NEW HAMPSHIRE
VICTIMS' COMPENSATION PROGRAM
DEPARTMENT OF JUSTICE

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Road Map for Today

NH Victim Compensation Program

- What it is, who qualifies
- What benefits are available
- What is the process, what are the timelines

NH Address Confidentiality Program

- What it is, who qualifies
- What are program requirements and limitations
- What is the process, what are the timelines

What is the Victims' Compensation Program?

- Financial assistance to crime victims. Help is available for them and their immediate family members with specific crime related expenses.
- There are programs in all 50 states as well as Washington D.C., Guam, Puerto Rico & the US Virgin Islands.
- Federal Office for Victims of Crime (OVC) & Federal Crime Victims Fund were established in 1988.
- California - 1969
  - New Hampshire - November 2, 1989.

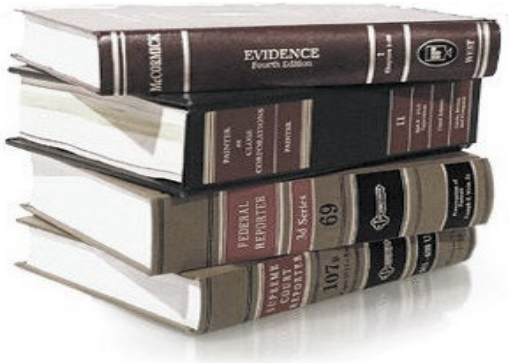
PROGRAM FUNDING: STATE & FEDERAL

- The Federal Crime Victims Fund consists of:
  - Federal court criminal fines, forfeited bail, bonds, penalties and special assessments
  - Donations and gifts

- The NH Victims' Assistance Fund consists of:
  - A percentage of motor vehicle and criminal penalties assessments
  - Federal grants
  - Donations and gifts
  - **Restitution from criminal cases**

Program Standards

- State Statute: RSA 21-M:8(g-j)
- NH Administrative Rules Jus 600



- Federal VOCA (Victims of Crime Act) Victim Compensation Grant Program Guidelines

  VOCA (42 USC 10602) 42 USC § 10602 (2011) Crime victim compensation :: Title 42

Who Are the Victims' Comp Employees & Who Is On The Commission?

- Victims' Compensation Team
  - Coordinator
  - Claims Specialists

- Commissioners
  - Attorney
  - ER nurse (SANE)
  - licensed mental health counselor
  - victim/survivor and
  - chief of police

Who Can We Help?
Who Can We Not Help?

- Victims' Compensation helps the primary victim and their immediate family members

- Victims' Compensation cannot help non-family bystanders or witnesses to crime. Victims' Compensation cannot assist with accidental injuries.

- Victims' Compensation cannot help with property crime like vandalism or motor vehicle damage.
  - **The only exceptions are residential windows and exterior doors that were damaged during the crime and bedding and clothes taken as evidence in a sexual assault case.**

Crime-Related Compensable Expenses

- Medical
  - FSAE
- Dental
- Mental Health
- Mileage
- Relocation
- Security Cameras/Locks
- Lost Wages
- Funeral, Burial, Crime Scene Clean Up

Crime-Related Compensable Expenses – Medical

- Medical treatment, including ambulance rides, ER, primary care doctor, specialists & necessary medical equipment

- Mileage from home to medical appointments and back can be reimbursed at the Medicaid rate.

Medical: Collections Prevention

Acknowledgment Letters contain legal language to protect victim's medical care accounts from collections.

The applicant MUST provide a copy of this letter to the billing department to be protected.

New Hampshire RSA 21-M:8-h, X(a)(b) states:

"No person who has received notice of a claim made under this section shall collect a debt or attempt to collect a debt resulting from an expense relating to the offence against a claimant under this section until compensation is awarded to the claimant or the claim is determined not to be compensable*. The limitation period for the recovery of such debts shall apply during the period of this prohibition."*

