**VICTIM SERVICES AND RIGHTS MANUAL**

To use the manual:

**Step One:** Review your [rights](#_CRIME_VICTIMS’_RIGHTS) as a crime victim. These are your rights on both a national and state level.

**Step Two:** Go to the [What do you need?](#_WHAT_DO_YOU) section on page 3. Look through the different sections and see if what you need is listed. If it is, find the page number next to the heading.

Before heading to that page go to the [What did you experience?](#_WHAT_DID_YOU) section on page 5, look for what you or a relative experienced on this page. If what you experienced is listed in color, look for that color box on the appropriate options page as there may be special services offered to you because of that experience. Next, look through page 6 which lists specific communities, if you are part of one of these communities you may have special services offered to you.

**Step Three:** Once at the appropriate page based on what you need look through the options you have based on state legislation. If your experience was listed in color on the What did you experience? page look for that color box on this page to see if any specific services are available. If you are part of one of the specific communities listed on page 6, look to see if there are any specialized options in those appropriate boxes. If any of these options look like what you need go to [How do I access these services?](#_HOW_DO_I) section on page 14.

**Step Four:** Look through the list of legislation on this page and find the legislation that offers the service you need based on the options page you looked at in step 3.

Find [additional resources](#_ADDITIONAL_RESOURCES) on page 18.

# CRIME VICTIMS’ RIGHTS

Federally, you have the right…

1. To be protected from the accused
2. To receive notice of public court proceedings
3. To be excluded from public proceedings if testimony would be altered by you being in attendance
4. To be reasonably hear at a public proceeding
5. To communicate with the attorney for the prosecution
6. To a full and timely resolution to your case
7. To proceedings free from unreasonable delay
8. To be treated with fairness and respect for your dignity and privacy
9. To be informed of any plea bargain or prosecution agreement
10. To be informed of these rights.

In Illinois you have the right…

1. To be treated with fairness and respect for your dignity and privacy and to be free from harassment, intimidation, and abuse through the criminal-legal process
2. To receive notice and hearing when there is a request for privileged and confidential victim records, information, or communications
3. To receive timely notice of all court proceedings
4. To communicate with prosecution
5. To be heard at proceedings where victim rights are at issue and proceedings involving release decision, pleas, or sentencing
6. To receive notifications of conviction, sentencing, imprisonment, and release of perpetrator
7. A timely conclusion to the case following arrest
8. To be reasonably protected from the accused throughout the criminal legal process
9. To have your safety and your family’s safety considered in bail decisions after arrest and conviction
10. To be present at trial and all other proceedings
11. To have an advocate and support person(s) present at proceedings
12. To be offered restitution
13. To receive a free copy of the policy report regarding the incident within 5 days of the request
14. The right to retain an attorney at any time.

