dies from causes unrelated to the crime, the program shall terminate proceedings on the claim, and no further compensation shall be paid.

(13) Expenses for Victims of Domestic Violence. The program shall consider compensation for victims of domestic violence, as such term is defined in section 455.010, RSMo, with a concern for their safety. No reduction in compensation may occur due to a potential collateral source of payment for expenses when—

(A) A claimant has insurance or other similar benefits provided as a result of the claimant’s relationship with the offender (a “shared benefits plan”); and

(B) The claimant fears harm if the claimant requests payment of expenses through the shared benefits plan.

(14) Reporting of Crimes. The following terms contained in section 595.030, RSMo, are defined as follows:

(A) “Proper authorities” for reporting purposes are the following:

1. For all offenses: Law enforcement agencies, prosecuting attorneys, the Attorney General’s Office, or courts; or

2. For sexual offenses: Appropriate medical providers, as defined in section 595.220, RSMo.

(B) “Official records” include the following:

1. For all offenses:

A. Records of courts, law enforcement agencies, prosecuting attorneys, or the Attorney General’s Office;

B. Records of the Address Confidentiality Program of the Missouri Secretary of State established pursuant to section 589.663, RSMo; or

C. Any other record set forth in section 595.030, RSMo.

2. For sexual offenses: Any record of a medical provider demonstrating that the victim received a forensic examination.

(15) Statutory References. All statutory references in this section are to the *Missouri Revised Statutes* in effect on the effective date of this regulation. Any reference to a particular statute, regulation, or document shall be deemed to include its successor.



*AUTHORITY: section 595.060, RSMo 2016.\* Original rule filed Feb. 26, 2021, effective Oct. 30, 2021.*

*\*Original authority: 595.060, RSMo 1981, amended 1993, 1995, 2009, 2014.*

### 11 CSR 30-18.020 Rules Governing Crime Victims' Compensation Appeals

*PURPOSE: This rule sets forth requirements for pursuing appeals of determinations of crime victim compensation under Chapter 595, RSMo.*

#### (1) Procedure for Initiating Appeal.

(A) If the claimant disagrees with the decision of the Crime Victims' Compensation Program (program), the claimant may appeal for an administrative review before the Director of the Department of Public Safety (director) by submitting a request in writing to the program.

(B) The deadline to request an administrative review is thirty (30) days after the date of the letter containing the decision of the program. Any request for administrative review submitted after this date shall be denied as untimely. Administrative reviews denied for this reason may be reinstated for good cause shown by the claimant.

(C) A request for administrative review shall identify the specific reasons why the director should reverse the decision of the program. Requests that do not comply with this requirement shall be denied.

#### (2) Review by Director.

(A) The director shall review each request for administrative review and determine whether the decision should be affirmed or reversed on the basis of the evidence previously submitted in the case or may take additional evidence in reviewing the decision.

(B) If the director takes additional evidence in reviewing the decision, the director may specifically request such evidence be provided and resolve the administrative review on the basis of that evidence, or the director may set the case for a hearing where additional evidence may be submitted.

(C) The decision of the director is the final decision of the department for purposes of appeal under section 595.036.2, RSMo.

#### (3) Procedure for Hearings.

(A) Administrative reviews before the director are simple, informal, and summary.

(B) The program may receive as evidence any statements, documents, information, or material that it finds is relevant and of a nature to afford the claimant a fair hearing.

The program may also accept law enforcement reports, hospital records and reports, physicians' reports, and other documentation as proof of the crime and injuries sustained, without requiring the presence of the investigating officer or attending physician at the administrative review.

(C) If the claimant fails to appear at the scheduled review before the director, the administrative review shall be dismissed. Administrative reviews dismissed for this reason may be reinstated for good cause shown by the claimant.

(D) Notice of the administrative review sent to a claimant's attorney at the attorney's last known address is deemed notice to the party.

(E) Administrative reviews may be heard in person, by phone, video conference, or any other manner approved by the director.

(4) Director's Designee: Pursuant to section 595.010, RSMo, the director may designate a person to carry out any of the director's duties in this rule.

*AUTHORITY: section 595.060, RSMo 2016.\* Original rule filed Feb. 26, 2021, effective Oct. 30, 2021.*

*\*Original authority: 595.060, RSMo 1981, amended 1993, 1995, 2009, 2014.*