

California Victim Compensation Program

2010



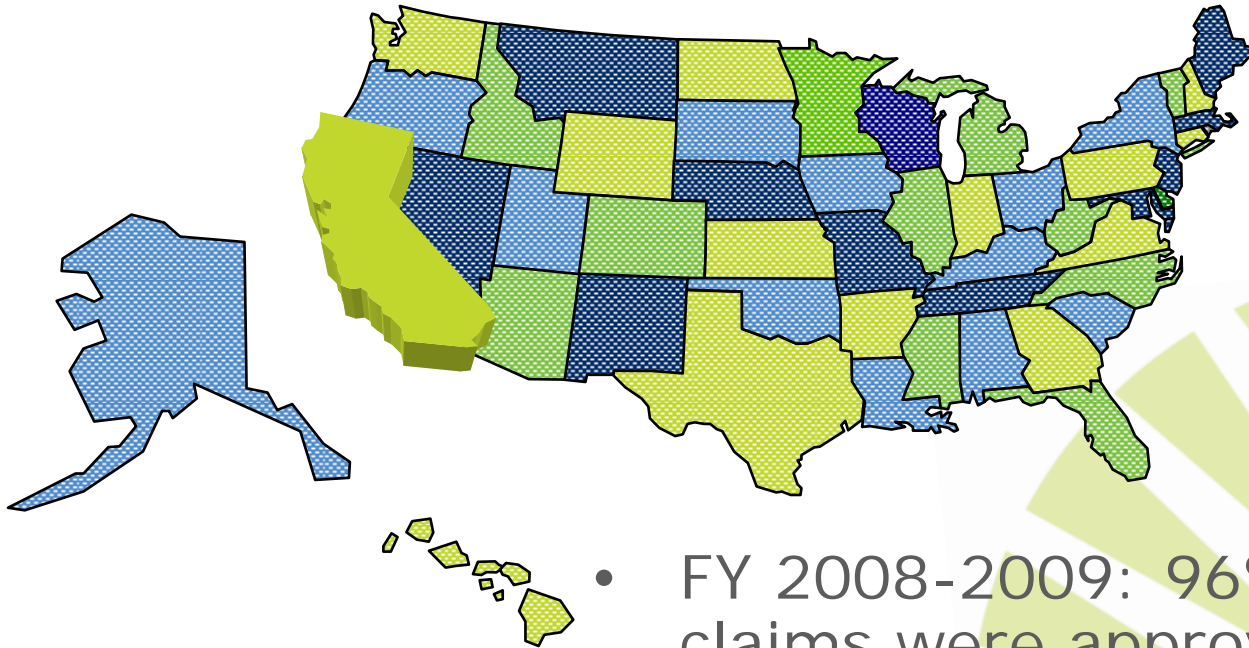


California Victim Compensation Program

- Created in 1965 to lessen the financial impact of crime on qualifying victims.
- By law, CalVCP is the payer of last resort for eligible out-of-pocket losses resulting from the crime.



Program Facts



- FY 2008-2009: 96% of processed claims were approved for payment
- Payments totaled more than **\$94 million**



Where Our Money Comes From

No taxpayer funding:

- Offender fines, including traffic fines
- Restitution fines and orders
- Federal Victims of Crime Act (VOCA)
- Portion of State penalty assessments



Qualifying Crimes

- Typically requires a physical injury or a threat of physical injury or death.
- For certain crimes, emotional injury alone is all that needs to be shown.



Qualifying Crimes

One of the following must be true:

- The crime occurred in California
- The crime happened outside of California to a California resident



Examples of Qualifying Crimes

- Murder
- Robbery
- Battery
- Assault with Deadly Weapon
- Sexual Assault
- Terrorist Threats
- Human Trafficking
- Child Abuse / Molest
- Domestic Violence
- Elder Abuse
- Vehicular offenses
 - DUI
 - Hit and Run
 - Vehicular Manslaughter
 - Fleeing scene of crime
 - Assault with vehicle



Victim Eligibility

- Crime occurred in California or to a California resident in another state/country
- No participation or involvement
- Cooperation with Law Enforcement
- Cooperation with CalVCP



Top Denial Reasons:

- Lack of preponderance of evidence of a qualifying crime
- Involvement in the crime
- Lack of cooperation with law enforcement
- Not a qualifying crime
- Ineligible claimant



Two Types of Victims...

Direct Victim:

- Individual who sustains injury, threat of injury, or death as a direct result of the crime
- Minors who reside in household where domestic violence occurred



Derivative Victim:

An immediate family member of the victim, which includes the following:

- Spouse
 - Sibling
 - Parent
 - Child
 - Grandparent
 - Grandchild, or
 - Registered Domestic Partner
- or ...



Derivative Victim:

A person who:

- Was living in the same household as the victim at the time of the crime.
- Had lived with the victim for at least 2 years in a relationship similar to an immediate family member.
- Has become the primary caretaker of a victim after the crime.



Victim/Derivative - Felon

- CalVCP may not reimburse any expenses incurred while a person is on felony probation, parole or is incarcerated.
- CalVCP can pay for a deceased felon's funeral/burial expenses, provided that the person requesting reimbursement is not a felon and the claim is otherwise eligible.



