



## Draft Protocol Overview

The Uvalde Together We Rise Fund (the Fund) will distribute funds as gifts to victims and survivors of the May 24, 2022, shooting at Robb Elementary School in Uvalde, Texas. The funds may be used however the recipients wish.

Decisions about eligibility and distribution are made by a local Steering Committee with intentions of transparency, integrity, compassion, and fairness. This Draft Protocol is the Steering Committee's suggestion of what rules should apply to this Fund and was created with guidance from National Compassion Fund, which has led numerous similar efforts after mass casualty events. The Steering Committee welcomes feedback as to if these proposed rules are fair and reasonable or if changes should be made.

Please submit all feedback no later than **August 10, 2022**, by emailing [Uvalde@NationalCompassion.org](mailto:Uvalde@NationalCompassion.org) or by attending one of the Town Halls scheduled for July 19, 2022, 6:00 p.m.—7:30 pm at the Uvalde Fairplex, or August 11, 2022, 11:30 am—1:00 pm at the Uvalde Fairplex.

The Draft Protocol proposes three categories of eligibility:

- Legal heirs of those who were killed as a direct result of the shooting
- Those who were physically injured
- Those who were present in the designated area at the time of the Shooting, but not physically injured.

The Steering Committee understands that as a small, close-knit community, everyone in Uvalde was devastated by this atrocity, and nearly everyone knew someone—or even numerous people—who were killed, wounded, or present on May 24th. For purpose of this fund, the Steering Committee will focus on those most directly impacted: the families of those who were killed, the people who were injured, and the students and faculty present as the shooting began. This fund focuses on trauma, which is largely fueled by sensory perception (what people, see, hear, smell, etc.). The Steering Committee decided to not include in the categories of eligibility, people who had left campus before the Shooting began. While those students certainly grieve their classmates, including the grief of those not present would make it very difficult to exclude other grieving friends and relatives who were not present.



Once the rules are finalized, the Steering Committee will release a Final Protocol. An online application will then be available online around September 8, 2022.

All interested parties should sign up for the Fund's contact list by filling out and submitting the form on [www.NationalCompassion.org/Uvalde](http://www.NationalCompassion.org/Uvalde). Emails will be sent regarding:

- When the Final Protocol for the Fund is available
- When the application is available
- When the deadline for submitting an application is approaching

Representatives from the National Compassion Fund are available to help throughout this process through meetings or phone calls. Email [Uvalde@NationalCompassion.org](mailto:Uvalde@NationalCompassion.org) with any questions or to set up a meeting.

## Draft Protocol

June 30, 2022

**This is the Draft Protocol. The Final Protocol, which will govern distribution of the Uvalde Together We Rise Fund (the Fund), will be developed by the Fund Administrators, incorporating relevant and appropriate feedback from the Steering Committee, the National Compassion Fund (NCF), the survivors and victims, and the general public, including those present at the Town Hall meetings to be held by the Administrators on July 19 and August 11.**

**The money paid by the fund is a gift to which no person has a legal claim or entitlement. All aspects of this Draft Protocol including, without limitation, the classifications of applicants, distribution criteria, application process, and timetable, may be revised and are subject to the full and complete discretion of NCF, which serves as Fund Administrator. The level of benefits paid within each category of eligibility is determined by the steering committee.**

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The Fund was enhanced through the generosity of businesses, foundations, and individual donors. It will be used to assist the families of the victims who were killed, the victims who were physically injured requiring hospitalization, the victims who were physically injured, and the victims who were present in the designated area of Robb Elementary during the shooting (the Shooting) on May 24, 2022. The National Compassion Fund, LLC is a subsidiary of the National Center for Victims of Crime, a 501(c)(3) nonprofit organization (Federal Tax ID #30-0022798).

**ALL APPLICATIONS MUST BE SUBMITTED ONLINE NO LATER THAN OCTOBER 6, TO BE ELIGIBLE TO RECEIVE PAYMENT. IF THE VICTIM IS UNDER THE AGE OF 18 OR IS A VULNERABLE ADULT, A PARENT OR GUARDIAN MUST APPLY ON THE VICTIM'S BEHALF.**

