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## BUDGET UNIT BRIEF – FY 2023

Fiscal Services Division

July 1, 2022



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Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

## Civil Reparations Trust Fund

### Purpose and History

In a trial involving a request for punitive or exemplary damages, the court will instruct the jury to answer special interrogatories; or if there is no jury, the judge will make the following findings:

- Was there willful and wanton disregard for the rights or safety of another as presented through clear, convincing, and satisfactory evidence?
- Was the conduct of the defendant directed specifically at the claimant, or at the person from whom the claimant's claim was derived?

An award for punitive or exemplary damages is only made if the answer to the first question is yes, and if so, the jury or court fixes the amount of punitive or exemplary damages to be awarded. If the answer to the first question is yes but the answer to the second question is no, after payment of all applicable costs and fees, an amount not to exceed 25.0% of the punitive or exemplary damages awarded may be ordered paid to the claimant, with the remainder of the award to be ordered paid to the Civil Reparations Trust Fund. If the answer to both the first and second questions is yes, the claimant receives the full award.

The Fund is administered by the State Court Administrator and is under the control of the Executive Council. Moneys are disbursed from the Fund only for indigent civil litigation programs or insurance assistance programs.

### Funding

The Executive Council publishes a notice of the balance in the Fund in the Iowa Administrative Bulletin semiannually in January and July of each year and within 30 days of the deposit of any amount into the Fund exceeding \$10,000. The Executive Council accepts applications for moneys from the Fund for a period of 30 days after the notice has been published. Applications are available in the State Treasurer's Office. When deciding whether to approve an application, the Executive Council considers how the moneys will be utilized; how many people will be served; the availability of alternative resources; and, if the person had a prior application, how the person complied with the legal restrictions on that prior application. The Executive Council is permitted to bill the costs for administering the Fund, such as postage and copying costs, to the Fund as well.

### Related Statutes and Administrative Rules

Iowa Code chapter [668A](#)

Iowa Administrative Code [361—12](#)

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### More Information

Judicial Branch: [iowacourts.gov](http://iowacourts.gov)

LSA Staff Contact: Justus Thompson (515.725.2249) [justus.thompson@legis.iowa.gov](mailto:justus.thompson@legis.iowa.gov)

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