



Pennsylvania Coalition Against Rape

Sexual Assault/Victims Compensation Assistance

PROGRAM MANUAL





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PREFACE

The information contained in this manual is based on some core beliefs about crime victims' compensation, as it is related to victimization and healing. These core beliefs are:

- Financial stability often contributes significantly to one's quality of life.
- Receiving compensation for out-of-pocket expenses can be an empowering experience for victims, and, therefore an aid to healing.
- VCAP can be a part of "the system" that connotes justice and restitution, especially since offenders pay into the fund. The act of reimbursement is one of acknowledgement of victimization.
- The process of filing for compensation (and the parameters that allow reimbursement) is fairly predictable prior to actually filing a claim, thus making crime victims' compensation one aspect of the post-rape experience that has a relatively controllable or expectable outcome.
- Advocates and counselors need to develop a familiarity with VCAP so they, too, can feel empowered by the possibility of a victim receiving compensation.
- Crime victims' compensation is an area of advocacy that is knowable and learnable.
- In contrast to some experiences of sexual assault counselors and victims in the past, today's VCAP workers are victim-sensitive advocates whose goal is to help victims within the parameters of the law.
- Victims can receive practical help in filling out the forms and gathering documentation by both rape crisis advocates and VCAP workers.



**An Introduction to the
Victims Compensation Assistance Program
and the VCAP Claims Process**

WHAT IS THE VICTIMS COMPENSATION ASSISTANCE PROGRAM (VCAP)?

Sexual violence is a crime of profound personal injury. Sexual violence victims endure physical injury, emotional trauma, and financial loss. Rape is the most costly of all crimes to its victims. The total cost of adult rape is \$127 billion per year, followed by child abuse at \$56 billion. Taking into account short-term medical care, mental health services, lost productivity, and pain and suffering, the cost per adult sexual assault is estimated at \$87,000 per episode of sexual violence (Miller, et al., 1996).

The Victims Compensation Assistance Program, created by Act 139 of July 1976, was established as a response to the financial losses incurred by victims of crime. The Commonwealth of Pennsylvania was the tenth state in the nation to establish a compensation program to help victims and their families by easing the financial burden that crime imposes on them. Individuals who are injured during a crime may be compensated for uninsured or unreimbursable medical expenses, counseling, relocation expenses, crime-scene cleanup expenses, loss of earnings, and stolen benefit cash. In the case of death, funeral expenses and loss of support may be compensated to those who qualify. For sexual assault victims, health care providers may submit claims for the costs associated with forensic rape examinations when medical insurance is not available or the victim chooses not to access her/his insurance.

Offenders who are found guilty, who plead guilty or nolo contendere, or are placed in a diversionary program are required by law to pay a penalty assessment of at least \$60. Twenty-five dollars of those costs are paid into the Victim Witness Services Fund and thirty-five dollars are paid into the Victims Compensation Assistance Fund.

The Victims Compensation Assistance Program is a program of the Pennsylvania Commission on Crime and Delinquency (PCCD) under the Office of Victims' Services. VCAP's job is to review claims for compensation including verification of information/documentation and make determinations for approval or denial of claims. The PCCD's Victims Compensation Assistance Program also provides publicity through outreach and training on the right to be informed about compensation, the scope of coverage, and procedures to be utilized in filing claims.

Financial compensation for victims of crime is one of the most important, tangible expressions of society's compassion for those who have been harmed by crime. While compensation cannot address all that victims suffer, it can provide a critical ingredient in repairing the harm.

SUMMARY OF THE VCAP CLAIMS PROCESS

This overview contains information about the Victims Compensation Assistance Program (VCAP) and specific actions for advocates. VCAP is ever evolving. There are constant internal policy changes in an attempt to make the system more accessible and helpful to victims. You can stay informed about updates and changes in compensation through the VCAP bulletin, *Compensation Update*, which is available on the PCCD website at www.pccd.state.pa.us. Also, you can contact the VCAP Office at 1-800-233-2339 if you have questions or need additional information.

The Victims Compensation Assistance Program Fund is the payor of last resort, meaning that the claimant* must utilize all other sources of insurance, public benefits, and/or pensions that could pay for expenses related to the injury before compensation can be considered. Other sources are referred to as **collateral resources**.

