

CHAPTER 7505

DEPARTMENT OF PUBLIC SAFETY

CRIME VICTIMS REPARATIONS BOARD

HEARING PROCEDURES

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7505.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Adult.** "Adult" means a person who is 21 years of age or older.

[For text of subps 2 and 3, see M.R.]

Subp. 5. **Witness.** "Witness" means a person who was present at the scene of a crime and personally saw or heard the crime.

Subp. 6. **Net income.** "Net income" means gross income minus federal, state, and social security taxes and any wage deductions for benefits or union dues.

Subp. 7. **Family or household members.** "Family or household members" means spouses, former spouses, parents, children, grandparents, siblings, persons who are presently residing together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.0750 BOARD DETERMINATION OF FULL COOPERATION.

Subpart 1. **Board finding of full cooperation.** The board, in determining whether a victim or claimant has fully cooperated with law enforcement and prosecutorial authorities, shall consider items A and B as necessary for an affirmative finding.

A. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have made a reasonable effort to comply with any specific and direct requests that law enforcement professionals made a reasonable effort to communicate to them.

B. The victim or claimant, or, in the case of a minor, the parent or guardian of the victim or claimant, must have cooperated from the time the crime was reported, during the entire time the investigation remains active, and through all prosecution proceedings.

Subp. 2. **Ability to cooperate.** The board may not deny benefits on the basis that the victim or claimant did not fully cooperate unless the board finds that the victim or claimant was able to cooperate at the time the cooperation was requested. In determining whether a victim or claimant was able to cooperate, the board shall consider physical or mental impairments or disabilities that might have affected the victim or claimant's ability to respond to the requests.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.3100 LOSS OF SUPPORT.

Subpart 1. **Determination of amount.** To calculate compensation for the loss

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of support to a dependent of a deceased victim, the board must take the monthly net income of the victim and divide it by the number of surviving dependents. This amount must be decreased by payments received from collateral sources by the dependent, including social security and AFDC benefits. If the victim's dependents are eligible for social security benefits as a result of the victim's death, then the monthly amount which the board may pay to each dependent must not exceed the monthly rate the dependent is eligible to receive from the Social Security Administration.

Subp. 2. Employed spouse. If the victim's spouse was employed at the time of the crime, the amount of loss of support to be paid to the spouse shall be reduced by a percentage equal to the spouse's income divided by the total income of the victim and the spouse.

Subp. 3. Net income. The board shall determine the net income of the victim using the following:

A. net income of the deceased during the previous 12 months as documented by tax returns, W-2's, employer records, signed contracts or receipts, or other government agency records;

B. the total amount of other government benefits received by the victim, including AFDC payments, food stamps, and housing grants; and

C. if the claimant and the victim were divorced, court-ordered child support and alimony payments in the monthly amount that the victim had been ordered to pay.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.3200 LOSS OF INCOME.

Subpart 1. Computation of lost income: employed victim. If the victim was employed at the time of the crime for which the claim is filed, the board shall compute lost income using a certification of lost wages provided by the victim's employer at the time of the crime for which a claim has been filed.

Income to be replaced must be calculated at a rate which equals the victim's net income at the time of the crime for which the claim has been filed. If a certification of lost wages is unavailable, the board shall compute lost income as indicated in subpart 2.

Subp. 2. Computation of lost income: victim self-employed or unemployed. If the victim was self-employed or unemployed at the time of the crime for which the claim has been filed, loss of income must be calculated at a rate which is based upon the victim's average net income in the 12 months before the crime for which the claim was filed as evidenced by tax returns, W-2 forms, check stubs, signed contracts or receipts, or other government agency records.

If the victim has not filed tax returns for the year before the crime, the victim's net income is presumed to be no greater than the maximum yearly income for which no federal or state income tax filing is required.

Subp. 3. Proof of inability to work. If necessary to determine the extent of disability and the length of compensation for lost income, the board shall request that the victim provide a statement from a licensed physician or psychologist indicating that the victim is or was unable to work due to injuries sustained as a result of the crime for which the victim has filed a claim.

The board shall withhold payment for loss of income if a statement has been requested and not received.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.3300 PAYMENT BENEFITING OFFENDER.

Subpart 1. Domestic abuse; clarification. The board shall determine the eligi-

bility of claims for injuries sustained as the result of domestic abuse in the same manner as other claims. No claim resulting from an incident of domestic abuse may be denied based solely upon a finding that a claimant resides or has resided with the alleged offender of the crime for which the claim has been filed. The board shall not reduce or deny an award when enrichment of the offender is inconsequential or minimal. The board shall not deny payments to service providers based upon a finding that the claimant and offender are maintaining a relationship.

Subp. 2. **Claim denial.** No claim may be denied because it succeeds previous claims for victimization by the same offender.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.3400 SECONDARY VICTIMS.

For the purposes of this chapter, the term “victim” includes, in addition to those meanings specifically provided in Minnesota Statutes, section 611A.52, the following:

A. a parent, spouse, or minor child of a victim who died as the direct result of a crime;

B. a witness to a violent crime who suffered physical or emotional injury;

C. a sibling or adult child of a victim who died as the direct result of a crime, if the sibling or child has suffered emotional injury. Payment for a sibling or adult child is limited to ten counseling sessions; and

D. a person who discovered the body of a victim who died as the direct result of a crime, if the person has suffered emotional injury. Payment for a person who discovered a body is limited to ten counseling sessions.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.3500 PARENTS OF CHILD VICTIMS; DOMESTIC CHILD ABUSE OR CHILD SEXUAL ASSAULT.

The board shall authorize payment for up to five counseling sessions for a parent who is a primary caretaker of a victim of domestic child abuse or child sexual assault, if the treatment plan filed under and complying with part 7505.2700 indicates that the sessions directly benefit the victim.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*

7505.3600 HOUSEHOLD SERVICES.

The board shall not award reparations for household services performed by a family or household member.

Statutory Authority: *MS s 611A.56*

History: *16 SR 2025*