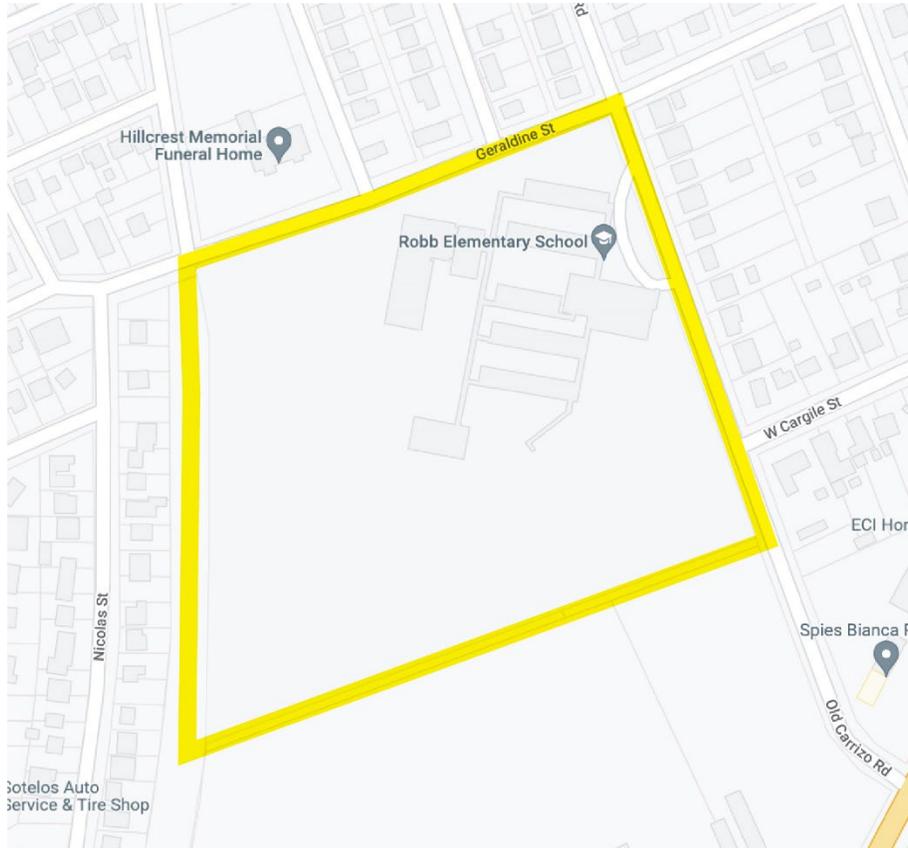
The amounts awarded from the Fund will take into consideration variables that include: (1) the balance in the Fund when it is closed for donations on October 20; (2) the completion of the review of all submitted applications; and (3) the review and approval by the Administrators. The Administrators reserve all rights to determining the validity of all information submitted by applicants.

Neither citizenship nor immigration status will be considered in determining an applicant's eligibility.

## SECTION ONE: ELIGIBILITY

### AREA OF ELIGIBILITY

Individuals in the categories listed below will be deemed to have been "present" and eligible for payment if they were physically present within the designated area (as indicated by Figure 1 below) at 11:27 am when the shooting began. The designated area is comprised of campus of Robb Elementary School.



**Fig. 1**

### **CATEGORIES OF ELIGIBLE APPLICANTS (ELIGIBILITY IS LIMITED TO ONE CATEGORY)**

#### **A. Application for Legal Heirs of the beloved 21 people killed**

Eligible applicants for deceased victims killed as a result of the Shooting will receive payment under the scope of this Protocol. Payments in this category will be the highest payments under the Protocol. A final payment determination will be made upon receipt of all pertinent data and is subject to all comments above.

## B. Individual Physical Injury Applications

Applicants who were present within the designated area of eligibility at Robb Elementary School at the time of the Shooting and were physically injured will receive payment under this Protocol. Payments in this category may be tiered based upon the number of nights hospitalized, outpatient emergency medical treatment, or outpatient non-emergency medical treatment received by June 24.

## C. Individuals Present at the Site Experiencing Psychological Trauma

Any individuals, other than first responders, who experienced psychological trauma, **AND** were either, **A)** present within the designated area of the school, **OR B)** faced imminent risk of death from being fired upon by the gunman, are eligible to receive payment under this Protocol. Higher levels of payments may be provided to students and faculty who were present in the West wing of the building where the Shooting occurred, or in rooms 111 or 112 of the West wing.

## SECTION TWO: PROCESS AND PROCEDURES

Eligible applicants must file an application in order to receive a payment from the Fund. **ALL APPLICATIONS MUST BE SUBMITTED BY THE DEADLINE OF OCTOBER 6, 2022;** however, the Fund Administrators reserve the right in their sole discretion to grant a deadline extension.

When completing the application, applicants will specify the category of the applicant: for deceased victims, for physical injury, or for present but not physically injured. In their application, applicants must choose only one distribution category for which they are eligible.