Collateral resources may include the following:

- All types of medical insurance: (HMOs, Blue Cross, Blue Shield, Major Medical, Medical Assistance, Medicare, and private health plans)
- Life insurance and death benefits where the claimant or dependent(s), on whose behalf a claim is filed, is the beneficiary
- Auto insurance
- Settlements from civil litigation
- Worker's Compensation
- Disability pay (Social Security, union or fraternal plan, short- or long-term disability)
- Pension plans including those providing for disability or survivor's benefits
- Cash assistance and food stamps
- Paid restitution

In most cases, total compensation may not exceed \$35,000. Counseling, crime-scene cleanup, and Forensic Rape Exam costs are not considered as part of the \$35,000.

When a victim is covered by insurance, any co-pays or deductibles may be submitted for compensation, provided the minimum loss requirements are met.

The claimant* completes the compensation claim form and attaches provider bills and receipts for all out-of-pocket expenses. When the claim is received by VCAP, pertinent data is entered into the Dependable Access for Victimization Expenses (DAVE) computer system and then assigned a claim number by the system.

*see page 14 for definition of *claimant*

The claim form may also be submitted electronically through the DAVE computer system by selected victim service programs throughout the Commonwealth with the required signature page faxed to VCAP. The claim is then assigned to a Claims Specialist who will handle the claim throughout the entire process. The Claims Specialist will review the claim form and supporting documents for **ELIGIBILITY** determination. If the claim is accepted for filing (meaning there is sufficient information to determine eligibility), the Claims Specialist will send an acknowledgement letter to the claimant and also identify which documents will need to be obtained for verification.

If there is insufficient information to determine eligibility, the Claims Specialist will prepare a checklist requesting additional information from the claimant. These claims are kept in **Information Collection** status until the requested information is received.

All correspondence sent to the claimant is also sent to the victim advocate listed on the claim form.

Claims Specialists follow up with the claimant by telephone within 60 days from the date the checklist was sent to offer any explanations or assistance the claimant may need concerning her/his application. If the requested information is not submitted within four months from the date the checklist was sent, a follow-up letter is sent to the claimant. If the requested information has not been received, a final follow-up letter is sent 90 days before the claim file will be permanently closed. VCAP sends this letter 90 days before three years have tolled from the date of the crime. If the 90 days pass and the information is not received, a final letter is sent to the claimant closing the claim file with no further right to appeal.

If information is received and the claim is determined ineligible, VCAP will issue a written statutory denial explaining why the claim is not eligible and informing the claimant of the Appeal Process.

After eligibility is determined, the Claims Specialist initiates a **VERIFICATION** process by sending out requests for information to identified individuals and agencies. Verification requests may be sent to Clerks of Court, Police Departments, District Justices, Hospitals, Service Care Providers, Funeral Homes, and Employers. Below is a list of individuals and agencies that may be contacted for verification and what documentation may be requested of them.

POLICE:

- verification that the crime occurred
- a request for the full incident report
- a request for the completion of a police questionnaire

HEALTH CARE PROVIDERS:

- verification of dates of service
- the relation of the injuries or need for treatment to the crime incident
- billing information
- the current status of payments and insurance

COUNSELORS:

- dates of counseling
- estimated length of continuous treatment
- estimated cumulative cost
- if the victim was receiving counseling prior to the crime incident, what portion of the treatment being provided is a direct result of the crime incident
- if family or group therapy is involved, a breakdown of family/group members who attended each session and their relationship to the victim
- counseling treatment goals and methods of accomplishing those goals
- the target completion date
- if there is possible need for victim to relocate

NOTE: If the mental health treatment estimate form has expired but the counseling is continuing, VCAP sends another treatment estimate form to the counselor for completion. In long-term counseling cases, VCAP asks that the counselor keep VCAP advised of the progress being made.

EMPLOYER:

- verification of the dates that the victim lost time from work

NOTE: Filing for loss of earnings also requires verification from a physician, psychologist, or dentist who can confirm the victim's disability period.

- Benefits received by the victim

The claim remains in open verification until sufficient information is received to process the claim. Follow-up requests are sent when there are still outstanding requests. If VCAP is having difficulty obtaining information, a letter is sent to the claimant to advise her/him of the status. In some cases, a subpoena may be issued to a service provider, the police, or the victim's employer. When information received in the verification process initiates further inquiry or presents conflicting information, a "currently reviewing" letter is sent to the claimant seeking clarification.