# WHAT DO YOU NEED?

1. [Housing/Housing Costs (See page 7)](#_HOUSING/HOUSING_COSTS)
	1. Compensation for temporary lodging costs
	2. Compensation for Relocation expenses
	3. Security Deposits
	4. First Month’s Rent
	5. Rent Payments
	6. Mortgage Payments
	7. Moving Expenses
	8. Closing Costs on the Sale of a Residence
	9. Utilities
	10. Leave from work to find new housing
2. [General Financial Support/Compensation (See page 10)](#_FINANCIAL_SUPPORT/COMPENSATION)
	1. Compensation may be awarded for obtaining services that the victim normally would have performed but is no longer able to.
	2. Compensation may be awarded to dependents for obtaining services that the victim would have performed for the dependent but is no longer able to.
	3. Compensation for loss or injury to property such as land, residences, and personal objects (i.e. phones, cars, clothing, etc.).
3. [Medical Costs (See page 8)](#_MEDICAL_SERVICES/COSTS)
	1. Hospital Expenses
	2. Medical Expenses for injuries/long lasting medical issues resulting from the crime
	3. Physical Rehabilitation Services
	4. Transportation Expenses for medical treatment
4. [Mental Health Costs/Services (See page 9)](#_MENTAL_HEALTH_SERVICES/COSTS)
	1. Psychiatrist Care/Counseling
	2. Individual Counseling/Therapy
	3. Group Therapy
	4. Rehabilitation Services
	5. Case Management
	6. School Support Services for Youths
	7. Family System Intervention Services
	8. Really any mental health treatment whether it’s for a specific condition or general mental health services.
5. [Funeral/Burial Costs (See page 11)](#_MISCELLANEOUS_SERVICES)
	1. Costs for funeral services
	2. Burial service costs
	3. Transportation costs of deceased
	4. Other transportation costs relating to funeral and burial services
6. [Travel/Transportation Costs (See page 11)](#_MISCELLANEOUS_SERVICES)
	1. The specific transportation costs listed above
	2. Transportation of surviving victims of crime
7. [Tuition/Education Assistance (See page 11)](#_MISCELLANEOUS_SERVICES)
	1. Tuition for grammar school, high school, college, or graduate school
	2. School support systems for impacted youths
8. [Lost Wage Assistance (See page 11)](#_MISCELLANEOUS_SERVICES)
	1. Past lost earnings
	2. Future lost earnings
	3. Lost wages of a deceased family member who passed as a result of violent crime
9. [Leave from Work (See page 11)](#_MISCELLANEOUS_SERVICES)
	1. Unpaid leave from work may be sought to seek medical services, mental health services, see to funeral/burial services, relocate, safety plan, see legal assistance, partake in legal services, etc.
	2. Reasonable accommodations in the workplace may also be offered such as…
		1. Adjustment to job structure,
		2. Adjustment to workplace facility or requirements
		3. Transfers
		4. Reassignments
		5. Modified schedules
		6. Changes in contact information
		7. Installation of a lock
		8. Implementation of a safety procedure
10. [Court-based Remedy (See pay 12 and 13)](#_COURT_BASED_REMEDIES)
	1. No Contact Order
	2. Order of Protection
	3. Asset Discovery
11. [Legal Assistance (See page 11)](#_MISCELLANEOUS_SERVICES)
	1. Compensation may be available to seek legal services following an incident of violent crime.
	2. Legal services also may be available for free or a reduced price through certain organizations.

# WHAT DID YOU EXPERIENCE?

* You experienced some form of violent crime
	+ Such as attempted OR completed:
		- Murder – Did you lose a loved one to violence?
		- Murder of your unborn child
		- Kidnapping
		- Trafficking
		- Sexual Assault
		- Sexual Abuse
		- Domestic Violence
		- Child Abuse
		- Distribution of obscene/pornographic pictures of yourself as an adult or child
		- Assault
		- Battery
		- Violation of an Order of Protection
		- Hate Crime
		- Arson
		- Motor Vehicle Accident
		- Motor Vehicle Accident because of another person driving under the influence
		- Violation of a Staking No Contact Order
		- Violation of a Civil No Contact Order
		- A reckless accident that resulted in injury or death
	+ Any of the above listed crimes which were completed by members of a gang
* A person related to you in some way experienced some form of violent crime, either attempted or completed, as listed above. The person who experienced the violent crime is related to you in one of the following ways:
	+ Spouse
	+ In a civil union
	+ Parent
	+ Grandparent
	+ Child
	+ Grandchild
	+ Live in the same household with a substantially similar relationship to spouse, parent, or child.
	+ You are a dependent of the person who experienced the crime.
	+ You are under 18, and a sister, brother, half-sister, or half-brother of the person who experienced the crime.
	+ Sibling
	+ Any blood relation

Are you a member of one of these populations/communities:

* Native American/Alaska Native
* Child/Minor or on behalf of a child/minor
* Elderly
* Institutionalized/Incarcerated
* Immigrant

## HOUSING/HOUSING COSTS

Domestic Violence & Family Violence:

* Safe Homes Act 🡪 Tenant can request the locks of a dwelling be changed if the request is accompanied by some evidence of domestic/sexual violence including medical, court, or police records.
* Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act 🡪 Victims may apply to the Attorney Generals office to have their address be made confidential, designating the office as their mailing address.
* Deferral of Deposit 🡪 Allows people to defer the initial credit and deposit requirement for rent/utilities for 60 days.