Each eligible applicant should submit only one application per victim. An applicant may submit more than one application only on behalf of separate victims. For example, a person who was present or injured may submit their own application. They may also submit an application on behalf of a minor (if that person is the designated parent or legal guardian of the minor) or on behalf of a family member who was killed (if they are the designated representative).

The process and procedures for consideration of eligible applications will be as follows:

**A.** The Fund will be administered by NCF. The Final Protocol to govern the Fund and a link to submit an online application for benefits will be emailed to all known potential applicants who have signed up for the Fund's contact list on the NCF website <https://nationalcompassion.org/fund/ualde/>. The Final Protocol and information concerning the application process will also be available on the NCF website beginning on or about August 18. Representatives from NCF (the Fund Administrators) will administer and process the applications. Only one application should be submitted by, or on behalf of, each victim. All applications must be completed and submitted to the Fund Administrators (along with all required supporting documentation detailed in the application or such information curing any

deficiencies in information) no later than October 6, 2022. Questions regarding the completion of an application should be sent via email to [Uvalde@NationalCompassion.org](mailto:Uvalde@NationalCompassion.org).

**B.** Two public meeting will be conducted by the Fund Administrators: one on July 19, 6:00 p.m.—7:30 pm at the Uvalde Fairplex, and the second on August 11, 2022, 11:30 am—1:00 pm at the Uvalde Fairplex. At each meeting, there will be an explanation of the Draft Protocol and the application submission process, and Fund Administrators will invite input and comments from potential applicants and the general public. Information collected from these group meetings, various communications, and correspondence between the applicants, other interested parties, and the Fund Administrators will be considered in finalizing the Final Protocol.

**C.** Access to the application online will be available at <https://nationalcompassion.org/Uvalde/> around September 8, 2022. Applicants who lack access to the internet are invited to call the applicant assistance number at (844) 743-3334 ext 705 for guidance on alternative filing assistance.

**D.** If an applicant submits an incomplete or deficient application (e.g., the applicant failed to include required documentation or failed to fully complete the application), a representative from the Fund Administrators' office will send an e-mail notification to the applicant in an effort to resolve any such deficiencies.

**E.** Shortly after the deadline for submission of all financial contributions and the final review and determination of all eligible applications by the Fund Administrators, payments will be issued. The Fund Administrators will submit final payment determinations to the Steering Committee for approval of transmission of the payments, by check or electronic transfer, to each eligible applicant. Applicants may not rely on the timing of any payment. The Administrators, the Steering Committee, and NCF shall have no liability whatsoever for any damage of any kind arising out of or resulting from the timing of any payment from the Fund.

**F.** An application filed for a deceased victim will require information pertaining to individuals (e.g., spouse, children, parents, siblings) who may be eligible to receive compensation under the local intestacy law of the jurisdiction where the deceased victim was domiciled. In cases where multiple applications are received on behalf of the same deceased victim, The fund will honor the application submitted by the personal representative legally authorized to administer the Estate of the decedent. If the deceased issued a Last Will & Testament, the fund shall make payment to the legal heirs identified in the Will. If the deceased did not leave a Last Will & Testament, the personal representative must prepare a proposed plan of distribution of the funds among the deceased's legal heirs and beneficiaries. In circumstances where the deceased was, at the time of their death, engaged to be married, cohabitating with an intimate partner, separated from a spouse, or being cared for by a legal guardian or foster parent, the Fund Administrators may, in their discretion, require a fiancé, intimate partner, legal guardian, foster parent, or children of the deceased to be included in the proposed distribution plan. The proposed plan will be distributed to all such legal heirs, beneficiaries, and fiancé, cohabitating

intimate partner, guardian or foster parent, each of whom must consent to the proposed distribution. If agreement among the heirs cannot be reached as to who will serve as the personal representative or with regard to the proposed distribution, the applicants will be required to obtain legal authorization from the Probate Court having jurisdiction to determine who is the legally responsible person eligible to file the application. Under those circumstances, the Fund Administrators will, in their discretion, withhold funds until an agreement is reached, or deposit the affected funds with the Probate Court having jurisdiction, to be held in a separate account, and to be distributed only upon resolution in accordance with a valid court order.

**G.** A minor child's application must be submitted and signed by a parent or legal guardian. If an application is required for a vulnerable adult lacking legal capacity, it will require proof of representative capacity, such as a power-of-attorney, guardianship, and appointment of guardian or attorney *ad litem*.

**H.** An application filed for a physical injury applicant must include an authorization to release medical information which confirms: (i) the date of initial treatment, (ii) the date of admission to the hospital if applicable, (iii) the date of discharge from the hospital if applicable, and (iv) the nature of the injury and contemporaneous evidence from the treating professional that the injury was sustained as a result of the Shooting.