All information received by VCAP for a claim is confidential. This information is not given to anyone without the victim's consent.

When sufficient verification information has been received, the Claim Specialist **REVIEWS** all documentation in the file, calculates the payable losses, and prepares a formal **Report and Determination**. If the Claims Specialist concludes that contribution or denial may be an issue,

the claim, along with a narrative explanation, is forwarded to a Claims Review Officer for review. If a claim is to be denied or assessed contribution, it will also be reviewed and approved by Legal Counsel. If a denial letter is approved by Legal Counsel, a letter is sent to the claimant explaining why the claim has been denied along with information on the appeal process.

When a Claims Review Officer has recommended the payment of a claim, the Report and Determination and information on the appeal process are sent to the claimant. At the same time, check requests are sent to the Treasury Department in the amount approved by the Claims Review Officer. Checks are usually received from the Department of Treasury within 4-6 weeks. The checks to service care providers are mailed directly to them for the payment of the outstanding balance on the claimant's account. In most cases, total compensation may not exceed \$35,000. Counseling, crime-scene cleanup, and Forensic Rape Exam costs are not considered as part of the \$35,000. If the claimant has additional bills that were not included in the Report and Determination, VCAP asks that the claimant accept the current decision, and that the additional bills will be considered under a supplemental claim.

In cases of rape and sexual assault, the conduct of the victim may not be considered with respect to assessing contribution to the crime or in denying the claim.

The claimant has 30 days from the date of the Report and Determination to request a **reconsideration** of the decision. If the claimant received a check from VCAP and decides to appeal the decision, the check must be returned. A decision is then made to either change the original decision or reaffirm it. If after the Reconsideration, the claimant continues to disagree with the decision, she/he has the right to request a **hearing**.

Applications can still be made—even if the loss does not yet total \$100—to get the process started. Requests for additional awards related to the same claim may be filed later, as expenses arise or documentation becomes available.

Emergency Awards

VCAP provides a service that may help victims with limited financial resources. An Emergency Compensation Award is for claimants who are experiencing an undue hardship because they paid medical expenses or funeral expenses out of their own pocket, or who incurred a loss of earnings or support as a result of the crime. While for a standard VCAP claim form, *bills* can be submitted to VCAP, in order to be eligible for an Emergency Award, the claimant must have actually *paid the bill(s) out of pocket*. In order for an Emergency Compensation claim to be processed, it must be submitted with the VCAP's standard claim form and required documentation. Applications are available on the PCCD website at www.pccd.state.pa.us. While Emergency Awards are given priority, they still require documentation and may take a few weeks to process. The amount is later deducted from the total award made by VCAP. VCAP staff will determine the award amount based on the financial loss, not to exceed \$1,500.

Forensic Rape Examination Application

The process for reimbursement for the Forensic Rape Examination (FRE) is separate from the standard VCAP claim form. Most importantly, **the service provider of the FRE is the claimant for the FRE application. The victim does not file the FRE claim form.**

Provider Eligibility Requirements for the FRE Application:

- The name of the police department to which the hospital reports is required. A copy of the police report is not.
- The deadline for filing is one (1) year from the date of the crime.
- There is a \$1000 reimbursement cap for the FRE and related medications. (The \$1000 cap does not count toward the \$35,000 maximum the victim is eligible for.)

Costs of medications *provided at the hospital* are covered in the FRE Application submitted by the service provider. However, if the victim receives a prescription and has it filled, the victim needs to file a standard claim form in order to be reimbursed for the cost of the medication or co-pay. The \$100 minimum would apply (unless the victim is age 60 or older when the crime occurs).