General Violent Crimes:

* Crime Victims Compensation 🡪 Provides compensation for temporary lodge or relocation. Relocation costs are limited to one month’s rent and security deposits.
* Victims Economic Safety and Security Act 🡪 Ensures temporary leave to relocate or safety plan
* Assisting Victims and Witnesses of Gang Crime 🡪 May cover temporary living costs, moving expenses, closing costs on the sale of a resident, 1st month’s rent, security deposits, and apartment location assistance
* Violent Crime Witness Protection Act 🡪 May cover emergency or temporary living costs, moving expense, rent, utilities, security deposits for rent and utilities, and other relocation or transition expenses.
* Homelessness Prevention Act 🡪 May provide payment of rent/mortgage, security deposits, payment of utilities, and support service to prevent homelessness

Elderly Individuals:

* Adult Protective Services 🡪 When an incident of abuse, abandonment, or neglect occurs the individual who experienced it may be at least temporarily rehoused.
* Abused and Neglected Long Term Care Facility Residents Reporting Act 🡪 When a report of abuse or neglect is made the individual reportedly harm can be, at least temporarily placed in a different facility.

Indigenous, Native American, Alaska Natives:

Children/Minors:

Immigrants:

WHAT OPTIONS ARE AVAILABLE TO YOU?

GENERAL FINANCIAL ASSISTANCE/COMPENSATION

🡪 Crime Victims Compensation Act

🡪 Victim Economic Safety and Security Act

🡪 Assisting Victims and Witnesses of Gang Crime Act

🡪 Gang Crime Witness Protection Act of 2013/Violent Crime Witness Protection Act (2023)

Sexual Violence & Trafficking:

* Preventing Sexual Violence in Higher Education 🡪 Provides individuals the right to request protective measures and accommodations including changes to living, dining, working and transportation services.

## MEDICAL SERVICES/COSTS

Indigenous, Native Americans, Alaska Natives:

Children/Minors:

Elderly Individuals:

Immigrants:

Domestic Violence & Family Violence:

Sexual Violence & Trafficking:

* Sexual Assault Survivors Emergency Treatment Act 🡪 Individuals who experience sexual violence and then go to a hospital or medical facility for care receive vouchers which can be used for payment of ambulance services, medical forensic services, lab service, pharmacy services, and follow-up care.

General Violent Crimes:

* Crime Victims Compensation 🡪 May provide medical/hospital expenses and transportation expenses for treatment.
* Victims Economic Safety and Security Act 🡪 Ensures that individuals will not lose benefits such as life insurance, health insurance, and any accrued disability or sick leave.

## MENTAL HEALTH SERVICES/COSTS

Domestic Violence & Family Violence:

General Violent Crimes:

* Crime Victim Compensation 🡪 Provides compensation for psychiatric/psychological treatment of mental or emotional conditions stemming as a result of the crime.
* Victims Economic Safety and Security Act 🡪 Allows individuals to have unpaid leave to seek mental health care.
* Violent Crime Witness Protection Act 🡪 Provides referral services and assistance accessing mental health treatment and care.

Sexual Violence & Trafficking:

* Preventing Sexual Violence in Higher Education 🡪 Requires individuals who experience sexual violence to be informed of and provided access to mental health services on campus.

Elderly Individuals:

* Adult Protective Services Act 🡪 Individuals who are removed from the homes due to self-neglect are offered counseling services.

Indigenous, Native Americans, Alaska Natives:

Children/Minors:

Immigrants:

## FINANCIAL SUPPORT/COMPENSATION

Sexual Violence & Trafficking:

* Trafficking Victims Protection Act 🡪 Individuals who experience trafficking have the right to sue their trafficker for monetary damages.

