

# CALIFORNIA VICTIM COMPENSATION PROGRAM QUICK REFERENCE GUIDE

| AVAILABLE BENEFIT  | REQUIREMENTS  | WHO MAY RECEIVE THE BENEFIT?  | LIMITS  | LEGAL AUTHORITY  |
|--|---|---|---|--|
| <p><b>Medical/Medically Related</b></p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Doctor services, hospital, surgery, prescriptions</li> <li>• Eyeglasses, hearing aids, dentures, or prosthetic devices taken, lost or destroyed by the crime, or that became necessary due to the crime</li> <li>• Ambulance, dental, chiropractic, etc.</li> </ul> |   | <ul style="list-style-type: none"> <li>• Victim(s)**</li> <li>• Anyone who pays or assumes legal liability for a <b>deceased</b> victim's expenses.</li> </ul>  | <ul style="list-style-type: none"> <li>• \$70,000 or \$46,000*</li> </ul>   | <ul style="list-style-type: none"> <li>• Gov. Code, §§ 13957(a)(1) &amp; 13957(a)(9)(A)</li> </ul>                             |
| <p><b>Income Loss</b></p>  | <p>Must have evidence of income loss and a statement of disability from a medical or mental health service provider.</p>  | <ul style="list-style-type: none"> <li>• Victim(s)**</li> <li>• Parent or legal guardian of minor victim who is in hospital or dies.</li> </ul>   | <ul style="list-style-type: none"> <li>• 2, 3 or 5 years. No time limit if disabled per federal definition.</li> <li>• A maximum of 30 days*</li> </ul>   | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957.5(a)</li> <li>• Cal. Code Regs., title 2, § 649.9(b)(2)</li> </ul> |
| <p><b>Support Loss</b></p> <p>Victim is disabled and has exhausted his or her income loss, or is deceased.</p>   |   | <ul style="list-style-type: none"> <li>• Eligible family member or other person legally dependent on the victim.</li> </ul>   | <ul style="list-style-type: none"> <li>• Total support loss to all derivative victims of one crime cannot exceed maximum of \$70,000.</li> </ul>  | <ul style="list-style-type: none"> <li>• Gov. Code, §§ 13957.5(a)(4), 13957.5(b)</li> </ul>                                    |
| <p><b>Child Care</b></p>   | <p>Must be provided by a licensed child care provider.</p> <p>May not receive child care in addition to income or support loss benefits.</p>  | <ul style="list-style-type: none"> <li>• Victim(s)**</li> <li>• Derivative victim(s)</li> </ul>   | <ul style="list-style-type: none"> <li>• Applications filed on or after 1/1/07</li> <li>• A maximum of \$200/week for one child or \$400/week for two or more children.</li> <li>• \$5,000 total reimbursement</li> </ul> | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(11)</li> </ul>  |
| <p><b>Job Retraining or Similar Employment Services</b></p>  |   | <ul style="list-style-type: none"> <li>• Victim(s)**</li> </ul>   |   | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(5)</li> </ul>   |
| <p><b>Home and/or Vehicle Renovation/Retrofitting</b></p>  |   | <ul style="list-style-type: none"> <li>• Victim(s)**</li> </ul>   | <ul style="list-style-type: none"> <li>• For partially or totally permanently disabled.</li> </ul>  | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(7)</li> </ul>   |
| <p><b>Home Security Installation/Improvement</b></p>   | <p>Must have verification by law enforcement that home security is necessary for victim's personal safety or verification by a mental health provider that security is necessary for victim's emotional well-being.</p>   | <ul style="list-style-type: none"> <li>• Victim(s)**</li> </ul>   | <ul style="list-style-type: none"> <li>• \$1,000</li> </ul>   | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(6)</li> </ul>   |
| <p><b>Relocation</b></p>   | <p>Must have verification by law enforcement that relocation is necessary for victim's personal safety or verification by a mental health provider that relocation is necessary for victim's emotional well-being. On or after 1/1/09, if a victim is deceased, a person who resided with the deceased at the time of the crime is entitled to relocation benefits.</p> | <ul style="list-style-type: none"> <li>• Victim(s)**</li> </ul>   | <ul style="list-style-type: none"> <li>• \$2,000 (per crime). Victims may relocate more than once per crime if application is filed after 1/1/07 but total payment for all relocations cannot exceed \$2,000.</li> </ul>  | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(8)</li> </ul>   |
| <p><b>Funeral and/or Burial</b></p>  | <p>If application is filed after 1/1/07, the victim's felon status is not applicable.</p>   | <ul style="list-style-type: none"> <li>• Anyone who pays or assumes legal liability for a <b>deceased</b> victim's expenses.</li> </ul>   | <ul style="list-style-type: none"> <li>• \$7,500</li> </ul>   | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(9)(B)</li> </ul>  |
| <p><b>Crime Scene Cleanup</b></p>  | <p>Crime occurred in a residence and cleanup is performed by a trauma scene waste management practitioner registered with the Department of Health Services per Health and Safety Code § 118321.</p>  | <ul style="list-style-type: none"> <li>• Anyone who pays or assumes legal liability for a <b>deceased</b> victim's expenses. Applications filed on or after 1/1/07, anyone who pays or assumes legal liability for cleaning a crime scene.</li> </ul> | <ul style="list-style-type: none"> <li>• \$1,000</li> </ul>   | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(10)</li> </ul>  |