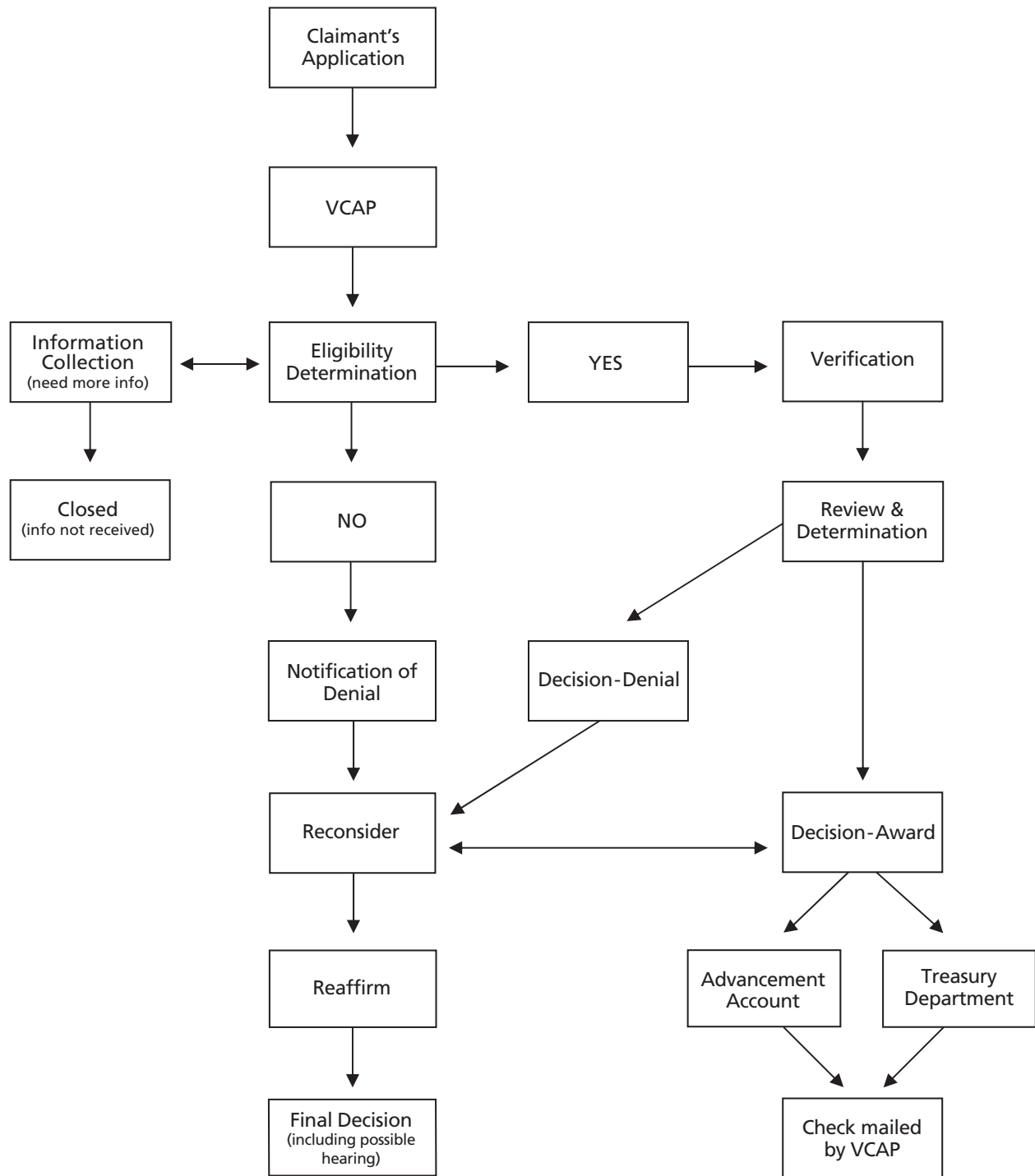
A victim may not be billed for the FRE and can choose not to have her/his insurance billed for the examination and/or medications provided at the time of the assault.

Because hospitals are not to bill victims for a forensic exam, hospitals should not bill victims for co-pays for the forensic rape exam. Instead, providers can be reimbursed for the co-pay through the FRE billing process. Advocates should advocate strongly that hospitals follow this procedure.

If the victim ends up paying the co-pay, the hospital has to file for the co-pay costs through the FRE billing process.

VCAP will then pay the co-pay back to the hospital and the hospital, in turn, reimburses the victim. This can be a complicated process. Therefore, it is important for advocates to convince providers to not make victims pay the co-pay for the FRE.

VCAP CLAIMS PROCESS FLOW CHART



ELIGIBILITY REQUIREMENTS FOR RECEIVING A VCAP AWARD

Persons Eligible for Compensation

A potential applicant for compensation (claimant) must qualify for at least one of the following categories:

- A victim of a crime in Pennsylvania.
The individual must have been victimized by a crime that occurred in PA, but the applicant does not need to be a PA resident. A PA resident who is injured in another state needs to apply to the compensation program in the state where the crime occurred.
- An intervenor.
An intervenor is a person who is hurt (physical and/or mental injury) or killed while helping someone who is the target of a crime.
- A surviving spouse, parent, or child of a deceased victim or intervenor.
- A parent/guardian of a child victim.
- Any other person dependent for her/his principal support upon a deceased victim or intervenor.
- Any person who assumes the obligation or who pays for the crime-scene cleanup, funeral, or burial expenses incurred as a direct result of the crime.