General Violent Crimes:

* Crime Victims Compensation 🡪 Provides compensation for various types of specific expenses (see particular sections later), but also provides compensation for general loss due to loss or damage of property and services loss due to loss of services/wages the victim or dependent would have performed.
* Assisting Victims & Witness of Gang Crime 🡪 Compensation may be awarded for any loss or injury to property (real estate, land, personal items) resulting from gang crime up to $5,000.
* Violent Crime Witness Protection Act 🡪 financial support maybe awarded for emergency/temporary housing costs, lost wage assistance, and other expenses.

Indigenous, Native Americans, Alaska Natives:

Children/Minors:

Elderly Individuals:

Immigrants:

* Survivor’s Support and Trafficking Prevention 🡪 Extends social services, SNAP Benefits and TANF cash assistance, to non-citizens who have experienced sexual violence or trafficking.

Domestic Violence & Family Violence:

## MISCELLANEOUS SERVICES

Employment Assistance and Leave:

* Victims Economic Safety and Security Act 🡪 Grants individuals who experience violent crime the right to unpaid to seek services in response to that experience.
* Child Bereavement Leave Act 🡪 Grants parents of deceased children the right to two weeks to make arrangements necessitated by the death and to grieve.

Lost Wage Assistance:

* Crime Victims Compensation 🡪 May compensate individuals who experience violent crime for lost wages due to that violent crime.
* Violent Crime Witness Prevention Act 🡪 May provide assistance to cover lost wages due to witnessing violent crime.

Transportation:

* Crime Victims Compensation 🡪 May provide compensation for various transportation expenses.

Funeral Costs/Burial:

* Crime Victims Compensation 🡪 Compensation may be provided for funeral costs and burial expenses.
* Child Bereavement Leave Act 🡪 Grants parents the right to two weeks of unpaid leave to make funeral arrangements and grieve.

Legal Assistance:

* Adult Protective Services Act 🡪 Provides individuals who experience abuse, neglect, or abandonment to legal services contingent on program funding through the Department of Aging.

Tuition/Education Assistance:

* Crime Victims Compensation 🡪 May provide compensation for loss of tuition for grammar school, high school college, or graduate school paid directly to the school.

## COURT BASED REMEDIES

No Contact Orders 🡪 Civil No Contact Orders Act

* An individual who has experienced sexual assault can petition for a Civil no Contact Order. They can petition the court for an emergency order or plenary order. The length and conditions of the emergency v. plenary order are the same as orders of protection.
* A Civil No Contact Order can include any of the following remedies: prohibiting the perpetrator from knowingly coming/remaining within a specified distance of the victim; restrain the perpetrator from having any contact, including nonphysical contact and electronic communications, with the victim or indirectly through others; prohibit the perpetrator from coming/remaining within a certain distance to the victim's residence, school, day care, or other location; ordering the perpetrator to stay away from any property or animal possessed by the victim; any other injunctive relief as necessary/appropriate. If the perpetrator and the victim attend the same school the Court may order the perpetrator to switch schools after considering various factors affecting both parties.

Stalking No Contact Orders 🡪 Stalking No Contact Order Act

* An individual who has been subject to stalking by another person can petition for a Stalking No Contact Order. They can petition the court for an emergency order or plenary order. The length and conditions of the emergency v. plenary order are the same as orders of protection.
* A Stalking No Contact Order can include any of the following remedies: prohibiting the perpetrator from committing/threatening stalking; order the perpetrator not to have any contact with the victim or a specifically named 3rd person; prohibit the perpetrator from knowingly coming/remaining within the petitioner or their residence, school, daycare, place of employment, or any specified place; prohibit the perpetrator from possessing a Firearm Owners Identification Card or possessing/buying a firearm; and any other injunctive relief as necessary/appropriate. If the perpetrator and the victim attend the same school the Court may order the perpetrator to switch schools after considering various factors affecting both parties.

