

STATE OF CALIFORNIA  
VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD  
VICTIM COMPENSATION PROGRAM REGULATIONS

Title 2, §§ 649.3, 649.18, 649.20, 649.21, 649.24, 649.32

**§ 649.243. Authorized Indemnification**

(a) The amount of reimbursement paid by the Board shall not exceed the maximum rate set by the Board, if any, less the amount of reimbursement available from other sources.

(b) ~~Any cash payments made in response to an application or supplemental claim, arising out of the same crime, shall not exceed the monetary limits permitted by statute for a single application.~~ The total award to or on behalf of each victim or derivative victim may not exceed \$63,000.

(c) Personal Property. Except as provided for in Government Code section 13957(a)(1), the Board may not indemnify a victim for loss of money or loss or damage to personal property sustained in the qualifying crime giving rise to the application.

Authority cited: Sections 13920 and 13974, Government Code. Reference: Sections 13957 and 13957.5, Government Code.

**§ 649.18. Reimbursement of Funeral/Burial Expenses**

(a) All cash payments or reimbursement for expenses of the funeral/burial of the victim are limited to a maximum of \$5,000, and must have been incurred as a direct result of the qualifying crime.

(b) As funeral practices vary across cultures, the following traditional funeral and burial expenses or their equivalent expenses may be reimbursed up to \$5,000 ~~the statutory maximum~~, less the amount of reimbursement available from other sources:

(1) Burial costs, including but not limited to expenses for: the burial vault; casket; costs associated with the transport of the body; cremation charges; labor cost for opening and closing the grave; headstone; marker, or tombstone and the charge for its setting; the single-width, single-depth grave site; and, endowment care--a one time charge controlled by state law that ensures permanent maintenance of the grave.

(2) Funeral service costs, including but not limited to expenses for: preparation of the body for viewing; newspaper notices; copies of the death certificate; flowers for gravesite, chapel and hearse; photography costs; musician's fees; burial clothing; cost of transport to the burial site; on-site funeral service fees for chapels or other memorial service locations; licensed security guard ~~services~~services; gravesite service fees and costs, including equipment charges; and, items necessary for performing services in other cultural traditions.

(3) Memorial service costs including flowers, and pictures and picture frames at the service. ~~Additionally, costs of food and beverages up to \$ 500.00 of the statutory~~

~~maximum. Reimbursement for the purchase of alcoholic beverages is not permitted.~~

(4) If a double grave or headstone has been chosen, reimbursement may be made based upon an estimate of a single grave or headstone or half the cost of the double grave or headstone, whichever is the less expensive.

(c) The following expenses are not reimbursable by the VCP: coroner's charges, finance or interest charges or processing fees on a funeral/burial bill; a pre-purchased funeral or grave for the victim; any expenses based upon a VCP application filed by a mortuary, cemetery or other third party service provider, the cost of any food or beverages, and the cost for renting equipment and supplies such as tables and chairs.

Authority cited: [Sections 13920 and 13974, Government Code](#). Reference: [Section 13957\(a\)\(9\)\(B\), Government Code](#).

### **§ 649.20. Purchase of Vehicles**

(a) The Board may reimburse the expense of a vehicle upon verification that the expense is necessary for a victim who is permanently disabled as a direct result of the qualifying crime, whether the disability is partial or total.

(b) The maximum benefit for vehicle purchase, renovating, and retrofitting is \$30,000 per qualifying crime.

(bc) Justifications that may be considered for purchasing a vehicle include, but are not limited to:

(1) Purchasing an accessible vehicle may be more economical than retrofitting the applicant's existing vehicle;

(2) A different vehicle is needed to accommodate a wheelchair or other assistive device; or

(3) Para-transit or public transit options may not be available to the claimant, and the claimant may need to purchase a vehicle when he or she did not have one before the qualifying crime.

(ed) Items not eligible for reimbursement include, but are not limited to, any part or replacement that is necessary as a result of wear and tear or for maintenance.

(de) The applicant must submit a letter or statement from a mobility specialist, or a report from a rehabilitation specialist, ~~that states~~ stating that:

(1) the vehicle meets the measurements and requirements necessary to accommodate the disabled victim-, and

(2) if the victim will be operating the vehicle, the victim is physically and mentally capable of safely operating the vehicle.

(ef) The applicant must also submit a copy of the driver's license for the licensed driver who will be driving/operating the vehicle.

Authority cited: [Sections 13920 and 13974, Government Code](#). Reference: [Section 13957, Government Code](#).

### **§ 649.21 Verification of Attorney's Fees**

(a) As provided in Government Code section 13957.7(g), the Board shall pay attorney's fees representing the reasonable value of legal services rendered to the applicant in an amount equal to 10 percent of the amount of the award or five hundred dollars (\$500), which ever is less, for each victim and each derivative victim.

(b) The Board will not pay attorney's fees related to applications or supplemental claims which are denied by the Board.

(c) The Board will only pay attorney's fees for services provided to represent the applicant in the claim to the Board. The Board will not pay for attorney's fees incurred in connection with any other matter.

(d) "Legal services rendered" includes, but is not limited to, communication with an applicant or Board staff on behalf of the applicant, preparation of the application, representation in an appeal, and conducting legal research regarding the applicant's claim.