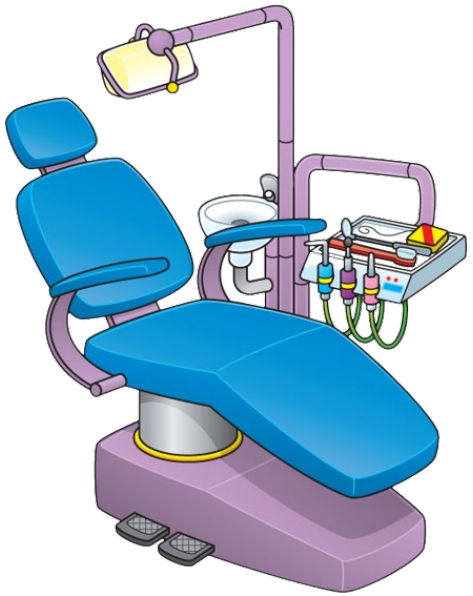
"Any person who violates the provisions of this paragraph shall be liable to the claimant pursuant to the provisions of New Hampshire RSA 358-C:4."

Crime Related Compensable Expenses: Forensic Sexual Assault examination

The New Hampshire Victims' Compensation Program covers:

- Cost of the medical/forensic examination & labs
- Follow-up exams
- HIVnPep Prophylaxis & any other crime-related medications
- Any other crime-related injuries that occurred during the sexual assault (for the first 24-hours of hospitalization.)

Crime-Related Compensable Expenses – Dental



- Must be crime related and evident in the police report that there was damage to the victim's mouth
- Only the crime-related dental injuries can be paid for or reimbursed; full treatment records and bills are required

Crime-Related Compensable Expenses - Mental Health

- Therapy (up to $4,000 or 40 visits whichever comes first) including Medication and Medication Management
- Therapist must be licensed
  - Annual treatment plan form or session notes
- Mileage from home to provider and back is reimbursed at Medicaid rate

Crime-Related Compensable Expenses - Police/Prosecution Mileage

- Round trip mileage from home to prosecution related appointments is available at the Medicaid rate
  - Police interview
  - CAC appointment
  - Trial preparation & trial attendance
- Dates are confirmed by the police and/or Victim-Witness Advocate
- Mileage for this is capped at $500

Crime-Related Compensable Expenses - Relocation

- Victim must meet with a Crisis Center advocate and complete a safety plan
  - There must be a police report and a protection order or there must be a letter of support from a Crisis Center advocate explaining why one or both are absent
- Relocation assistance is capped at $5,000 and these are the only benefits that expire; they must be used within 6 months.

Crime-Related Compensable Expenses - Relocation

- Equivalent of one month's rent and security deposit
  - One year lease required, signed by both parties
  - Paid directly to landlord, applied to future rent
- Movers, UHaul, up to 3 month's storage fees, boxes, tape
- First month's utilities
- Long distance, with verified receipts
  - gas, reasonable lodging, food – itemized receipts needed

Compensable Expenses – Security

- Cap of $3,000
- Cameras and related equipment and installation
- Up to one-year of monitoring
- Window and exterior door locks
- Require paid receipts, if purchased online, require proof of delivery / pick up

Compensable Expenses – Lost Wages

- First Two Weeks After the Crime
  - Regardless of whether victim was paid with sick or vacation time
- Beyond 2 weeks immediately following the crime, must provide a letter from a licensed medical or mental health provider explaining why & how long the victim will remain out of work
- Lost work due to prosecution appointments can also be paid if verified by police or advocate; for medical care must be verified by care provider
- Cap of 12 total weeks missed wages per person, does not have to be consecutive

Compensable Expenses – Homicide

- Next of kin can apply for funeral or other expenses for the homicide victim (i.e. medical)
- Securing & cleaning crime scene (for homicide claims only) – directly billed to the program
- Funeral, burial costs and grave marker for homicide victims (up to $7,000 for funeral and grave marker & up to $3,000 for grave preparation)

Compensable Expenses – Homicide

- Immediate family members may apply for their own benefits
  - Mental health treatment
  - Loss of support
  - Security if applicable
- Minor children of homicide victims are always eligible for mental health benefits

Application Requirements

- One application per person, must be **complete** and signed.
  - Where and when the crime was reported and to which police agency and the name of the offender, if known
  - IOCSI, signature page
  - What benefits they are requesting
- Crime reported to law enforcement within 5 days & there must be reasonable cooperation with law enforcement.
  - *Exception made for good cause shown (fear of personal safety, retribution or medical/mental health prevented reporting.)*
- File claim with Victims' Comp within 2 years.
  - *The Commission may grant a good cause exception*