Protective Orders 🡪 Illinois Domestic Violence Act

* An individual who has experienced domestic violence or one of their household or family members can file for an order of protection. They can petition the court for an emergency order or plenary order. An emergency order may be granted even if the person who the order is against never responds to the petition and lasts for at least 14 days to at most 21 days. A plenary order may be granted but only if the person who the order is against responds and appears in Court. A plenary order lasts for a fixed period of time, but not more than 2 years.
* An order of protection can any of the following remedies: probation of abuse; prohibition of respondent’s (abusers) entrance in the property of the petitioners (victims) property; stay away order from the petitioner’s school, place of employment, or any other place at specified times; counseling of the respondent; separation of a minor from their primary caretaker; awarding of parenting time and decisions (also known as custody); removal of a minor child; the granting of exclusive possession of personal property; granting of exclusive custody, care, or control of any animal; payment of support of the petitioner or child; payment for losses suffered as a result of the abuse; prohibition of firearm possession; prohibition of access to records; payment of shelter services sought due to abuse; any other injunctive relief; and transferring of phone services to petitioner.

Legal Monetary Remedies:

* Criminal Victims’ Asset Discovery Act🡪 Asset Discovery is available to individuals who have been a victim, of an attempted or perpetrated first degree murder, Class X Felony, or aggravated kidnapping. Asset Discovery allows people to request information listing the assets of the person convicted of the offense against them and allows their legal representation to question them about these assets. It also allows the individual to seek seizure of the property of the convicted person.
* In addition to remedies available through legislation, individuals who have experienced violent crime have certain rights and in most cases can file civil actions in court to get damages and remedies for the violation of those rights.