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| <b>Inpatient Mental Health Treatment</b> | For applications received on or after 1/1/03, if necessary due to dire or exceptional circumstances.  | <ul style="list-style-type: none"> <li>• Victim(s)**</li> <li>• Derivative victims</li> </ul>  | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(2)(C)</li> </ul> |
| <b>Outpatient Mental Health***</b>       | <ul style="list-style-type: none"> <li>• All minors and adult applications on or after 1/24/06: 40 sessions.</li> <li>• Adult applications prior to 1/24/06: 30 sessions.</li> <li>• Statutory dollar limits of \$10,000. Additional mental health sessions may be available in certain circumstances.</li> </ul>   | <ul style="list-style-type: none"> <li>• Victim(s)**</li> </ul>  | <ul style="list-style-type: none"> <li>• Gov. Code, § 13957(a)(2)</li> </ul>    |
|  | <ul style="list-style-type: none"> <li>• 30 sessions or statutory limit of \$5,000 (effective January 1, 2008 the statutory limit was raised to \$5,000).</li> </ul>  | <ul style="list-style-type: none"> <li>• Victims of unlawful sexual intercourse under Penal Code section 261.5(d). No derivative victim entitlement.</li> </ul>  | Gov. Code, § 13957(a)(2)(B)(ii)   |
|  | <ul style="list-style-type: none"> <li>• Minor witnesses on or after 1/1/09: 30 sessions. The statutory limit is \$5,000.</li> <li>• Applications prior to 1/24/06: 15 sessions for all derivative victims.</li> <li>• Applications on or after 1/24/06: 30 sessions for minors, 15 sessions for adults.</li> <li>• Some adults may receive 30 sessions if the victim is deceased.</li> <li>• Statutory dollar limit of \$5,000 (effective January 1, 2008 the statutory limit was raised to \$5,000). Some derivative victims may receive up to \$10,000 if the victim is deceased.</li> </ul> | <ul style="list-style-type: none"> <li>• Minors who witness a violent crime. No derivative victim entitlement.</li> </ul> <p>Derivative victims who, at the time of the crime are:</p> <ul style="list-style-type: none"> <li>• A parent, sibling, spouse, registered domestic partner, or child of the victim.</li> <li>• A fiancé or fiancée of the victim who witnessed the crime.</li> <li>• A grandparent or grandchild of the victim.</li> <li>• A person living with the victim.</li> <li>• A person who previously lived with the victim in a relationship similar to a parent, grandparent, spouse, domestic partner, sibling, child, or grandchild.</li> <li>• A family member who witnessed the crime.</li> <li>• Non-USA resident family member when the crime occurred in California: For applications filed on or after 1/1/03 and before 1/1/07. (Former Gov. Code, § 13955.5)</li> </ul> | Gov. Code, § 13957(a)(2)(B)(iii)  |
|  | <ul style="list-style-type: none"> <li>• Applications prior to 1/24/06: 15 sessions each, 30 sessions shared by no more than 2 primary caretakers.</li> <li>• Applications on or after 1/24/06: 30 sessions each (shared by no more than 2 primary caretakers).</li> <li>• Statutory dollar limit of \$10,000. Additional mental health sessions may be available in some circumstances.</li> </ul>   | <ul style="list-style-type: none"> <li>• Primary caretakers of the victim at the time of the crime.</li> </ul>   |   |
|  | <ul style="list-style-type: none"> <li>• 15 sessions. Statutory limit was raised to \$5,000 effective January 1, 2008. Must be necessary for victim's treatment. Some circumstances may allow for additional sessions.</li> </ul>   | <ul style="list-style-type: none"> <li>• For people who did not have a specified relationship with the victim prior to the crime but became the primary caretaker after the crime.</li> </ul>  |   |

\* For applications submitted prior to 1/1/03, and with crime dates prior to 1/1/01, the claim maximum is \$46,000. For applications submitted prior to 1/1/03, and with crime dates on or after 1/1/01, the claim maximum is \$70,000. For applications submitted on or after 1/1/03, regardless of the crime date, the claim maximum is \$70,000. Certain individual benefits have individual limits as noted above and are included in the maximum benefit amount.

\*\* Someone who is physically injured or threatened with physical injury due to a crime or act of terrorism, and/or children who witnessed or heard an act of domestic violence are considered direct victims under the statute. This does not apply to minor victims of Penal Code section 261.5(d).

### General Eligibility Requirements

The direct victim must have been a California resident at the time of the crime, or the crime must have occurred in California. For crimes occurring out of state, the victim must apply to that state first. The date of application or date of crime determines if derivative victims need to be California residents. (Gov. Code, §§ 13955(b), 13959(d); former Gov. Code, § 13955.5; Cal. Code Regs., title 2, §§ 651.1, 653.2)

#### 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 VCP staff and its representatives to verify the application (Gov. Code, § 13954(b).)
- Not have been involved in events leading to the crime or have participated in the crime (Gov. Code, §§ 13956(a), 13956(c).)
- File the application within one year of the crime, the direct victim turning 18 years of age, or when the crime could have been discovered, whichever is later. Good cause may allow for additional filing time. Effective 1-1-09, applications filed for specified crimes identified in PC Section 801.1 (involving sex with a minor) may be filed any time prior to the victim's 28<sup>th</sup> birthday. (Gov. Code, § 13953.)
- Seek reimbursement from other sources (i.e., health insurance or Medi-Cal) prior to VCP payment (Gov. Code, §13951(e).)

#### Emergency Awards (Gov. Code, § 13952.5.)

An advance may be requested for reimbursement of any eligible expense if the Board determines that it is necessary to avoid or mitigate substantial hardship that may result from delaying compensation until the application is fully verified and processed. The amount of the advance will be based upon the applicant's immediate needs.