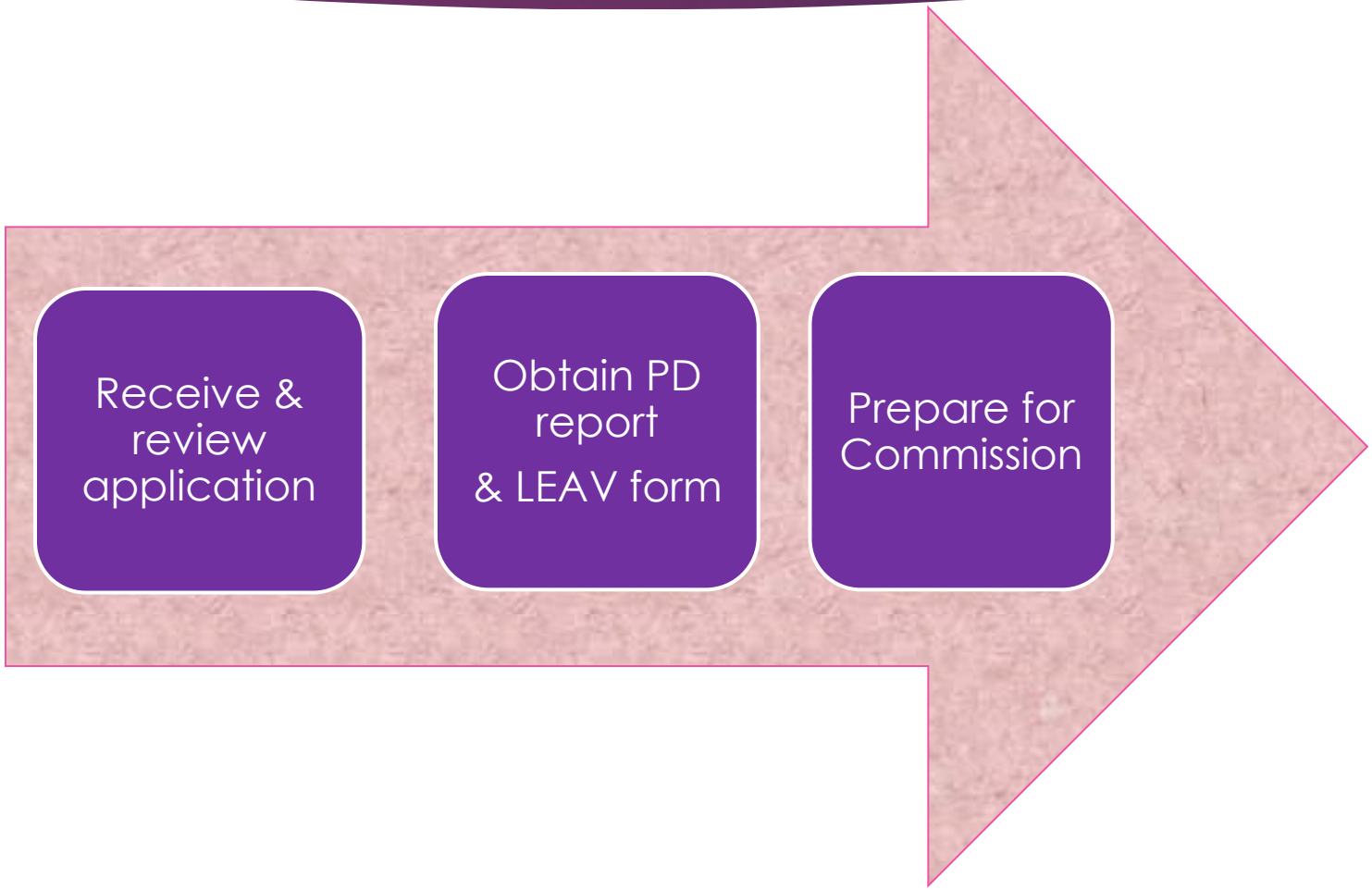
What the Commission Requires

- Reasonable evidence of a crime – victim of a misdemeanor or felony.
- The crime must have been committed in NH (regardless of where the applicant lives) **OR** the crime must have happened outside of the US to a NH resident.
- Crime must have resulted in personal injury (including mental health trauma) or death with anticipated out-of-pocket expenses of $100 or more.

