



# CVC JOURNAL OF HOPE

## WELCOME READERS

Susan A. Sudduth, Program Manager

Fiscal year 2013 marks the 30th anniversary of the Missouri Crime Victims' Compensation Program making payments to victims and their families. So with the passing of another year, comes continuous renewed energy to serve those whose lives have been touched by violence. In this day and age of ever-changing technology, it oftentimes becomes difficult for a victim and their family to feel understood. They usually feel alone and are worried about being just another statistic. My vision is to keep the Program as victim-friendly as possible, a vision that would be impossible without the energy and team spirit mentality of my caring Program staff. Any positive difference we can make in a victim's life is a difference that will hopefully

### INSIDE THIS ISSUE

Welcome	1
SAFE Program Payouts/Map	1
CVC Awards	1
Celebrating 30 Years of CVC	2-5

begin the healing process. Highlights in this special anniversary issue include fiscal year-end statistics and an in depth look at the CVC Program. Please note that if you have any questions regarding either the Crime Victims' Compensation Program or Sexual Assault Forensic Examination Program, feel free to call us at 573-526-6006, E-mail us at [cvc@dps.mo.gov](mailto:cvc@dps.mo.gov) or visit our website at [www.dps.mo.gov](http://www.dps.mo.gov).

### SAFE PAYOUTS AND INTERACTIVE MAP

Last fiscal year, FY 2012, the SAFE Program paid \$2,208,360.74 on 3,246 claims to both medical providers and child advocacy centers. Statistics indicate that the SAFE Program paid \$1,002,229.94 on 1,301 adult SAFE claims and \$1,206,130.80 on 1,945 child SAFE claims.

Just a reminder that SAFE Program statistics are available on an interactive state map indicating the number of claims paid to various medical providers in Missouri counties between FY 2010 to FY 2012. Just click on any county to view county-specific payment information. Visit [www.dps.mo.gov](http://www.dps.mo.gov) and click SAFE Program.

### CVC AWARDS FOR FY 2012

The CVC Program awarded \$5,340,315.27 this past fiscal year, with \$2,724,723.10 going toward assault claims and murder claims coming in second with awards at \$1,215,262.97. The homicide claims include funeral expenses as well as loss of support for minor children or spouses in instances where the victim was gainfully employed at the time of the crime. Domestic violence assaults come in third with a payout of \$555,565.66. The Program received 1,981 applications and awarded 1,051 claims with an average award of \$5,081.18 per claim.

Cumulative FY 2010-FY 2012 county statistics are available by accessing the CVC interactive map.

## HERE'S TO 30 YEARS OF ASSISTING VICTIMS

Historically speaking, 1981 was quite the year. "Dallas" was the top-rated television show, a teenage Whitney Houston graced the cover of "Seventeen" magazine; and both Katherine Hepburn and Henry Fonda won Oscars for their lead performances in "On Golden Pond." Ronald Reagan was sworn in as the 40<sup>th</sup> President of the United States, Sandra Day O' Connor became the first woman to be sworn in as a United States Supreme Court Justice, and former Missouri Gov. Christopher S. Bond signed into law legislation creating the Missouri Crime Victims' Compensation (CVC) Program. It is hard to believe that it all happened in the age of vinyl records, typewriters and carbon paper.

Fiscal Year 2013 marks the 30<sup>th</sup> anniversary of the first awards made by the Missouri Crime Victims' Compensation Program to victims and their families ...a program conceptualized by a group of concerned individuals comprised of crime victims, former Missouri Gov. Joseph Teasdale, lawmakers, private attorneys, department directors, division directors and other interested parties who had the wherewithal to create a vehicle in Missouri aimed at financially assisting victims with their medical expenses, counseling expenses, funeral expenses, lost wages and loss of support. While nearly 30 other states already had such a program, this group of Missourians knew it was time for this state to have a similar entity. Extensive research, compromise and subsequent testimony at the Oct. 24, 1980, Crime Victims Compensation Law Day hearing in Kansas City, Missouri, eventually led to non-partisan legislation that would be debated and sent to the governor's desk for approval. According to an article in the evening edition of the Oct. 24, 1980, issue of the *Kansas City Star*, efforts to get such a law in Missouri had been on-going since 1964. And the diligence paid off 17 years later when a vision for "The Show- Me State" to have a compensation program eventually became a reality.

In its infancy, FY 1983, the Program's maximum benefit was \$10,000 and Missouri statute mandated that "a claim shall be filed not later than one year after the occurrence of the crime upon which it is based, or not later than 90 days after the death of the victim, whichever is earlier..." The new law further stipulated that "No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least two hundred dollars or has lost two continuous weeks of earnings or support" and that "two hundred dollars shall be deducted from any award granted under this act."