Requirements for Filing Claims

- A claim may be filed by/for anyone eligible for compensation.
- A claim must be filed no later than two (2) years after the occurrence of the crime or no later than two (2) years after the discovery of the occurrence of a crime.
Exception: When a victim is under the age of 18 at the time the crime occurred and the alleged offender is the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the time for filing is extended until the victim reaches the age of 23 or the statute of limitations expires, whichever is later. If the alleged offender is not the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the filing extension still applies, but the victim is only eligible for counseling benefits.
- A claim cannot be paid for property loss or damage (except certain medical equipment and supplies) or for pain and suffering.

Requirements for Receiving an Award

- The crime occurred in Pennsylvania.

A PA resident who is injured in another state needs to apply to the compensation program in the state where the crime occurred.

- The crime was reported to the proper authorities within 72 hours after the occurrence of the crime. The police report and/or a PFA meet the requirement of proper notification even if charges are not filed.

Exception: VCAP may consider a delay in reporting to be justified when the claimant is mentally or physically incapacitated, the victim is a minor, there is fear of retaliation, the occurrence of the crime is not readily apparent, or other appropriate circumstances.

- Minimum loss requirements are met.

***Under age 60:** \$100 minimum combination of any benefits offered by VCAP.
Age 60 or older: No minimum loss required.*

- The claimant cooperates with law enforcement agencies, the courts, and the Victims Compensation Assistance Program.

- The victim did not participate in illegal activity that caused her/his injuries.

In cases of rape and sexual assault, the conduct of the victim may not be considered.

- The offender does not benefit from the award.

CHART OF ELIGIBLE EXPENSES

\$35,000 MAXIMUM TOTAL PAYOUT

ELIGIBLE EXPENSES	PAYMENT MAXIMUMS	DOCUMENTATION REQUIRED <i>(all require a police report or PFA)</i>												
<p>Medical Expenses including hospital fees; physician charges; physical therapy; medications; dental expenses; medical equipment and supplies; emergency medical transportation; home health care and replacement services; transportation to medical, pharmacy, and counseling visits.</p>	<p>\$35,000</p>	<p>Itemized bills, corresponding insurance benefit statements (if applicable), verification forms required by VCAP specifically for medical records and billing information from providers.</p>												
<p>Forensic Rape Examination and related medications.</p>	<p>\$1,000 combined total for exam and medications provided at the hospital</p> <p><i>(over and above the \$35,000 maximum)</i></p>	<p>The hospital bills VCAP directly for charges related to Forensic Rape Examinations and medications only. <i>The victim has the right to request that her/his insurance not be accessed for the costs.</i></p>												
<p>Loss of Earnings (LOE)</p>	<p>\$15,000</p>	<p>Employer verification of LOE, doctor certification of inability to work, copies of four pay stubs prior to crime incident (if not available, W-2s or IRS Tax Returns).</p>												
<p>Stolen Benefit Cash including Social Security, Railroad Retirement, Pension Plan, Disability, Veteran's Retirement, court-ordered child or spousal support if the benefit(s) is/are the primary source of the victim's income.</p>	<p>Up to one (1) month's benefit entitlement(s)</p>	<p>Home owner's or renter's insurance, verification of victim's monthly benefit(s) entitlement statement(s), and amount stolen listed on police report. If required to file, a copy of the victim's signed and filed IRS Tax Return.</p>												
<p>Funeral Expenses including funeral home, cemetery, memorial marker, flowers, memorial meal, clothing for deceased, transportation charges (transportation of body to another city, state, or country: VCAP will pay for two family members to travel with the body to the final destination) and up to one week's loss of earnings for person responsible for funeral arrangements.</p>	<p>\$5,000 maximum</p> <table border="0"> <tr> <td>Funeral and Cemetery combined:</td> <td style="text-align: right;">\$4,800</td> </tr> <tr> <td>Marker/Memorial:</td> <td style="text-align: right;">up to \$900</td> </tr> <tr> <td>Flowers:</td> <td style="text-align: right;">up to \$300</td> </tr> <tr> <td>Memorial Meal:</td> <td style="text-align: right;">up to \$300</td> </tr> <tr> <td>Clothing for Deceased:</td> <td style="text-align: right;">up to \$175</td> </tr> <tr> <td>Transportation Expenses:</td> <td style="text-align: right;">set by VCAP</td> </tr> </table> <p><i>(over and above \$5000 max.)</i></p>	Funeral and Cemetery combined:	\$4,800	Marker/Memorial:	up to \$900	Flowers:	up to \$300	Memorial Meal:	up to \$300	Clothing for Deceased:	up to \$175	Transportation Expenses:	set by VCAP	<p>Certified Death Certificate, itemized bills for the funeral, receipts for related funeral expenses, copies of life insurance benefit statements, receipts for travel expenses, information requested above for loss of earnings (if applicable).</p>
Funeral and Cemetery combined:	\$4,800													
Marker/Memorial:	up to \$900													
Flowers:	up to \$300													
Memorial Meal:	up to \$300													
Clothing for Deceased:	up to \$175													
Transportation Expenses:	set by VCAP													

