

HELPFUL INFORMATION - CHILD VICTIMS:

Who can file?

For a child under the age of 18, his/her parent or guardian must file on the child's behalf. If the parent or guardian is unavailable or fails to provide financially for the child's care, then the person who pays for eligible services provided to the child may file a claim for compensation for those expenses. Although this excludes service providers, such as Children and Youth agencies, insurance companies and other state agencies, service providers can serve an important role by helping their clients with completing a claim form and sending in their bills for crime-related expenses. (*Exception: Hospitals or licensed health care providers may file a compensation claim for "FORENSIC RAPE EXAMINATIONS" expenses.*)

To be eligible:

- The crime must be a Title 18 Crime as defined in the Pennsylvania Crimes Code, or may be among a few specified Title 30 or Title 75 crimes which involve injuries inflicted while driving under the influence. Additionally, crimes committed under the Controlled Substance, Drug, Device and Cosmetic Act are also eligible crimes. Title 18 crimes can include, but are not limited to, homicide, physical and sexual abuse, incest, corruption of a minor, neglect, and endangering the welfare of a child.
- The crime must have occurred in Pennsylvania.
- The crime must be reported to the proper authorities, such as law enforcement. There may be a reasonable delay in reporting because the child is mentally or physically impaired (or disabled), there is fear of retaliation, or it isn't obvious that a crime occurred.
- If a Protection From Abuse Order (PFA) that preferably includes the child is filed within three days of the crime, there does not need to be a report to law enforcement.

Preponderance Standard:

For a majority of VCAP claims filed for child victims of sexual abuse or assault, there is sufficient information contained in the police report to meet the preponderance of evidence standard. If the child did not disclose to either law enforcement as part of the investigation or during the forensic interview, VCAP wants to ensure that its verification process compliments the requirements of the Child Protective Services Law as outlined below.

The Child Protective Services Law mandates that therapists who suspect that a child has been a victim of abuse make an immediate report to Child Line. This report triggers both a child welfare response as well as a report to the district attorney. In order to assure that VCAP meets the preponderance of evidence standard required by law, the Program has a check-off block on the Mental Health Verification Form. The therapist will indicate that he or she, having reasonable cause to suspect abuse, has complied with the duty to report pursuant to the Child Protective Services Law.

In those cases where the child did not disclose to either law enforcement or during the forensic interview, VCAP may use the check-off block to assist in determining if the claim has met the preponderance of evidence standard.

Compensation for drug endangered children:

For a child who has suffered physical and psychological harm from being exposed to illegal drugs, i.e., meth labs, financial compensation may be able to help drug endangered children and their families.

Eligible Crime

The crime must be charged under the Controlled Substance, Drug, Device and Cosmetic Act or Title 18 of the Pennsylvania Crimes Code. These crimes include (but are not limited to):

- The unlawful manufacture of methamphetamine or phencyclidine in a structure where any child under the age of 18 years of age is present or where the manufacturing causes any child under 18 years of age to suffer bodily injury [35 P.S. §780-113(a)(38)]
- Corruption of minors [18 Pa C.S. §6301]
- Recklessly endangering another person [18 Pa C.S. §2705]
- Endangering the welfare of a child [18 Pa C.S. §4304].

Eligible Expenses

Medical expenses, which may include hospital and doctor bills, ambulance fees, and medications (or **any procedure** needed as a direct result of the crime and ordered by a physician, such as a medical assessment/screening, toxicology and blood testing, Hepatitis B/C panel, dental examination, neurological and respiratory status check, developmental and mental health evaluation, and/or medical follow-up appointments).

Helpful Information – Child Victims Q & A

Q A child victim is molested by a visiting relative but does not tell his/her parents until three years later. Are the parents eligible to file for counseling expenses for the child?

A *Yes, provided all eligibility requirements are met, the parents can file on the child's behalf for counseling.*

Q A 16-year-old was at a party with some friends who were drinking. They left the party to drive home and were involved in a one-car crash. The victim, who was a passenger in the car, was injured. Can he receive compensation for his medical bills?

A *Yes, his parents or guardian would need to file the claim on his behalf. In this circumstance, it is likely that he would be assessed contribution for knowingly and willingly entering the vehicle of a DUI operator.*

Q. A child was molested by a friend of his older sibling while visiting the sibling. The child does not disclose until four years later when he is 13 years of age. Can a claim be filed on his behalf? What is he eligible for?

A. *Yes, a claim may be filed. However, since the perpetrator was not a parent, paramour of a parent, someone living in the same household, or a person responsible for his welfare, the victim would only be eligible for counseling and any medications prescribed in conjunction with the counseling.*

Q. Same as above, however, victim disclosed within 8 months.

A. *A claim may be filed and the victim would be eligible for all benefits. Only when a claim is filed for a child past two years does it become important who the perpetrator was.*

Q A mother of an adult victim takes time off work to be at the hospital while her 16 year old son is in intensive care. Can mom receive lost earnings for homecare while the victim is in the hospital?

A *No. The Program is not able to pay lost earnings for homecare while the victim is in the hospital. However, once the victim is released from the hospital, if mom provides homecare, she can be compensated.*

Q Same as above however mom is needed to make medical decisions for her son while he is in the hospital. Can mom receive lost earnings for being at the hospital to make the medical decisions?

A *Yes. Mom would be eligible for her lost earnings for the period of time she was needed for medical decisions for her son, as certified by the treating physician.*