

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

**Notice of Proposed Amendments to
Superior Court Crime Victims Compensation Program Rules 9 and 13**

The District of Columbia Superior Court Rules Committee recently completed review of proposed amendments to Superior Court Crime Victims Compensation Program Rules 9 and 13. The Rules Committee will recommend to the Superior Court Board of Judges that the amendments be approved unless, after consideration of comments from the Bar and the general public, the proposed amendments are withdrawn or modified.

Written comments must be submitted by June 14, 2021. Comments may be emailed to Laura.Wait@dccsystem.gov or may be mailed to:

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All comments submitted in response to this notice will be available to the public. New language is underlined, and deleted language is stricken through.

Rule 9. Contents of a Application.

The application for a claim ~~shall~~must contain the following:

- (a) Information or facts sufficient to establish eligibility;
- (b) Whether the claim is for injury, death benefits, or other compensable economic losses, or an emergency award;
- (c) Whether the claimant is a victim, a secondary victim, or a person (not a provider of services) acting on behalf of the victim or secondary victim;
- (d) A description of the injury or death, date of crime, and any known information concerning the offender;
- (e) The name, address, phone number, and social security number, birth date, ~~sex, and primary language~~ of the victim or secondary victim and ~~or the claimant (if different from the victim or secondary victim)~~;
- (f) The name(s), address(es), ~~social security number(s), and~~ birth date(s), ~~sex and marital status~~ of any dependents included in the claim;
- (g) ~~Itemizations of:~~ Sufficient information and documentation to support each claim of economic loss:
 - ~~(1) out-of-pocket expenses;~~
 - ~~(2) medical expenses;~~
 - ~~(3) collateral sources of income, including restitution;~~
 - ~~(4) income;~~
 - ~~(5) loss of earnings;~~
 - ~~(6) loss of support;~~
 - ~~(7) loss of services;~~
 - ~~(8) funeral expenses;~~
 - ~~(9) cost of temporary emergency food and housing;~~
 - ~~(10) cost of replacement value of clothing kept as evidence;~~
 - ~~(11) cost of cleaning the crime scene;~~
 - ~~(12) cost of replacement doors, windows, locks or other items to secure the victim's home;~~
 - ~~(13) cost of rental car for the period the victim's automobile is being held by the police as evidence or to collect evidence;~~
 - ~~(14) expenses for moving where necessary for health and safety; and~~
 - ~~(15) transportation expenses incurred by the victim or secondary victim for the following purposes:~~
 - ~~(i) to participate in court proceedings;~~
 - ~~(ii) to participate in the investigation or prosecution of the case;~~
 - ~~(iii) to obtain medical care, supplies or equipment;~~
 - ~~(iv) in the case of secondary victims, to obtain psychiatric, psychological, or mental health counseling required as a direct result of the crime;~~
 - ~~(v) in the case of victims, to obtain physical or occupational therapy and rehabilitation;~~
- ~~or~~
 - ~~(vi) to obtain any other services required as a direct result of the crime.~~
- (h) Information regarding any restitution, insurance, or other collateral source of benefits or compensation related to a claim;
- (i) A declaration of subrogation and suit notification to be signed by the claimant;

- (j) For a claimant seeking compensation for medical expenses, an Authorization for Release of Information~~An information release authorization~~, including a written waiver of the physician-patient privilege, ~~for regarding~~ all medical records relating to the victim's or secondary victim's injuries ~~for which compensation is sought, and an affirmation to be signed by the claimant; and~~
- (k) An affirmation signed by the claimant; and
- (l) Such other information as the Program reasonably may require.

Rule 13. Request for ~~m~~Medical ~~e~~Expense and ~~t~~Treatment ~~v~~Verification.

~~If a claimant seeks compensation for a victim's or secondary victim's medical expenses for injuries related to a crime, the Program must request a copy of all medical bills related to the claim from any individual or entity providing medical services to the victim or secondary victim. If the bills do not appear justified based on injuries related to the crime, the Program may request the victim's or secondary victim's medical records or, in the case of a mental health provider, require the provider to certify the dates of therapy or counseling directly related to the crime. All providers of medical services to the victim, including but not limited to hospitals, physicians, and mental health clinics, shall be sent a Medical Expense and Treatment Verification Form, requesting a copy of all of the victim's medical records and bills for treatment relating to injuries from the offense. The Form shall~~Program's request for medical bills or records must include ~~at the victim's~~ written waiver of the physician-patient privilege ~~regarding all medical records relating to the victim's injuries as required by~~provided in accordance with Rule 9(j).

COMMENT TO 2021 AMENDMENTS

Medical expenses are listed in Rule 24.