

ADVISORY BULLETIN

TRANSMITTAL NO. 2016-01

**TO: ALL FUNDED PROGRAMS
ADVISORY COUNCIL MEMBERS**

**FROM: ELIZABETH CRONIIN, ESQ.
DIRECTOR**

SUBJECT: New Regulations

DATE: January 5, 2016

The New York State Office of Victim Services (OVS or Office) announces that two new regulations will be published in Issue 2 of the New York State Register on January 13, 2016 and effective for all OVS claims received on and after that date.

Reasonable Attorneys' Fees – will be limited to representation before the Office upon administrative review of a decision (i.e., an appeal) and/or before the appellate division upon judicial review of a final determination by OVS (i.e., Article 78). As you know, OVS funds 225 local Victim Assistance Programs (VAPs) across New York State, distributing in excess of \$35 million to these programs to assist and advocate on the behalf of victims and claimants. Among the required duties of VAPs is to assist victims and/or claimants in completing and submitting OVS applications and assist claimants through the claim process. This new regulation will conserve compensation costs and reduce the overall lien the Office would have against certain claimants, while reinforcing the importance of, and the good work done by, all of our VAPs.

Conduct Contributing – is required by law to be considered by OVS. It has long been the standard practice of the Office to reduce an award or deny a claim in its entirety based on our statutory provisions. This regulation will codify the standards by which the Office bases such decisions. The standards created under this regulation are tied to the facts collected during the investigation of the claim, to establish a record-based relationship between the victim's conduct and the crime upon which the claim is based. This new regulation will better allow victims, and those who advocate on their behalf, to have realistic expectations in claims where the victim's own conduct is a factor.

The text of each of these regulations can be found in Issue 45 of the New York State Register, dated November 10, 2015, at the following link:

<http://docs.dos.ny.gov/info/register/2015/November11/toc.html>

The Notices of Adoption for each will be published in Issue 2 of the New York State Register on January 13, 2016, at the following link:

<http://www.dos.ny.gov/info/register/2016.html>

On behalf of the New York State Office of Victim Services, thank you for working with us to provide the highest quality services to crime victims.

A handwritten signature in black ink, appearing to read "Elizabeth Cronin". The signature is fluid and cursive, with a prominent initial "E".

Elizabeth Cronin, Esq.
Director