Eligible Expenses

- Eligible losses incurred as a direct result of the crime that are not reimbursed by any other source
- Does not include property losses
- \$70,000 maximum reimbursement on a single claim



Medical Expenses

- Ambulance
- Hospital
- Physician
- Chiropractor
- Physical therapist
- Dentist
- In-home care
- Eyeglasses
- Prosthetic device
- Hearing aid(s)
- Wheelchair
- Home or vehicle modifications
- Cosmetic surgery



Medical Expenses

- If payment is accepted by a provider, by law CalVCP's payment is considered payment in full.



Mental Health – Session Limits

Direct victim

- Minor & Adult - 40 sessions

Derivative victim

- Minors & Caretakers – 30 sessions
- All others - 15 sessions
- Death of a victim – 30 sessions
- *Sessions beyond these limits requires submission and approval of an Additional Treatment Plan (ATP) by the provider*



Support Loss

- 5-year period for spouse of direct victim
- Minors receive benefit until 18 years of age
- \$70,000 total maximum for all derivative victims combined



Funeral / Burial

Maximum \$7,500

- Burial Vault
- Casket
- Costs to transport body
- Cremation charges
- Endowment care
- Grave
- Marker/headstone
- Funeral Service
- Gravesite Services
- Chapel Services
- Miscellaneous Fees
- Preparation of body
- Facility use
- Travel Costs (1 person)



Relocation

- \$2,000 per household*
- Direct Victims Only
- Recommendation from law enforcement or mental health provider is necessary
- May pay for more than one relocation per crime, provided that all relocations combined do not exceed \$2,000

*new law effective January, 1 2010



Other CalVCP Benefits

- Job Retraining
- Crime Scene Cleanup
- Home Modification
- Home Security
- Vehicle Modification



Typical Direct Reimbursement Sources For Medical Expenses

- Health/Dental Insurance
- Medi-Cal or Medicare
- Workers Compensation



Indirect Reimbursement Sources

Other types of reimbursement
sources that may become available
AFTER the crime:

- Civil Suit Settlement
- Vehicle Insurance
- Business Insurance
- Homeowner's Insurance



Reimbursement Sources

If a person has filed a civil suit, CalVCP may be able to make payments on the victim's behalf.

A lien may then be placed on the civil suit for any payments made by CalVCP until the outcome of the civil suit has been determined.

Any money recovered is deposited back into the Restitution Fund to be used to help other victims of crime.



Appeal Rights

- Claimant or Representative may appeal any recommendation for eligibility or bills
- 45 days to appeal
- 60 days to request reconsideration of decision



The CalVCP Application

How to obtain an application:

- Printed copies from your county Victim/Witness Assistance Center or
- Download from CalVCP Website
www.calvcp.ca.gov

Cal VCP Timeliness

Application must be filed within:

- One year after date of incident
 - For minors, one year after their 18th birthday
 - Within one year after discovery that injuries were direct result of crime
 - Filing deadline may be extended based upon good cause
- *All family member applications are deemed timely if the direct victim's application is received in a timely manner.*



Emergency Awards

- Claimant must suffer *substantial hardship* without the award
- Emergency payment would help with an *immediate need*
- Documentation needed
- Processed within 30 days
- No appeal rights if Emergency Award is denied



Good Samaritan Program

- The Good Samaritan Program may help pay for property damage, lost income, medical/dental and funeral/burial expenses to any private citizen who comes to the aid of a crime victim *or* assist another person in immediate danger of death or injury.
- *\$10,000 Benefit Limit*

GOOD
SAMARITAN
PROGRAM





Good Samaritan Program Qualifying Action

- *Preventing a crime;*
- *Assisting a law enforcement or public safety officer;*
- *Rescuing a victim from some kind of incident of catastrophe;*
- *Or providing assistance after the fact if the victim's life is in immediate danger*

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Verification

- *The appropriate Law Enforcement or public safety agency must provide a statement of corroboration and recommendation, verifying the basic facts of the incident and the claimant's roll*

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Cal VCP Missing Children Rewards

- Missing Children Reward Program assists local law enforcement agencies and other parties in identification and recovery of missing children in California
 - Enhances non-state reward funds
 - Rewards individuals with up to \$500 for information leading to the location and recovery of a missing child listed in the California Department of Justice Missing Person Registry



How to Order Free Materials

- Print, fill out and fax the Materials Request Form located in the "Publications Section" of the CalVCP website: www.calvcp.ca.gov

A tilted image of the "Materials Request Form" from the California Victim Compensation Program (CalVCP). The form is white with black text and includes the Cal VCP logo at the top left. It contains various fields for requesting materials, including checkboxes for "Request for materials", "Request for publications", and "Request for other materials". There are also sections for "Requester Information" and "Request Details". The form is titled "Materials Request Form" and "California Victim Compensation Program (CalVCP)".



For More Information Please Contact

The California Victim
Compensation Program at:

800.777.9229

www.calvcp.ca.gov

PublicAffairs@vcgcb.ca.gov

Thank you

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Compensation Program