

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RULE PROMULGATION ORDER 21-06

(Amending Super. Ct. CVCP R. 9 and 13)

WHEREAS, pursuant to D.C. Code §§ 4-503 and 11-946 (2019 Repl. & 2012 Repl.), the Board of Judges of the Superior Court approved amendments to Superior Court Crime Victims Compensation Program Rules 9 and 13; and

WHEREAS, the amendments do not modify a federal criminal or civil rule; it is

ORDERED, that Superior Court Crime Victims Compensation Program Rules 9 and 13 are hereby enacted and amended as set forth below; and it is further

ORDERED, that the amendments shall take effect December 20, 2021.

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~~H 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, including any necessary authorization permitting written waiver of the physician-patient privilege; regarding

(1) release of all medical records/bills 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

(2) the medical provider to complete the certification required by Rule 13; and

(k) Any other necessary authorization for release of non-medical information. An information release authorization related to a claim;

(l) An affirmation signed by the claimant; and

(m) Such Any other information as that the Program reasonably may require.

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

(a) IN GENERAL. 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:

(1) a copy of all medical bills related to the claim from any individual or entity providing medical services to the victim or secondary victim; and-

(2) a certification from the medical provider, under the penalty of perjury, indicating:

(A) the dates of medical services;

(B) the final amount due from the victim or secondary victim; and

(C) that the services were directly related to the crime.

(b) ADDITIONAL INFORMATION. If the Program determines, in its sole discretion, that it needs additional information in deciding whether to approve a claim related to medical expenses, the Program may request the victim's or secondary victim's medical records. The victim or secondary victim must provide any necessary authorization for release of the medical records. 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.

(c) FORM OF REQUEST. The ~~Form shall~~Program's request for the medical certification and the medical bills or records must include ~~at~~the victim's or secondary victim's authorization ~~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(ji) or 13(b).

COMMENT TO 2021 AMENDMENTS

Medical expenses are listed in Rule 24.

Rule 9. Contents of Application

The application for a claim 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 birth date of the victim or secondary victim and the claimant (if different from the victim or secondary victim);
- (f) The name, address, and birth date of any dependent included in the claim;
- (g) Sufficient information and documentation to support each claim of economic loss;
- (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 signed by the claimant;
- (j) For a claimant seeking compensation for medical expenses, any necessary authorization permitting:
 - (1) release of all medical bills relating to the victim's or secondary victim's injuries for which compensation is sought; and
 - (2) the medical provider to complete the certification required by Rule 13;
- (k) Any other necessary authorization for release of non-medical information related to a claim;
- (l) An affirmation signed by the claimant; and
- (m) Any other information that the Program reasonably may require.

Rule 13. Request for Medical Expense and Treatment Verification

(a) IN GENERAL. 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:

(1) a copy of all medical bills related to the claim from any individual or entity providing medical services to the victim or secondary victim; and

(2) a certification from the medical provider, under the penalty of perjury, indicating:

(A) the dates of medical services;

(B) the final amount due from the victim or secondary victim; and

(C) that the services were directly related to the crime.

(b) ADDITIONAL INFORMATION. If the Program determines, in its sole discretion, that it needs additional information in deciding whether to approve a claim related to medical expenses, the Program may request the victim's or secondary victim's medical records. The victim or secondary victim must provide any necessary authorization for release of the medical records.

(c) FORM OF REQUEST. The Program's request for the medical certification and the medical bills or records must include the victim's or secondary victim's authorization provided in accordance with Rule 9(j) or 13(b).

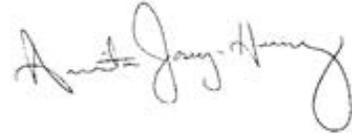
COMMENT TO 2021 AMENDMENTS

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By the Court:

Date: October 18, 2021



Anita M. Josey-Herring, Chief Judge

Copies to:

All Judges

All Magistrate Judges

All Senior Judges

Blanche Reese, Acting Program Director, Crime Victims Compensation Program

Library

Daily Washington Law Reporter

Laura Wait, Associate General Counsel