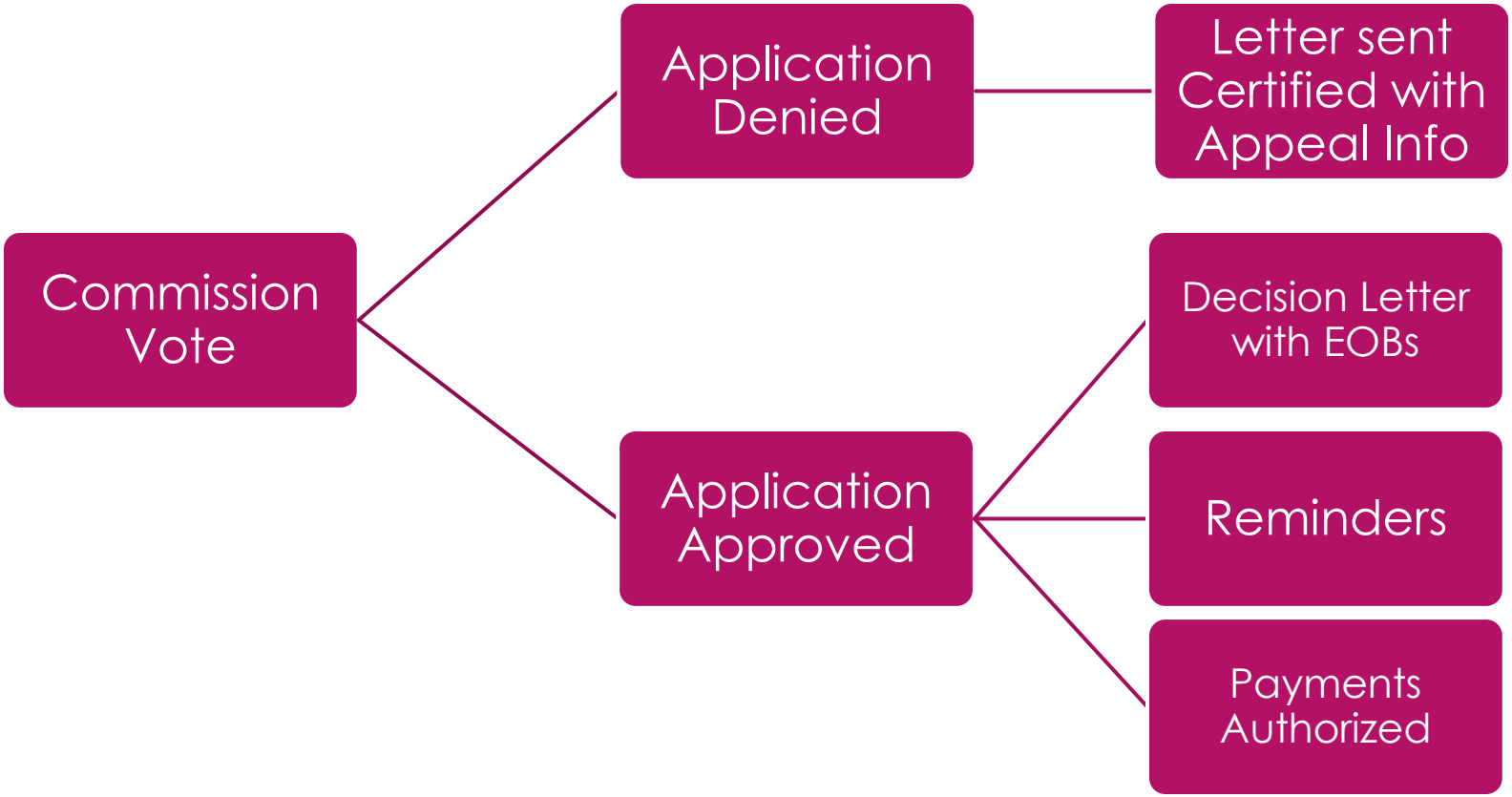
When Are Applications Denied?

- The Rules that govern the program set forth reasons why an application can be denied:
  - No credible evidence of a crime
  - Substantial Contributory Conduct
  - Victim committed a crime at same time
  - Inmate on inmate violence
  - Victim failed to cooperate with law enforcement without good cause
  - Unjust enrichment to the offender
  - Adult passenger in car driven by impaired driver

What Is The Process?