# HOW DO I ACCESS THESE SERVICES?

* **Crime Victims Compensation**
	+ You can apply for compensation through the Crime Victims Compensation Act online at <https://ag.state.il.us/victims/cvonlineapplication.html>
	+ You can also apply by printing the application, filling it out, and mailing it to the Office of the Illinois Attorney General. Access the form here <https://ag.state.il.us/victims/CV_Application2013.pdf>
	+ Your application will be reviewed by the Attorney General and Court of Claims and may be denied. There are also groups of individuals who will be denied based on conditions in the legislation, including: incarcerated individuals, anyone who willfully leaves out necessary information in the application.
	+ You must apply within…
		- 5 years of the incident;
		- 1 year of a criminal charge; or
		- For an individual under 18 or with a legal disability, within 3 years of the time the individual turns 18 or the disability is removed.
	+ Also police notification of the incident is required to be eligible for compensation. Generally, you must notify the police within 72 hours of the incident.
* **Victims Economic Safety and Security Act**
	+ You can utilize the right to unpaid leave by giving your employer 48 hours notice of your intention to use this leave, your employer may ask you to “certify” that you or a relative experienced a violent crime. If your employer denies the leave for no reason, you may sue them under this act.
* **Assisting Victims and Witnesses of Gang Crime**
	+ Assistance and compensation through this act is awarded by law enforcement within the Illinois State Police. In order to access this assistance you must fully cooperate in the prosecution of the “gang crime members.
* **Violent Crime Witness Protection Act**
	+ This legislation will not be enacted until January 1, 2023.
* **Homelessness prevention Act**
	+ Services through this Act are accessed through different organizations in different parts of the state.
* **Safe Homes Act**
	+ Protections provided through the Safe Homes Act are accessed during a breach of lease action which would be brought by your landlord. If you are currently working with an attorney in a breach of lease case, ask them about using the Safe Homes Act as an affirmative defense.
	+ More information about the Safe Homes Act can be found here <https://www.povertylaw.org/wp-content/uploads/2019/12/English-SHA-Brochure_Updated_FINAL-2-1.pdf>
* **Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act**
	+ The Address Confidentiality Program can be accessed through the Illinois Attorney General Office.
	+ To apply online <https://agforms.ilag.gov/Forms/ACP>
	+ To apply via mail <https://illinoisattorneygeneral.gov/victims/ACP_Application.pdf>
* **Deferral of Deposit**
	+ To have your deposit deferred you must have sought or currently have an Order of Protection. In addition to an Order of Protection you may need to have certification of the domestic violence by medical personnel, law enforcement, a State’s Attorney, or a Domestic Violence Shelter.
	+ Once you have these inform your landlord or utility provider that you are a victim of domestic violence and would like to defer your deposit for 60 days.
* **Preventing Sexual Violence in Higher Education**
	+ Services and protections created by the Preventing Sexual Violence in Higher Education must be provided by the University you attend. Your university is required to provide you information about how and where to access these services.
* **Adult Protective Services Act**
	+ Providers of care and housing for elderly individuals and adults with disabilities are required to report and comply with the Adult Protective Services. If you or a relative have experienced abuse while in one of these facilities and the facility did not properly respond reach out to the Illinois Department on Aging for enforcement of this legislation and to find service providers. More information can be found at <https://www2.illinois.gov/aging/ProtectionAdvocacy/Pages/abuse.aspx>
* **Abused and Neglected Long Term Care Facility Residents Reporting Act**
	+ Long Term Care Facilities are required to comply with this reporting legislation and if you or a relative are abused in one of these facilities and the facility does not comply reach out to a legal services provider to seek enforcement.
	+ More information and resources for victims in long term care facilities can be found at <https://www2.illinois.gov/aging/programs/LTCOmbudsman/Pages/default.aspx>
* **Sexual Assault Survivors Emergency Treatment Act**
	+ Hospitals and Treatment Centers are required to provide medical forensic services and medical care vouchers to anyone who comes in within 7 days of experiencing sexual assault. While you are not required to file a police report to receive these services if you decide to have an evidence collection kit gathered in the hospital, the police will be informed.
* **Trafficking Victims Protection Act**
	+ To seek the remedies provided by this Act you must bring a civil action against the individuals who perpetrated the trafficking against you. Reach out to a legal services provider to learn how to do this.
* **Survivor’s Support and Trafficking Prevention**
	+ To receive TANF or SNAP benefits through this legislation You must have applied for a U Visa, T Visa, or for Asylum in the United States. In order to apply for these programs seek legal representation or services to guide you through the process.
* **Child Bereavement Leave Act**
	+ Parents of deceased children are granted 2 weeks of unpaid leave within 60 days of the child’s death. To receive this give your employer 48 hours notice informing them you would like to use your 2 weeks of unpaid leave. If your employer refuses this leave you may sue them within 60 days of this refusal. To do this seek legal services.
* **IL Domestic Violence Act**
	+ Orders of Protection are provided under the Illinois Domestic Violence Act. Seeking an order of protection differs depending on the county you live in and their court system. More information about seeking legal help and an order of protection can be found here <https://www.illinoislegalaid.org/legal-information/starting-case-get-order-protection>
* **Stalking No Contact Order Act**
	+ Similar to an order of protection, seeking a stalking no contact order differs depending on the county you live in and their court system. More information about seeking legal help and a stalking no contact order can be found here <https://www.illinoislegalaid.org/legal-information/starting-case-get-stalking-no-contact-order>
* **Civil No Contact Order Act**
	+ Similar to an order of protection and a stalking no contact order, seeking a civil no contact order differs depending on the county you live in and their court system. More information about seeking legal help and a civil no contact order can be found here <https://www.illinoislegalaid.org/legal-information/starting-case-get-civil-no-contact-order#:~:text=You%20can%20do%20this%20when,are%20asking%20for%20and%20why>.
* **Criminal Victims’ Asset Discovery Act**
	+ To utilize this legal remedy, the individual who perpetrated the violent crime against you must already be convicted of the offense or in the process of being convicted. You or your legal representation can request a list of the individual’s assets from the Department of Correction.

# ADDITIONAL RESOURCES

* Low cost/free legal services can be found near where you live at Illinois Legal Aid Online <https://www.illinoislegalaid.org/get-legal-help>
	+ This site provides information about legal issues and their potentional remedies, but the link above will help you find free legal services near you so you can talk with an attorney about the issue.
* To find a victim service organization near you, use the Office for Victims of Crime online directory. <https://ovc.ojp.gov/directory-crime-victim-services/search#-1>
	+ You can filter the directly by what state you live in, what happened yo you, and what service you are seeking.