

# COMPENSATION BENEFIT REFERENCE GUIDE

## QUALIFICATIONS FOR COMPENSATION

A direct victim is someone who is physically injured, threatened with injury or dies as a direct result of a qualifying crime (Gov. Code, § 13951(g)). Other persons impacted by the crime may be eligible for compensation (Gov. Code, § 13951(c)).

The crime must have occurred in California or to a California resident who becomes a victim while in another state or country. For crimes occurring out of state, the victim must apply to that state or country first (Gov. Code, § 13955(b) Cal. Code Reg., title 2, § 649.1).

## APPLICATION MAXIMUM

The maximum reimbursement per application is \$63,000, however, some benefits have their own limits within the \$63,000.

## THE DIRECT VICTIM AND/OR APPLICANT MUST:

- Cooperate reasonably with law enforcement in the arrest and prosecution of the offender (Gov. Code, § 13956(b)).
- Cooperate with CalVCP staff and its representatives to verify the application (Gov. Code, § 13954 (b)).
- Seek reimbursement from other sources (i.e., health insurance or Medi-Cal) prior to a CalVCP payment (Gov. Code, § 13951(e)).
- Not be on parole, probation or post-release community supervision for a violent felony, incarcerated or required by law to register as a sex offender during the time the expenses were incurred.
- File the application within three years of the crime. Minor victims must file by their 21st birthday; if the crime was a sexual offense the application must be filed by the victim's 28th birthday. Good cause may allow for additional filing time (Gov. Code, § 13953).

AVAILABLE BENEFIT	REQUIREMENTS	WHO MAY RECEIVE THE BENEFIT	BENEFIT LIMITS	LEGAL AUTHORITY
<b>MEDICAL/MEDICALLY RELATED</b> Includes, but is not limited to: Doctor services, hospital, surgery, prescriptions Eyeglasses, hearing aids, dentures or prosthetic devices Ambulance, dental, chiropractic, etc.	Verification from the crime report or medical records that medical services were required and/or medical/medically related devices were taken, lost, damaged or destroyed during the commission of a crime, or the use of which became necessary as a direct result of the crime. For billing forms and required documents, please see: <a href="http://vcgcb.ca.gov/publications/calvcppforms.aspx">vcgcb.ca.gov/publications/calvcppforms.aspx</a>	Direct victim(s)  Anyone who pays or assumes legal liability for a deceased victim's expenses	Application maximum	Gov. Code, §§ 13957 (a)(1) & 13957 (a)(8)(A)
<b>INCOME LOSS</b>	Evidence of income loss and a statement of disability from a medical or mental health service provider or evidence of income loss when a victim has to take unpaid time off work for medical and/or mental health appointments.  Verification from the minor victim's physician that certifies the need for the parent or legal guardian's presence at the hospital for treatment in addition to evidence of income loss. For additional information, please see: <a href="http://vcgcb.ca.gov/victims/faq/expenses.aspx">vcgcb.ca.gov/victims/faq/expenses.aspx</a>	Direct victim(s)  Parent or legal guardian of a minor victim who is in the hospital or dies	Application maximum  Parents or legal guardians of a minor victim may be eligible for up to 30 days of income loss	Gov. Code, § 13957.5(a)  Cal. Code Reg., title 2, § 649.32
<b>SUPPORT LOSS</b>	Must have been legally dependent on the victim(s) at the time of the qualifying crime and be able to provide evidence of support loss.	Eligible family member or other person legally dependent on the victim	Application maximum	Gov. Code, §§ 13957.5(a)(4), 13957.5(b)  Cal. Code Reg., title 2, §§ 649.3(b), 649.32, and 649.33
<b>FUNERAL AND/OR BURIAL</b>	When a victim dies as a direct result of the qualifying crime, the funeral and burial expenses may be reimbursed. For additional information, please see: <a href="http://vcgcb.ca.gov/providers/funeral.aspx">vcgcb.ca.gov/providers/funeral.aspx</a>	Anyone who pays or assumes legal liability for a deceased victim's expenses	\$7,500	Gov. Code, § 13957(a)(8)(B)  Cal. Code Reg., title 2, § 649.18(a)
<b>RELOCATION</b>	Verification by law enforcement that relocation is necessary for a victim's personal safety, or verification by a medical or mental health provider that relocation is necessary for a victim's emotional well-being. For required documents, please see: <a href="http://vcgcb.ca.gov/docs/forms/victims/relocation/relocationpacketinstructions.pdf">vcgcb.ca.gov/docs/forms/victims/relocation/relocationpacketinstructions.pdf</a>	Direct victim(s)	\$2,000 Applicants may receive reimbursement greater than \$2,000 due to unusual, dire or exceptional circumstances	Gov. Code, § 13957(a)(7)(A)  Gov. Code, § 13957(a)(7)(E)
<b>CRIME SCENE CLEAN UP</b>	The crime occurred in a residence or vehicle and cleanup of the crime scene was performed by a trauma scene waste management practitioner registered with the State Department of Public Health per Health and Safety Code § 118321.	Anyone who pays or assumes legal liability for the crime scene clean up expenses	\$1,000	Gov. Code, § 13957(a)(9)