In 1995, legislation passed raising the maximum amount of compensation from \$10,000 to \$15,000. An amendment passed in 2001 increased the limit from \$15,000 to \$25,000 for out-of-pocket expenses on eligible applications; a limit that still remains in effect today. This covers: reasonable and medically necessary medical expenses; up to \$2,500 for counseling expenses; up to \$5,000 for funeral expenses; up to \$200 per week for lost wages/loss of support; and up to \$250 for personal property seized by law enforcement as evidence in sexual assault crimes for which compensation is being sought. Personal property includes such items as undergarments, shirts, jeans, linens, etc., which must be listed and logged in the police report.

During its first year, CVC received 192 applications and paid on 10 claims totaling \$30,894.95. Who would have imagined that in 30 years, the Program would grow from a staff of two to a staff of ten awarding millions of dollars to those affected by acts of violence? For the first ten years, two people handled claims and it wasn't until 1992 that a third person was hired to assist in processing claims. Also, three Program Managers have supervised CVC during this time: Connie Souden, Sandra Wright and at

the helm since 2001, Susan A. Sudduth, who began her CVC career in 1995.

Since 1996, regionalization has played an important role in the administration of the Program. That year, for the practical purpose of processing claims, Missouri was divided into four regions based on population. With one caseworker assigned to each region, victims are better served and greater continuity is achieved because one person from receipt to resolution handles the claims. This ensures victims are able to talk to the caseworker handling their claim and not be transferred around from person to person.

Between 2007 and 2009, the Program saw two administrative changes that in no way affected the manner in which it functioned. For 23 years, CVC fell under the umbrella of the Missouri Division of Workers' Compensation until 2007, when former Missouri Gov. Matt Blunt signed an Executive Order (07-07) transferring the Program from the Department of Labor and Industrial Relations to the Department of Public Safety (DPS). The following year, he signed Executive Order (08-04) transferring the Sexual Assault Forensic Examination (SAFE) Program from the Missouri Department of Health and Senior Services to DPS. That same year, the CVC Program hired one additional person, increasing its staff to ten, in order to manage and keep up with the SAFE caseload. With these two major changes in the CVC Program, one loose end still needed to be tied...Legislation signed into law July 10, 2009, statutorily placed the CVC Program and the SAFE Program under DPS.

Although there have only been two administrative changes to the Program since its inception, there have been numerous legislative changes to the statutes governing CVC. Here are some examples of major changes to Chapter 595, RSMo, between 1985 and 2009.

**1985** – eliminated the requirement that if the victim died, the claim must be filed within 90 days after the victim's death

**1985** – imposed a weekly limit of \$200 on compensation for loss of earnings

**1989** – added "or the discovery of the crime" to the time period for filing the claim

**1989** – added "dependent of the victim or any member of the family who legally assumes the obligation or who pays the medical or burial expenses incurred as a direct result thereof"

**1989** – reduced the out-of-pocket expense from \$200 to \$50

**1993** – modified definitions of "crime", "injured victim", "personal physical injury" and "victim," and added definitions of "hit and run", "relative" and "survivor"

**1993** – added in the case of a sexual assault victim, a relative of the victim requiring counseling in order to better assist the victim's recovery is eligible, and a survivor of the victim requiring counseling as a direct result of the death of the victim is also eligible

**1994** – added requirement that victim cannot be eligible if convicted within the last 10 years of two or more felonies involving illegal drugs or violence

**1994** – inserted definitions of "child", "claimant", "conservator", "counseling", "disabled person", "earnings", "funeral expenses", "gainful employment", "guardian", "incapacitated person" and "law enforcement official"

**1994** – added that signature must be notarized on application

**1994** – added loss of support must be from gainful employment

**1994** – added language the fund is a payor of last resort

**1994** – added the program shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the crime

**1995** – added amendment that no award shall exceed \$15,000; funeral expenses can be reimbursed up to \$5,000 and psychological expenses can be reimbursed up to \$2,500

**1996** – extended the timely filing from one year to two years after the occurrence of the crime or the discovery of the crime upon which it is based

**2001** – eliminated life insurance as a collateral source

**2007** – added that personal property seized by law enforcement as evidence may be compensated not to exceed \$250.00

**2009** – added a new section, 595.220, RSMo, governing the Sexual Assault Forensic Examination Program - The DPS will only pay for the forensic exam, not the medical treatment, of sexual assault victims. All other medical charges should be billed to the victim or their insurance carrier.

