

Please be sure to include claim number on form.

THIRD PARTY ELECTION FORM

Victim's name	Claim number
Victim's mailing address	
City	State ZIP

Name of person(s) responsible for the crime	Date of crime
Responsible party's address	City State ZIP
Witness to crime	Address City State ZIP Phone number

PLEASE SELECT AND COMPLETE OPTION A OR OPTION B

OPTION A. MY ATTORNEY OR I WILL PURSUE THIRD-PARTY ACTION

I wish to seek recovery from the third party myself. I understand that if any recovery is made, I must repay the Department of Labor and Industries' Crime Victims Compensation Program for my benefits. I also understand that I must notify the department if and when I file a lawsuit. Finally, I authorize the department to communicate with my attorney.

SIGNATURE

Date: / /

Attorney's name

Attorney's address

Attorney's phone number

City

State ZIP

OPTION B. I ASSIGN THE ACTION TO THE DEPARTMENT

I wish to assign any cause of action that I may have against a third party to the Department of Labor and Industries' Crime Victims Compensation Program. I do not intend to pursue a third-party action on my own and no recovery has yet been made. I authorize the release of information from my claim file so that a third-party action may be pursued. I understand that this assignment does not pertain to loss of consortium (love, affection and companionship) claims of spouses, children or beneficiaries.

SIGNATURE

Date: / /

**Please complete entire form and mail to: Department of Labor and Industries
Crime Victims Compensation Program
PO Box 44520
Olympia WA 98504-4520**

Questions?

— Here are some answers

Q What are my responsibilities if I decide to pursue the action myself (Option A)?

A First, you must notify Labor and Industries that you decided to pursue the action. The law also requires that you or your attorney notify the department when a lawsuit is filed and keep the department informed of the progress of the action. In fact, if the action is not diligently pursued, the department can petition the court to have it assigned to the department.

In addition, the law requires that you or your attorney obtain department approval of a settlement under certain circumstances. If a settlement is insufficient to cover the cost to reimburse the Crime Victims Compensation Program, we can deny approval or can declare void any settlement to which you have agreed.

Finally, the law requires that you or your attorney advise the department of the amount that has been recovered and the attorney fees and costs associated with the recovery and repay the department for your Crime Victims Compensation benefits.

Q What are my responsibilities if I decide to assign the action to Labor and Industries (Option B)?

A Labor and Industries will decide whether to pursue the action. Your help may be necessary in making this decision. In addition, if an action is filed, your deposition testimony or in-court testimony may be required. This, of course, is true whether you assign the action to the department or pursue it yourself.

Q If I assign the action to Labor and Industries (Option B), what will the department do?

A When you assign the action to the department, you are freed from personal responsibility to pay the legal costs involved in such

actions. However, you also give up your right to control the action. The department will decide whether to pursue the action.

Q How does the third-party action affect my Crime Victims Compensation claim?

A You are entitled to receive your Crime Victims Compensation benefits until a recovery is made. However, once the recovery is made, you must reimburse Labor and Industries from your settlement. Depending on the amount recovered, your benefits may stop for a period of time.

Q How does the third-party action benefit me?

A You may receive money from a third-party action pursued under RCW 7.68.050. You may recover money for all of your losses related to the crime, which may exceed the benefits payable on your claim. The law specifies how a recovery is to be distributed among you, your attorney (if any), and Labor and Industries on behalf of the Crime Victims Compensation funds.

The department may also seek recovery of costs by other methods in addition to options A or B. If the offender is convicted, we may request the court to order restitution, payable to the department for our costs.

We may also pursue a recovery directly from the offender for an amount equal to our costs. If money is received by either of these last two methods, you will not receive a portion of the money recovered. However, any money received by the department from the offender will reduce your responsibility to reimburse the department from other recoveries you may make.

Q What do I do now?

A After reviewing this material, please make your decision, sign the form, and mail it to Labor and Industries.

Q Why was I sent this form?

A Because you were injured as a result of a crime, and you filed a Crime Victims Compensation claim.

Q What is a third party?

A Someone who may have caused or contributed to your injury. Examples include:

- The driver of a car that hit you.
- The person who hit you with their fists.
- The tavern that over-served the intoxicated driver who struck you.
- The person who sexually assaulted you.

Q What is a third-party action?

A A legal action against the liable party. The intent of the action is to recover a dollar amount equal to the damages incurred as a result of the crime.

Q Do I have to pursue a third-party action?

A No. However, the law does require you to make a choice. You must either pursue the action yourself, with or without an attorney (Option A), or assign the action to the Department of Labor and Industries' Crime Victims Compensation Program (Option B).

Q What if I do nothing?

A You are required to complete this form. Failure to complete this form and return it to Labor and Industries within the required time may result in assignment of the third-party action to the department. Any further action is at the discretion of the department.

Crime Victims Compensation Program

— *Helping victims recover
from the effects of
violent crime*

The Crime Victims Compensation Program provides benefits when there are no other sources available to the victim. However, the person who committed the crime should be held responsible for the damages caused by his or her actions.

The law requires the Department of Labor and Industries be advised of all recoveries or benefits victims receive from third parties or insurance coverage.

You will be required to reimburse the department for the benefits paid on your claim when you receive money from other sources.

When money is paid back to the Crime Victims Compensation funds, it allows the department to continue to provide benefits to victims of crime.

If you have questions, write us at the address shown below or call 1-800-762-3716.

**Department of Labor and Industries
Crime Victims Compensation Program
PO Box 44520
Olympia, WA 98504-4520**

L&I service centers

Labor and Industries operates local offices to serve your needs. They are listed under **Washington, State of** in the white pages or government listings of your telephone book.

If you have questions, please call the office nearest you, or dial toll-free:

1-800-762-3716 (TDD 360-902-4974)

Region 1, Northwest Washington

Bellingham
Everett
Mount Vernon

Region 2, King County

Bellevue
Seattle
Tukwila

Region 3, Pierce County/Peninsula

Bremerton
Tacoma
Port Angeles

Region 4, Southwest Washington

Aberdeen
Longview
Tumwater
Vancouver

Region 5, Central Washington

East Wenatchee
Kennewick
Moses Lake
Okanogan
Walla Walla
Yakima

Region 6, Eastern Washington

Colville
Pullman
Spokane

Please note:

Labor and Industries believes that all the information in this pamphlet is correct.

However, this pamphlet is intended only as a general guide. It is not intended to address specific cases or every possible situation, nor is it intended to be an interpretation of the law.

Moreover, the law regarding third-party recoveries can change and can be complex.

You are free to consult with an attorney or call the department for more information.

Labor and Industries is an Equal Opportunity and Affirmative Action employer. The department complies with all federal rules and regulations and shall not discriminate on the basis of race, color, national origin, sex, creed, marital status, sexual orientation, age, disabled or Vietnam-era veteran, religion or disability as defined by applicable state and/or federal regulations or statutes.

If you have special communication or accommodation needs, please contact the Department of Labor and Industries, Crime Victims Compensation Program, PO Box 44520, Olympia, WA 98504-4520, 1-800-762-3716.