(e) Attorneys seeking compensation for attorney's fees must submit to the Board a statement detailing the date the legal services were rendered, describing the legal services rendered, and stating the amount of time for each service.

(f) The Board will review the attorney's fee statements and determine if the amount is payable. Prior to payment of the attorney's fees, the Board may verify with the applicant that the described legal services were provided.

(g) An applicant may appeal the payment or non-payment of attorney's fees by requesting a hearing on the issue within 45 days of the date of the Board's notice of its recommended action on the fees.

(h) An attorney representing the applicant must sign the application prior to the applicant signing the application. An attorney may not be subsequently added to the application without the applicant consenting to representation by that attorney.

(i) If the applicant retains an attorney after the application is submitted, the applicant must submit a signed letter to the Board stating that the applicant is being represented by the attorney, the date the attorney was retained, and provide the attorney's name, address, and telephone number.

Authority cited: [Sections 13920 and 13974, Government Code](#). Reference: [Sections 13954\(a\) and 13957.7\(g\), Government Code](#).

## § 649.32. Verification of Income or Support Loss

(a) All cash payments or reimbursement for income or support loss shall be necessary as a direct result of the qualifying crime.

(b) Income loss includes, but is not limited to, time lost from work for medical or mental health appointments necessary as a direct result of the qualifying crime.

(c) Evidence of income loss shall be in the form of:

(1) documentation, from the California Franchise Tax Board, Board of Equalization, Social Security, and/or the California Employment Development Department for the tax year preceding the date of the qualifying crime or during the year of the qualifying crime. ~~Evidence of income loss may include but not be limited to, documentation of earnings immediately preceding the date of the qualifying crime such as copies of all wage check stubs for periods immediately preceding the date of the qualifying crime, or copies of all state and federal income tax returns filed by the victim or applicant for the tax year immediately preceding the date of the crime or during the year of the crime, if available, or~~

(2) a statement under penalty of perjury from the employer acknowledging that the applicant was employed, the dates of employment, the time missed from work, the rate of pay, and any benefits the applicant received from the employer; and copies of wage check stubs for a minimum period of one week immediately preceding the date of the qualifying crime. ~~a Statement of Wages or Income as used to file with federal or state taxing authorities, such as a W-2 IRS form actually filed with the taxing authorities for the tax year immediately preceding the date of the crime or during the year of the crime, or a statement signed by the employer attesting to the payment of wages or income to the victim which statement shall include the name, telephone number and address of the employer or person who paid or would have paid the wages or income along with the employer's Federal Identification Number, or~~

(3) when the qualifying crime occurred at the work place, documentation from a workers' compensation carrier showing earned income at the time of the qualifying crime and benefits paid or available and the duration. ~~a wage abstract from the California Employment Development Department for the tax year immediately preceding the date of the crime or during the year of the crime. , or a profit/loss statement for self-employed victim or application generated and signed by a certified public accountant. For a self-employed victim or applicant, the income loss will be calculated based upon the adjusted gross income.~~

(d) ~~Evidence of income loss may also include payment based upon a bona fide job offer, including but not limited to a job offer on the employer's letterhead with the employer's signature and federal tax identification number stating the terms of employment, work order or contracts for jobs in progress. The Board shall only pay income or support loss if the victim was employed at the time of the qualifying crime. The Board will not pay income or support loss if the victim, or derivative victim in the limited cases where a derivative is eligible for income loss, had only a job offer at the time of the qualifying crime but had not begun working.~~

(e) The Board shall verify a disability period. The treating medical or mental health provider may verify disability within the scope of his or her licensure. A statement, of disability provided by the treating medical or mental health provider shall include information concerning the current diagnosis, prognosis for recovery, the extent and expected duration of the disability, and certification that the disability resulted directly from the qualifying crime.

(1) For physical injuries, a disability statement may come from the following treating providers: medical doctor, osteopath, optometrist, dentist, podiatrist, or a chiropractor. If a chiropractor provides the disability statement, it will only be accepted for ~~a disability period of one year.~~ the period of time the chiropractor is providing treatment.

(2) For emotional injuries, a disability statement may come from any treating licensed social worker, marriage and family therapist, licensed clinical psychologist or treating psychiatrist for a disability period of six months. When the total disability period exceeds six months, the disability statement must be completed by a treating licensed clinical psychologist or psychiatrist.

(f) A disability statement should contain sufficient information to verify the disability period that is a direct result of the qualifying crime. The Board will consult the following methods may also be used to verify disability time period, including but not limited to:

(1) ~~A disability period is presumed for a period of up to seven days for crime-related injuries, or~~

~~(2) The shortest time period for physical injuries and the type of work done by the victim or applicant described in "The Medical Disability Adviser: Workplace Guidelines for Disability Duration" (5th Edition) for physical injuries and type of work done by the victim or applicant, or WebMD, or other informational internet sources.~~

(g) The maximum income loss cannot exceed the statutory time period in Government Code section 13957.5, even if there are gaps in the victim's disability, or other reimbursement sources which partially or fully cover any income or support loss.

Note: Authority cited: Sections 13920 and 13974, Government Code. Reference: Sections 13957(a)(4) and 13957.5, Government Code.