

Crime Victims Compensation Act

The State of Ohio offers citizens more options to recover compensation for damages 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, 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: your application must be filed within three 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(B))



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Where to File a Civil Action

Municipal Courts

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

Akron Municipal Court
172 S. Broadway Street
Akron, OH 44308
330-375-2120

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

Stow Municipal Court
4400 Courthouse Drive
Stow, OH 44224
330-564-4200

Common Pleas General Division

(For claims exceeding \$15,000)

Summit County Common Pleas Court
209 S. High Street
Akron OH 44308
330-643-2219

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.juvenilecourt.summitoh.net

Ohio Attorney General's Office
Crime Victims Services Section
30 E. Broad Street, 14th Floor
Columbus OH 43215
1-800-282-0515
www.ag.state.oh.us

Victim Assistance Program
137 South Main Street, Suite 300
Akron OH 44308
330-376-0040
www.victimassistanceprogram.org



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Rights, Responsibility, and Restitution



Your Legal Rights

*An informational pamphlet
describing your options in
the event you are a victim
of a juvenile act*

Linda Tucci Teodosio Judge

William P. Kannel Juvenile Court Center
650 Dan Street
Akron OH 44310-3989
Phone: 330.643.2915
Fax: 330.643-2894
www.juvenilecourt.summitoh.net

A Message From Judge Teodosio



As a victim of an act 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 Tucci Teodosio

Options Within Juvenile Court:

Restitution

If found responsible for the act, the juvenile offender can be ordered to pay restitution by the Juvenile Court. This order requires that the juvenile make payments to the Court that will then be forwarded to you.

- If a juvenile fails to pay the amount ordered, it will be converted to a civil judgment at age 21.
- Victims can claim economic losses they had or will have due to the juvenile act including the value of stolen or damaged property; medical expenses; mental health counseling expenses; lost wages; or expenses related to making a vehicle or residence accessible if the victim is permanently disabled as a result of the offense.

- The 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 prior to the restitution hearing.
- Pursuant to Marsy's Law, victims of a criminal offense have a constitutional right to receive full restitution from the person who committed the offense or delinquent act against them. Victims can be reimbursed for economic loss, including medical or mental health counseling expenses, that they had or will have because of the crime.

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.

If the Judge or a Magistrate finds that a juvenile committed an offense which involved property loss, property damage or personal injury and if the damages exceed \$50, the juvenile may be ordered to pay restitution through CRP. A diversion case manager may also make a CRP referral.

- With CRP, the juvenile will work on a supervised work crew for which the juvenile will earn 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 one thousand dollars (\$1,000) 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 prior to the restitution or diversion 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/guardian. The following are four civil actions permitted by statute:

- Ohio law provides that if you or your property are injured by a criminal act, 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, 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.