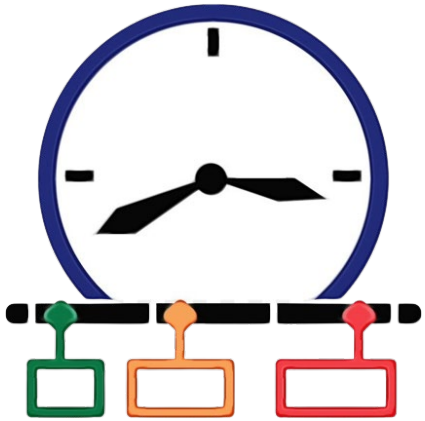


What Is The Process After The Commission Votes



What Is The Timeline?

- Receipt of Application to process it for completeness – 2 business days or less
- Complete Application to request for Police Report – 1 business day
- Receipt of LEAV & Police report to Commission presentation – roughly one month
- After approval, receipt of eligible invoices to payment – approximately one month. Medical bills may be longer, require records because we check that they are crime-related.



Program Rules You Should Know

- Denied claims may be appealed to the Commission, to the Attorney General and the NH Supreme Court
- Maximum assistance per person of $50,000 (if approved)
- Victims' Compensation is the payer of last resort
  - Go Fund Me
  - Civil Lawsuit
  - Insurance / Medicare / Medicaid / Free Care

PROGRAM STATISTICS

Fiscal Year 2024 (July 1, 2023 – June 30, 2024)

- Number of applications received: 872
  - Crime types with largest applications – domestic violence and child abuse
- Number of forensic sexual assault exams: 249
  - Age 0-17: 40
  - Age 18 and up: 116
  - Age not reported: 93
  - Total paid for FSAE $187,999.93
- Total paid - $823,452.02
  - Top expenses – relocation, lost wages, counseling

New Hampshire Attorney General's Office

Address Confidentiality Program (ACP)

What is the ACP?

The ACP is designed to prevent offenders from using state and local governmental and public records to locate their victims, by giving victims a substitute address.

History and Background

- Washington State created the country's first address confidentiality program in 1991
- NH ACP created by state statute RSA 7:41-48, effective January 1, 2001
- In 2016, the National Association of Confidential Address Programs (NACAP) was formed.
- As of January 2023, 38 states have some form of ACP

Use of ACP Address

- ACP address used as a substitute address as much as possible.
- New Hampshire state and local agencies must accept the substitute address provided to the program participant. *there are exceptions
- Private businesses and federal agencies do not have to accept substitute address

Where Can An ACP Address Be Used?

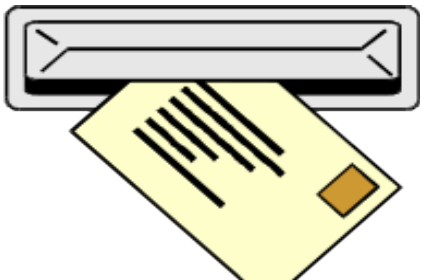
- Driver's license
- Car registration
- Voting
- Registering children in school
- State Assistance (ex. food stamps)
- Local Assistance (ex. Town welfare, library card)
- Court filings and documents

What Mail Is Forwarded?

- First class mail only (no catalogs, political fliers, etc.)
- Mail for all participants is sent to the same PO Box
- Collected & forwarded by ACP staff
- Provided to participants at no cost

Service of Process

- Attorney General is designated as the agent for service of process and receipt of mail
- Documents can be served in person to the Attorney General's Office
- Attorney General's Office will get documents to the program participant



Voter Registration

- Participant must be qualified to vote in New Hampshire
- Go to the Town Clerk in residential town/district
- Register as absentee voter
- Neither name nor address will appear on public checklist

Program Role & Limitations

- This is a mail forwarding program – this is not witness protection
- Other states and the federal government do not have to accept the substitute address
- Some places will still require a participant's actual address for proof of residency
- This program cannot protect participants in transactions involving the purchase of property.

