outside the State, if the crimes would be compensable crimes had they occurred inside that State and the crimes occurred in a State not having eligible crime victim compensation programs.

This provision is intended to cover those residents of a State who are victimized in a State which does not have a crime victim compensation

program.

This requirement protects residents of a State who are victims of criminal violence in another State which does not have an eligible crime victims program for which the victim qualifies. In such instances, the victim would be eligible to apply for crime victim compensation from the State in which he or she resides. If a person from one State is victimized in another, which has an eligible compensation program, the State in which the crime was committed must offer compensation to the victim according to its own eligibility requirements and allowable expenses, without regard to the nonresidence status of the victim.

7. Except pursuant to rules issued by the compensation program to prevent unjust enrichment of the offender, the State cannot deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the

victim and the offender.

Unjust enrichment, as the basis for denying crime victims compensation, must be based upon written rules issued by the State crime victims compensation program. "Rules" mean either written policies or directives developed and distributed by State crime victim compensation programs or rules adopted by legislative or administrative bodies. Such rules cannot have the effect of denying compensation to a substantial percentage of domestic violence victims. The rules relating to unjust enrichment should be applicable to all claims for compensation although it is recognized that domestic violence cases have the greatest potential for unjust enrichment.

In general, programs must balance the goals of making compensation benefits available to domestic violence victims and preventing unjust enrichment of offenders. State programs are strongly encouraged to work with domestic violence coalitions and representatives to this end.

In developing rules, the States are encouraged to consider the following:

a. Legal responsibilities of the offender to the victim under the laws of the State and collateral resources available to the victim from the offender. For example, legal responsibilities may include court-

ordered restitution or requirements for spouse and/or family support under the domestic or marital property laws of the State. Collateral resources may include insurance or pension benefits available to the offender to cover the costs incurred by the victim as a result of the crime. As with other crime, victims of domestic violence should not be penalized when collateral sources of payment are not viable, e.g., when the offender refuses to, or cannot, pay restitution or other civil judgements within a reasonable period of time or when the offender otherwise impedes direct or third party (i.e., insurance) reimbursements.

b. Payments to victims of domestic violence which benefit offenders in only a minimal or inconsequential manner would not be considered unjust enrichment. To deny payments, in some instances, could serve to further victimize the claimant. For example, denial of medical or dental expenses solely because the offender has legal responsibility for the charges, but is unwilling, or unable to pay them, could result in the victim's inability to receive treatment

c. Consultation with social services and other concerned governmental entities, as well as with private organizations that support and advocate on behalf of domestic violence victims.

d. The special needs of child victims of criminal violence especially when the perpetrator was the parent who may or may not have lived in the same residence.

8. The State must provide such other information and assurances as the Director of OVC may reasonably require.

9. If the compensation paid by an eligible crime victim compensation program would cover the costs that a Federal program, or a Federally financed State or local program, would otherwise pay such crime victim compensation program shall not pay that compensation; and the other program shall make its payments without regard to the existence of the crime victim compensation program.

B. State Certifications

Guidelines on amounts to be included as well as amounts to be excluded in a State's certification of payments of crime victims compensation from State funding sources are furnished below:

1. Program Revenue. States must report on the certification form all sources of State revenue available to the crime victims compensation program during the Federal Fiscal Year. In some instances, funds are made available to the crime victims compensation program from other departments or

agencies, from supplemental appropriations, donations, or carried over from prior years appropriations. All State funds which are available during the Federal Fiscal Year should be reported. The amount of certified revenue, excluding VOCA funds, must meet or exceed the amount of certified payments to crime victims.

2. Amounts to be Included. The total amount to be certified by the State program must include only those amounts paid from State funding sources to or on behalf of crime victims during the Federal Fiscal Year (October

1 to September 30).

3. Compensable Expenses. The range of expenses for which States may award crime victims compensation varies nationwide, although all States must award compensation for medical expenses, including mental health counseling and care; loss of wages; and funeral expenses. Note: The term "medical expenses" includes, to the extent provided under the State crime victim compensation program statute, expenses for eyeglasses and other corrective lenses; dental services, devices, and prosthetic devices; and for services rendered in accordance with a method of healing recognized by the law of the State. "Mental health counseling and care" means the assessment, diagnosis, and treatment of an individual's mental and emotional functioning that is required to alleviate psychological trauma resulting from a compensable crime. Such intervention must be provided by a person who meets such standards as may be set by the State for victim mental health counseling and care.

Compensable expenses to be included in the annual certification must be authorized by State statute or rule, providing there is rule making authority in State law. States may include expenses, not specifically identified in VOCA, such as pain and suffering; crime scene clean up; replacement costs for clothing and bedding held as evidence; annuities for child victims for loss of support; medically-necessary building modification; medically-necessary devices; and attorney fees related to a victim's claim for

compensation.

States may also include payments related to forensic sexual assault examinations, even if the victim did not report the crime to law enforcement if such payments are made from funds administered by the compensation program and are allowable under the state's statute or administrative rules.

4. Amounts to be excluded. States must exclude, in the certification, VOCA grant funds, compensation for