As noted earlier, the CVC Program now administers the SAFE Program. Beginning July 1, 2008, appropriate medical providers were required to bill the DPS for charges incurred in collecting evidence during the forensic examination of the sexual assault victim.

It is important to note that Missouri does not require the victim to report the sexual assault to law enforcement in order to get a sexual assault exam. If a person claims to have been sexually assaulted, appropriate medical providers must perform the exam. DPS will only pay for the forensic exam, not the medical treatment. All other charges should be billed to the victim or their insurance carrier. The victim can then file an application with CVC for possible compensation of eligible expenses related to the sexual assault.

Funding has always been crucial to the success of this Program. Not a single penny for compensation or administration of the Program comes from tax dollars; it is offender-based. The funding mechanism for the CVC Program is governed by Section 595.045, RSMo, and stems from court costs, judgments and a federal grant through the national Victims of Crime Act (VOCA). This grant is currently based on a formula that gives each state 60 percent of the state funds paid to victims in the previous year.

As expected, the funding method has evolved over the past 30 years, but **not** its core fundamentals. When first created, the Program was funded by a \$26 judgment that the court entered in all cases in which defendants were sentenced to prison or placed on probation after being found guilty or imposition of sentence, whether upon a plea of guilty or after the trial. Back then, the court would keep one dollar and remit \$25 to the Crime Victims Compensation Fund (CVCF).

Today, a \$7.50 court fee is assessed for every proceeding filed in any Missouri court in all criminal cases, including violations of any county ordinance, or infraction and violation of a municipal ordinance, including traffic violations. State law mandates that no such fee is to be collected when the proceeding is dismissed or when costs are to be paid by the state, county or municipality.

In addition to this fee, circuit and associate courts are required to enter judgments payable to the CVCF for the following upon a plea of guilty or a finding of guilt: \$68 for class A or B felonies; \$46 for class C or D felonies; and \$10 for any misdemeanor under Missouri law, except for those relating to fish and game, drivers' and commercial drivers' licenses, motor vehicle financial responsibility, traffic regulations, watercraft regulation and licensing, and vehicle and equipment regulations.

Circuit, associate circuit and municipal courts remit these fees and judgments monthly to the Missouri Department of Revenue (DOR) for deposit into the CVCF. Note that the CVCF does not receive 100% of the remitted fees, only 100% of the judgments. Circuit and associate circuit courts remit 80% of the fees collected and municipalities remit 95% of the fees collected to DOR. Revenue then splits the fees 50/50 between CVCF and the State Services to Victims Fund (SSVF), which is administered by DPS. Also, each July, \$250,000 is deducted from the court fees remitted and transferred into the state forensic laboratory account.

At the risk of stating the obvious, if it were not for funding, the Program would not have been able to pay out nearly \$140 million to both victims and providers.

Fiscal Year	Award Amount	Fiscal Year	Award Amount
1983	\$30,894.95	1998	\$5,440,184.05
1984	\$602,431.83	1999	\$4,744,532.54
1985	\$1,091,108.63	2000	\$5,344,505.90
1986	\$1,160,773.08	2001	\$5,622,478.15
1987	\$1,712,357.76	2002	\$6,475,202.52
1988	\$1,832,110.98	2003	\$7,681,050.36
1989	\$2,029,794.33	2004	\$6,908,243.05
1990	\$2,131,180.74	2005	\$6,902,841.41
1991	\$3,218,314.45	2006	\$7,774,702.21
1992	\$3,454,634.92	2007	\$7,475,614.73
1993	\$4,504,422.99	2008	\$7,738,646.18
1994	\$4,082,826.82	2009	\$9,246,687.60
1995	\$2,526,377.79	2010	\$7,673,828.93
1996	\$3,842,266.09	2011	\$6,809,031.17
1997	\$6,147,846.54	2012	\$5,340,315.27

Although money cannot take away the hurt of being victimized, the CVC Program can at least lessen the financial burden of these brave survivors. Nobel Prize winning author Toni Morrison once wrote, "There is nothing more to say-except why. But since why is difficult to handle, one must take refuge in how." For those touched by violence, the foreboding question has always been "why?" For three decades, the Missouri Crime Victims' Compensation Program has been the "how" in the never ending quest for answering "how will I be able to pay these bills?" This quasi-charitable Program has assisted countless victims and their families with their medical, counseling and funeral expenses as well as lost wages and loss of support in an effort to make a positive difference and begin the healing process. Let us see what the next 30 years will bring.



MISSOURI CRIME VICTIMS' COMPENSATION  
PO BOX 1589  
JEFFERSON CITY MO 65102-1589