Confidentiality & Exemptions

The Attorney General can share a participant's information only in the following circumstances:

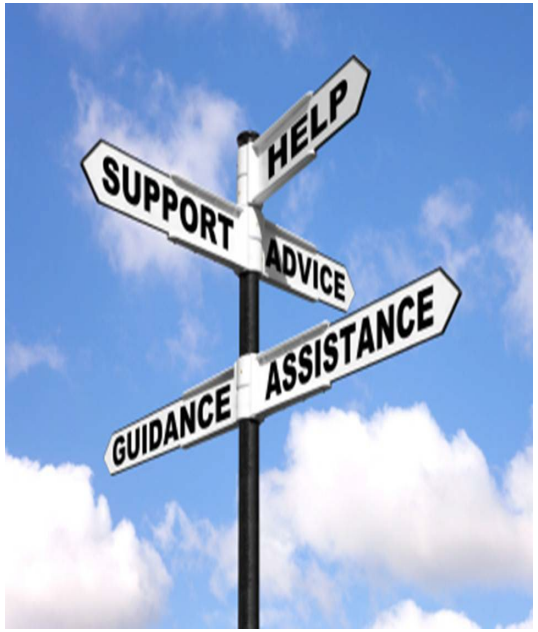
- Law Enforcement Requests
- Court Order
- Agency Exemption Requests
- Cancelled Certification
- Participant Verification

Application and Certification

- Eligibility screening and application process must go through crisis center
- Attorney General's office processes application, certifies participant, and issues Authorization Card, usually within 1 business day
- Certification is good for 4 years

The Role of Crisis Center Advocate

- Meet with the applicant
- Review their eligibility for the program
- Review the implications and responsibilities of participating in the program
- Assist with completion of the application
- Provide resources and referrals, safety plan



Eligibility Guidelines

- Victim of domestic violence, sexual assault or stalking OR a parent/guardian of the victim of domestic violence, sexual assault or stalking
- The abuse or stalking does not have to have occurred in New Hampshire
- Address should be unknown to abuser or assailant
- Important to know who the applicant has already provided the address to – work, school, family, church, etc.

Eligibility Guidelines (continued)

- If the applicant is a participant in a different state's ACP, but move to NH, they must apply through the NH ACP with their new address
- The applicant must have **a residential address for us to protect.**
- The applicant is **not eligible** if homeless/living in their car due to the requirement that the Attorney General's Office must be able to serve legal process on a participant.
- However, staying in a shelter, hotel, living temporarily with friends/family, etc. is acceptable.
- The abuse or stalking does **not** have to be reported to the police & applicant does **not** have to have a protection order in place.

Implications of Participation

- What are the specific risks to the applicant? Is there a safety plan?
- If there are children between the parties, is there a parenting plan, and how can address be protected?
- Applicant must agree that the Attorney General's Office will be their legal agent for process servers
- Once their address is disclosed, it may not be possible to undo

Participation Responsibilities

- Participants must find alternative address to send packages. Magazines, catalogs, etc. are also not forwarded.

- Participant's local post office should have a copy of their card and the Authorization Number that is provided by the program.

UNITED STATES POSTAL SERVICE

Participation

- Once the application is received, the ACP staff will review and confirm it is complete or will let the applicant and crisis center staff know what is missing
- The applicant receives a welcome packet 3-5 business days after processing is complete
- The participant is responsible for informing businesses, friends, family, etc. of the ACP address and for registering to vote absentee ballot.
- The Authorization Card is proof of participation only and may not be used as a form of legal identification.

Certification Renewal & Withdrawal

- The participant's certification as an ACP member expires after 4 years.
- The participant can withdraw from the program voluntarily at any time
- The participant can be removed from the program if they move out of state, become incarcerated, knowingly use false information in their application or obtain a legal name change without notifying the agency.

Certification Renewal & Withdrawal

- The certification can be cancelled if the participant moves from the address provided at the time of their application and they do not notify the ACP of their new address within 7 days of the move.

- The certification can also be cancelled if the mail forwarded by ACP staff is returned as undeliverable.

ACP Statistics

- January 1, 2018 to December 31, 2024
  - 445 new applicants were approved
  - 183 certifications were renewed
  - 109 certifications were cancelled
  - Participants in all 10 NH counties
  - 3 service of process
  - 40,944 pieces of mail have been processed
  - $23,346.12 in postage has been paid

Any Questions?

Contact Us

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