**I.** An application filed for psychological trauma must have the applicant's presence at the scene of the crime at the time of the Shooting corroborated by attendance records or by law enforcement records. The Fund Administrators (rather than the applicant) will be responsible for validating this information.

**J.** NCF, its Fund Administrators, and the Steering Committee will use reasonable efforts to maintain confidentiality of all information submitted by applicants but cannot guarantee confidentiality. Applicants are asked to consider any personal ramifications should any information submitted under this Draft Protocol become publicly available.

**K.** Upon approval of a Final Protocol, applicants in Category A (Legal Heirs of those killed) may request an advance payment of \$25,000 per decedent. Applicants in Category B (injury) who were hospitalized overnight may request an advance payment of \$15,000. Applicants in Category C (Psychological Trauma) who were in rooms 111 or 112, may request an advance payment of \$10,000. All advance payments will be deducted from the final distribution amount for the category in which the applicant is validated.

**L.** The Fund cannot provide tax advice to those receiving payments from the Fund. The Fund Administrators recommend consulting a tax advisor for any questions regarding tax liability for these payments.

**M.** When all distributions of payments have been completed, a full examination of the Fund will be conducted according to Agreed Upon Procedures by \_\_\_\_\_, an independent auditing firm. The results of these Agreed Upon Procedures will be made available

to all applicants, donors, and the general public, along with a Final Report from the Fund Administrators.

### SECTION THREE: OUTREACH AND COMMUNICATION

**A.** The National Compassion Fund (NCF) may conduct outreach to victims of the Shooting by telephone, mail, in person, and other forms of electronic communication to provide them with information on the application process, to answer questions related to the filing of applications, to assist victims in curing deficiencies on applications, and to work to ensure that all eligible persons who wish to submit applications are able to do so before the October 6 filing deadline. NCF does not guarantee that all who may be eligible will be contacted, nor does it guarantee that all eligible persons who are in contact with NCF will be included in the Final Distribution. It is the responsibility of the applicant to make sure that the application is timely filed and received. Contact information that is held by law enforcement or healthcare professionals is never shared with NCF, and there should be no assumption that anyone who is eligible will be contacted simply because they have shared their contact information with either law enforcement, the Red Cross, Resiliency Center, or any other service provider. Contact information must be shared with NCF via the Fund-specific online contact form.

**B.** Once finalized, the Final Protocol and application information will be disseminated to all known victims who have signed up for the online contact form on <https://nationalcompassion.org/fund/ualde/>. The Fund Administrators will work directly with applicants as requested so that applications are submitted by the October 6, deadline.

**C.** Applicants may request to schedule optional meetings face-to-face or by telephone with the Fund Administrators. All applications will be processed during the period between September 8, 2022, and November 8, 2022. All applicants requesting meetings with the Fund Administrators before the application is processed will be afforded such a meeting during the period between August 27, 2022, and October 6, 2022. Meetings will be scheduled at mutually convenient times and locations. To request a meeting, please email a request to [Uvalde@NationalCompassion.org](mailto:Uvalde@NationalCompassion.org).

### SECTION FOUR: PROPOSED UVALDE TIMELINE

- May 24, 2022 – Shooting occurs
- June 22, 2022 – Meeting of Steering Committee; approve Draft Protocol and send for translation
- June 30, 2022 – Publish Draft Protocol and public comment period begins
- July 19, 2022 – First Town Hall Meeting
- August 11, 2022 – Second Town Hall Meeting and public comment period ends
- August 11, 2022 – Steering Committee meets to approve Final Protocol
- August 18, 2022 – Final Protocol published to NCF website for survivors, victims, and interested parties

- August 27, 2021 – October 6, 2022 – All personal meetings requested with the Fund Administrators completed
- September 8, 2022 – Application is available online. Application instructions are disseminated to all known applicants and potential applicants.
- **September 8 –October 6, 2022 – Applications completed (with required documentation) and submitted to the Fund Administrators**
- **October 6, 2022 – Deadline for submission of applications**
- September 8, 2022 – November 8, 2022– All applications reviewed by the Fund Administrators. Recommendations for payments to eligible applicants submitted to the Steering Committee for independent review and approval.
- October 20, 2022 – Fund closes to donations
- November 14, 2022 – Steering Committee approves Funds Distribution Plan
- November 21, 2022 – Distribution of payments to approved eligible beneficiaries begins on a rolling basis
- Three weeks after the end of the month in which all disbursements are completed – Independent auditing firm conducts examination of Fund according to Agreed Upon Procedures