AVAILABLE BENEFIT	REQUIREMENTS	WHO MAY RECEIVE THE BENEFIT	BENEFIT LIMITS	LEGAL AUTHORITY
<b>HOME SECURITY</b>	Verification from the crime report or other supporting documentation that the victim's home safety is at risk, the offender is aware of where the victim resides or due to the crime there is a need for increased security.  Verification by a mental health provider that security is necessary for the victim's emotional well-being.	Direct victim(s)	\$1,000	Gov. Code, § 13957(a)(5)  Cal. Code Reg., title 2, § 649.19
<b>HOME MODIFICATION</b>	Verification from a physician that the modification expense is medically necessary.	Partially or totally permanently disabled victims	Application maximum	Gov. Code, § 13957(a)(6)
<b>VEHICLE MODIFICATION OR PURCHASE</b>	Verification from a physician that the modification or purchase expense is medically necessary.	Partially or totally permanently disabled victims	\$30,000	Gov. Code, § 13957(a)(6)  Cal. Code Reg., title 2, § 649.20(b)
<b>SERVICE DOG</b>	Disabled victim or applicant whose guide, signal or service dog was injured or killed due to a qualifying crime on or after January 1, 2015.	Owner of the service dog	\$10,000	Gov. Code, § 13955(f)(4)
<b>JOB RETRAINING OR SIMILAR EMPLOYMENT SERVICES</b>	The victim must first apply for assistance from the California Department of Rehabilitation and obtain an evaluation or assessment.	Direct victim(s)	Application maximum	Gov. Code, § 13957(a)(4)

## MENTAL HEALTH TREATMENT

INITIAL SESSION LIMITS <sup>1</sup>	WHO MAY RECEIVE THE BENEFIT	BENEFIT LIMITS	LEGAL AUTHORITY
<b>40 SESSION HOURS</b>	Direct victim (minor and adult).	\$10,000	Gov. Code, § 13957(a)(2)
	A surviving parent, grandparent, grandchild, sibling, child, spouse, registered domestic partner or fiancé (fiancée) <sup>2</sup> of a victim who becomes deceased due to the crime.	\$10,000 <sup>2,3</sup>	
<b>30 SESSION HOURS</b>	Minor witness to a violent crime (eff. 1/1/09).	\$5,000 <sup>2</sup>	
	Good Samaritan Gov. Code 13970.	\$5,000	
	Derivative victim* who was a minor at the time of the crime.	\$10,000	
<b>15 SESSION HOURS</b>	Derivative victim* who was the primary caretaker of a direct minor victim at the time of the crime.	\$10,000 <sup>3</sup>	
	Derivative victim* who does not meet any of the benefit limits listed above.	\$5,000	
<b>5 SESSION HOURS CASE MANAGEMENT</b>	Caretakers who became the primary caregiver of a minor direct victim after the qualifying crime and did not have a previous filing status relationship to the direct victim.	\$5,000	
	Direct victim (minor and adult).	\$375	

1) If additional treatment is needed beyond the initial session limits of 40, 30 or 15, an Additional Treatment Plan (ATP) can be filed by the therapist

2) Must have witnessed the crime to be eligible for benefits

3) Effective for applications received on or after 12/1/14

\* Derivative victims who, at the time of the crime are:

- A parent, sibling, spouse, registered domestic partner, grandparent, grandchild or child of the victim
- A fiancé or fiancée of the victim who witnessed the crime
- A person who is currently living with, or has previously lived with the victim
- A family member who witnessed the crime

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