

Crime Victims Compensation Act

The State of Ohio offers citizens more options through the Crime Victims Compensation Act. This law helps innocent victims of violent crime recover their economic losses suffered as a result of the crime. Victims of violent crime must apply for compensation and must meet certain eligibility requirements before an award can be made.

The Crime Victims Compensation program may help pay specific expenses that are not covered by insurance or other benefits if you are a victim of violent crime (including OMVI), a dependent of a deceased victim, a parent or guardian of a crime victim who is responsible for the victim's expenses, someone who has taken legal responsibility to pay the expenses incurred due to a crime or an immediate family member of a victim of homicide, sexual assault, domestic violence or permanent life-altering condition resulting from crime.

An award may be made for medically necessary expenses for treatment and care of the victim that are not covered by insurance, funeral expenses, loss of income, counseling costs and civil protection order expenses and other costs as specified by law. Awards are not usually made for property loss or for pain and suffering. (Ohio Revised Code § 2743.51)

Note, however, that if you, as a crime victim, are awarded money in a civil action, and if money awarded to you is for expenses already paid by the compensation program, you will have to refund the program. If a victim has not yet received any money from the compensation program, any money actually received from a civil settlement or verdict will be considered in determining what the true out-of-pocket costs are. (Ohio Revised Code § 2743.72)

Note also that your application must be filed within two years of the date, the crime occurred and that a juvenile victim must file an application before reaching the age of 20. (Ohio Revised Code § 2743.56(C))



Turning lives around one child at a time.

Where to File a Civil Action

Municipal Courts

(For claims of less than \$15,000)

Akron Municipal Court
217 S. High Street
Akron OH 44308
330-375-2922

Barberton Municipal Court
576 W. Park Avenue
Barberton OH 44203
330-861-7192

Cuyahoga Falls Municipal Court
2310 Second Street
Cuyahoga Falls OH 44221
330-971-8108

Common Pleas General Division (For claims exceeding \$15,000)

Summit County Common Pleas Court
209 S. High Street
Akron OH 44308

Helpful Phone Numbers, Addresses and Web Sites

Summit County Juvenile Court
Annie Skapin, Victim Services Officer
650 Dan Street
Akron OH 44310
330-643-7808

www.co.summit.oh.us/JuvenileCourt/Index

Ohio Attorney General's Office
Crime Victims Services Section
150 E. Gay Street, 25th Floor
Columbus OH 43215
1-800-582-2877
www.ag.state.oh.us

Victim Assistance Program
150 Furnace Street
Akron OH 44304
330-376-0040

www.victimassistanceprogram.org



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Rights, Responsibility and Restitution



*An Informational Pamphlet
describing your options in
the event you are a victim
of juvenile crime.*

Linda Tucci Teodosio Judge

William P. Kannel Juvenile Court Center
650 Dan Street
Akron OH 44310-3938
Phone: 330.643.2900
Fax: 330.643-2894

www.co.summit.oh.us/JuvenileCourt/Index

A Message From Judge Teodosio



As a victim of a crime committed by a juvenile, one of the many questions you may be asking yourself is, "Who is responsible for the damages I suffered?" There are many options that are available to crime victims that can provide monetary relief for damages that you suffered. Not all options provide complete compensation. This pamphlet will give you a brief overview of your options.

You may want to consult an attorney before you take any steps to file a civil action against the juvenile and his or her parents. If you do not have a lawyer and would like a referral to a qualified lawyer, or if you wish to speak with a lawyer for a small fee, you may contact the **Akron Bar Association's Lawyer Referral Service** at 330-253-5038 from 8:30a.m. to 5:00p.m.

Linda Ricci Teodosio

Options Within Juvenile Court:

Restitution

If adjudicated a delinquent child, the juvenile offender can be ordered to pay restitution by the Juvenile Court. This order requires that the child pay money into the Court for your damages. The Court will then forward to you the amount collected. If the child fails to pay the amount ordered, the Court can:

- Impose detention time on the offender for his failure to pay.
- The Juvenile Court **cannot** order the attachment of wages or garnishment of a bank account of the child or his parents to assure payment.

- The Juvenile Court **cannot** order the parents to make restitution for their child. To receive restitution through the Court, you will be required to provide documentation of your out-of-pocket expenses within thirty (30) days of the child's dispositional hearing.
- To receive restitution through the Court, you will be required to provide documentation of your out-of-pocket expenses within thirty (30) days of the child's dispositional hearing.
- The Court limits dispositional restitution to actual out-of-pocket expenses. Lost wages, personal labor for repairs or pain and suffering **cannot** be recovered through Court-ordered restitution.

Child Responsibility Project (CRP)

This is a grant-funded program operated by the Summit County Juvenile Court that provides work experience for juvenile offenders and teaches them accountability for their actions. A finding that the juvenile committed the crime is necessary before you can recover for your loss through this program.

If the judge or a magistrate finds that a juvenile committed an offense which involved property loss, property damage or personal injury, the juvenile may be ordered to pay restitution through CRP.

- With CRP, the juvenile must work at a designated work site for which he or she earns an hourly wage. These wages are paid directly to the victim by the Court.
- Because of the grant limitations, a victim is limited to receiving a total of Six Hundred Dollars (\$600) through CRP.
- The program limits reimbursement to out-of-pocket expenses and does not include such items as lost wages, stolen cash, personal labor for repairs or pain and suffering.
- In order to receive compensation through CRP, you will be required to provide documentation of your losses to the Court within thirty (30) days of the juvenile's dispositional hearing.

Options Outside of Juvenile Court

You may have other means of pursuing compensation outside of the Juvenile Court. A lawyer is in the best position to advise you of all of your options and which option is best for you. These options include a civil action in Municipal or Common Pleas Court against the juvenile and/or his or her parents or guardian for negligence or for the juvenile's criminal, intentional, reckless or negligent acts. The following are four civil actions permitted by statute:

- Ohio law provides that if you or your property are injured by a criminal act, then you may file a civil action to recover full damages, the costs of maintaining the civil action and attorney's fees as well as punitive or exemplary damages. (Ohio Revised Code § 2307.60)
- Ohio law provides specifically that if you or your property are injured by a criminal act involving vandalism, desecration or ethnic intimidation, then you may file a civil action to recover full compensatory damages (including damages for emotional distress), punitive or exemplary damages, court costs, reasonable expenses incurred in maintaining the civil action and attorney's fees. (Ohio Revised Code § 2307.70)
- If your property is harmed by a juvenile, either through damage or theft, you may file a civil action to recover up to \$10,000 and court costs from the juvenile's parents if their child is found delinquent or guilty of a criminal offense. (Ohio Revised Code § 3109.09)
- Ohio law provides that you may file a civil action to recover compensatory damages not exceeding \$10,000 and court costs from the juvenile's parents if you are the victim of a malicious and willful assault by a juvenile who is found to be delinquent. (Ohio Revised Code § 3109.10)

In addition to regular dockets of the Municipal Court, each Municipal Court in Summit County has established a small claims division for civil action for \$3,000 or less. The small claims court has very simple rules that allow parties to resolve disputes without hiring an attorney, though you may have one present.