

1 Department of Public Safety

2

3 Adopted Permanent Rules Relating to Eligibility and Claims

4 Procedures for Reparations

5

6 Rules as Adopted

7 7505.0100 DEFINITIONS.

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

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

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

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

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

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

24 7505.0750 BOARD DETERMINATION OF FULL COOPERATION.

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

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

34 B. The victim or claimant, or, in the case of a
35 minor, the parent or guardian of the victim or claimant, must

1 have cooperated from the time the crime was reported, during the
2 entire time the investigation remains active, and through all
3 prosecution proceedings.

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

12 7505.3100 LOSS OF SUPPORT.

13 Subpart 1. Determination of amount. To calculate
14 compensation for the loss of support to a dependent of a
15 deceased victim, the board must take the monthly net income of
16 the victim and divide it by the number of surviving dependents.
17 This amount must be decreased by payments received from
18 collateral sources by the dependent, including social security
19 and AFDC benefits. If the victim's dependents are eligible for
20 social security benefits as a result of the victim's death, then
21 the monthly amount which the board may pay to each dependent
22 must not exceed the monthly rate the dependent is eligible to
23 receive from the Social Security Administration.

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

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

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

35 B. the total amount of other government benefits

1 received by the victim, including AFDC payments, food stamps,
2 and housing grants; and

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

6 7505.3200 LOSS OF INCOME.

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

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

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

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

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

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

3 7505.3300 PAYMENT BENEFITING OFFENDER.

4 Subpart 1. Domestic abuse; clarification. The board shall
5 determine the eligibility of claims for injuries sustained as
6 the result of domestic abuse in the same manner as other
7 claims. No claim resulting from an incident of domestic abuse
8 may be denied based solely upon a finding that a claimant
9 resides or has resided with the alleged offender of the crime
10 for which the claim has been filed. The board shall not reduce
11 or deny an award when enrichment of the offender is
12 inconsequential or minimal. The board shall not deny payments
13 to service providers based upon a finding that the claimant and
14 offender are maintaining a relationship.

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

17 7505.3400 SECONDARY VICTIMS.

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

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

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

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

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

33 7505.3500 PARENTS OF CHILD VICTIMS; DOMESTIC CHILD ABUSE OR
34 CHILD SEXUAL ASSAULT.

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

6 7505.3600 HOUSEHOLD SERVICES.

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