



Montana

In Montana, innocent crime victims with certain crime-related expenses are eligible for financial assistance under the state's Crime Victims Compensation Act. The state's Crime Victim Compensation Program can help with lost wages and medical and funeral expenses incurred as the result of personal injury crimes. Such crimes include homicide, rape, domestic violence, stalking, assault, child sexual and physical abuse, and drunk driving. For more information about the program, visit this link: <http://www.doj.mt.gov/victims/victimcompensation.asp>.

WHO CAN GET HELP?

The Crime Victim Compensation Program of Montana pays benefits to innocent victims who are injured or killed as a direct result of a crime. A claim can only be filed by:

- The victim (a person who has suffered direct physical or emotional harm or death as a result of a crime is referred to as the **primary victim**);
- A person legally authorized to act on behalf of the victim (parent or guardian); or
- The spouse or dependents of a deceased victim or the parent or guardian of a child victim of sexual abuse (referred to as a **secondary victim**).

A claimant also must meet the following requirements:

- The crime must be reported to a law enforcement agency within **72 hours** (or you must show good cause for the delay in reporting).
- Claims must be filed with the Crime Victim Compensation Program **within one year of the crime** (unless you can show good cause for not filing by that

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- deadline).
- Claimants must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender.
 - An offender or an accomplice of the offender cannot file a claim.
 - A claimant cannot be awarded benefits if the award would unjustly benefit the offender or accomplice.
 - People in prison or residing in any other public institution may not receive compensation under the program.
 - Benefits may be reduced or denied completely if a victim contributed to his or her own death or injury.

Benefits may be awarded to both non-residents injured in Montana and Montana residents injured in a state in which the victim compensation program does not compensate non-residents. (The offender need not be apprehended or prosecuted for you to qualify.)

WHAT MUST I DO TO GET HELP?

You should begin the process by requesting a claim form from the following office:

Crime Victim Compensation Program Office
Victim Services
Department of Justice
2225 11th Avenue, P.O. Box 201410
Helena, MT 59620-1410
Phone: (406) 444-3653 (in Helena) or (800) 498-6455 (outside of Helena)
E-mail: dojovs@mt.gov

You also can get the necessary form from a law enforcement official, prosecutor, hospital, or victim advocate program. Complete, sign and mail your claim form to the Crime Victim Compensation Program at the address above as soon as possible after the crime occurred. If you have questions about the application process, contact the Crime Victim Compensation Program.

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In addition to the claim form, send copies of all crime-related medical bills to Crime Victim Compensation as soon as possible. If you have insurance, submit all crime-related medical bills to your insurance carrier **before** submitting the bills to Crime Victim Compensation. Mail copies of your medical bills and the Explanation of Benefits sheets from the insurance company to the Crime Victim Compensation Program when you receive them. The program may pay the outstanding balance. If you do not have insurance, are not eligible for any other benefits and have made personal payments on your medical bills, send copies of the cancelled checks or other proof of payment to the Crime Victim Compensation Program.

After you file a claim, it may take several months for the Crime Victim Compensation Program to make a decision as to your eligibility.

WHAT COSTS MAY BE PAID?

The Crime Victim Compensation Program can pay up to \$25,000 in benefits. The benefits are paid directly to the provider or, if the victim has already paid the expenses, to the victim. Costs that are compensable include:

- ✓ **Medical Costs**– Payments are made for reasonable physician and hospital services, medicine, ambulance and other approved treatment.
- ✓ **Mental Health** – Mental health counseling benefits are available for primary victims (up to a specified dollar limit) and may be available for secondary victims including:
 - certain family members such as the parent, spouse, child, brother or sister of a victim who is killed as a direct result of a crime
 - the parents or siblings of a minor who is the victim of a sexual crime
 - a step-parent of a minor who is the victim of a sexual crime if the victim resides in the same house as the step-parent

A mental health therapist can be a medical doctor, clinical psychologist,

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licensed social worker or licensed professional counselor.

- ✓ **Chiropractic Services** – Benefits for chiropractic services can be paid for up to 30 visits.
- ✓ **Wage Loss** – If you lose more than 40 hours of work due to crime-related physical injury, benefits can be paid for a portion of your lost wages. The program reimburses lost wages if you were employed at the time the crime occurred. Wage loss is paid from the date you were first unable to work and continues until you return to work or are released by your physician. You must provide the Crime Victim Compensation Program with a letter from your primary care physician stating the length of time you will miss work. Wage loss claims are paid every two weeks. Wage loss can only be paid if the victim is physically unable to work.
- ✓ **Death Benefits** – The surviving spouse or dependent may apply for the deceased victim's death benefits, medical costs and funeral expenses. Reasonable burial expenses are allowed up to \$3,500.

Victims must first submit medical expenses to any other program for which they are eligible. These other benefits, called collateral benefits, include but are not limited to:

- Health insurance
- Medicaid
- Indian Health Services
- Medicare
- Motor vehicle insurance
- Life insurance
- Veterans benefits
- Proceeds from a civil suit
- Workers' Compensation
- Offender restitution
- Social Security

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- Employer wage continuation benefits
- Sick leave from employment
- Wage loss insurance
- Disability insurance.

Once the program knows what collateral benefits you have received, it can consider paying any unpaid charges directly to your medical providers. If you, the victim, have paid any out-of-pocket expenses, the program can reimburse you. (If you are Medicaid approved, you are required to use a Medicaid provider.) In Montana, **if a victim receives restitution for expenses that have already been paid by the Crime Victim Compensation Program, he or she must pay back the restitution to the program.** Questions about restitution payments from an offender should be directed to the Department of Corrections:

Collection Accounting Technicians
Department of Corrections
1539 11th Avenue, P.O. Box 201350
Helena, MT 59620-1350
Phone toll free: (800) 801-3478

Compensation is not allowed for:

- ✓ Property loss or repairs related to a crime, such as damage to a house or furniture
- ✓ Traffic accidents not related to drunk driving
- ✓ Pain and suffering
- ✓ Non-medical expenses, like clothing, motels or legal fees
- ✓ In-patient psychiatric care or chemical dependency counseling
- ✓ Medical, dental or mental health expenses if more that three years have elapsed since the date of the last treatment.

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