

Office of Victim Services

Legal

Legal Information

Disclaimer: The following material is for informational purposes. The New York State Office of Victim Services does not offer the following material as legal advice of any kind.

- [Legal Information](#)
- [OVS and Restitution](#)
- [NYS Freedom of Information Law](#)
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The New York State Office of Victim Services (OVS) operates pursuant to [Article 22](#) of the New York State Executive Law, Section 620 et seq. It is recommended that [Article 22](#) be reviewed in its entirety for a complete and accurate understanding of the OVS operations.

The OVS Legal Unit provides counsel to the Director and agency staff. The Legal Unit cannot provide legal advice or counsel to individual claimants or victims. Such individuals should seek private representation.

Among its duties, the Legal Unit: Schedules appeals hearings, initiates Son of Sam actions, provides education and outreach to providers and law enforcement agencies, and handles restitution, subrogation and litigation matters for the agency.

OVS Claim Forms

OVS Claim Forms can be downloaded from the OVS website. See the Claim forms available from the Application Forms for Victim Compensation page. You can request forms be mailed to you by calling (518) 457-8727.

OVS and Restitution

Acceptance of an award made by the OVS creates a lien in favor of the State on any court ordered restitution. The OVS lien attaches if the restitution was ordered to compensate the claimant for the same expense compensated by the OVS. For more information on Restitution, click on the following link to view or print OVS's (previously CVB's) guide to restitution in New York State.

- [A Victim's Guide to Restitution in New York State](#)
- Restitution Training Guide

OVS and Subrogation

Acceptance of an award made by the OVS subrogates New York State, to the extent of the award, to any right or right of action accruing to the claimant or victim to recover payments on account of losses resulting from the crime with respect to which the award is made. For additional information see Executive Law Section 634.

OVS and Liens

Acceptance of an award made by the OVS creates a lien in favor of the State on the proceeds of any recovery from the person or persons liable for the injury or death giving rise to the OVS award, whether by judgment, settlement or otherwise. The OVS lien increases as additional payments are made to or on behalf of the claimant. For additional information see Executive Law Section 634.

Satisfaction of Lien

The OVS reduces its lien by assuming its pro rata share of attorney fees and disbursements. In hardship cases, the OVS has the power to waive its lien. Counsel's Office should be contacted prior to the settlement of the civil law suit in order to ascertain the amount the OVS will accept to satisfy its lien.

Maximum Amounts Paid

See Compensation Benefits section on [Services](#) page.

Attorney Fees

The New York State Office of Victim Services may reimburse an eligible claimant for the cost of reasonable attorney fees for representation before the Office and/or before the appellate division upon judicial review not to exceed one thousand dollars (Executive Law Section 626).

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