ELIGIBLE EXPENSES	PAYMENT MAXIMUMS	DOCUMENTATION REQUIRED <i>(all require a police report or PFA)</i>
Loss of Support for anyone financially dependent on the deceased victim (spouse, child, or other legal dependent).	\$20,000	Certified Death Certificate, copies of the victim's signed and filed IRS Tax Income Returns for the year prior to the crime incident, copies of the victim's W-2s or the victim's last four pay stubs prior to the crime incident (if IRS Tax Returns are not available), copies of Social Security monthly benefit statements for claimant and dependants, copy of Social Security Death Benefit statement, copies of survivor pension benefit statements, statements for any other benefits received as a result of the victim's death including life insurance benefit statement(s), birth certificates or guardianship papers if the claimant is other than the parent.
<hr/>		
Counseling Expenses including transportation costs for counseling sessions and medications prescribed.	<i>(Over and above the \$35,000 maximum)</i>	
▪ Direct Victim — Adult	\$5,000	
▪ Direct Victim — Minor	\$10,000	
▪ Witness — a person who is physically present at the crime scene and who witnessed a violent crime.	\$1,500	
▪ Relative of Direct Victim — anyone related to the direct victim within the second degree of consanguinity of affinity. This includes spouses, children, parents, siblings, grandparents, grandchildren, and in-laws. Also includes step-relatives as listed above.	\$2,500 \$5,000 for homicide	
▪ Anyone engaged to be married to the direct victim.	\$2,500 \$5,000 for homicide	
▪ Shared Household — anyone residing in the same household with the direct victim.	\$2,500 \$5,000 for homicide	

ELIGIBLE EXPENSES	PAYMENT MAXIMUMS	DOCUMENTATION REQUIRED
<ul style="list-style-type: none"> ▪ Discovers Homicide — the person who discovers the homicide victim. ▪ Person Responsible for the direct victim's welfare. 	<p>\$1,500</p> <p>\$2,500 \$5,000 for homicide</p>	<i>(all require a police report or PFA)</i>
<p>Crime-Scene Cleanup — reimburses the crime victim or any person who pays or assumes the obligation for the cost of crime-scene cleanup within a private residence. The stains must be bodily fluid.</p>	<p>Up to \$500 <i>(over and above the \$35,000 maximum)</i></p>	<p>If home owner's/renter's insurance, statement showing coverage or rejection.</p>
<p>Relocation Expenses — reimburses for temporary or permanent relocation expenses where there is an immediate need to protect the safety and/or health of the direct victim and those individuals residing in the household of the direct victim.</p>	<p>Up to \$1,000 per household per crime incident</p>	<p>If home owner's/renter's insurance, statement showing coverage or rejection.</p>

VCAP QUESTIONS AND ANSWERS

Reporting:

Q. If a crime is reported to the proper authorities after the 72-hour requirement, what type of situation/reason does the Program consider justified?

A. If the safety and well-being of the victim are in jeopardy or in those situations where the victim would not be safe from further injury if the crime were reported. Another example may be, if the victim was injured and/or medically unable to make a report to the proper authorities. These types of determinations are made on a case-by-case basis.

Eligible Claimant:

Q. A woman was severely raped and beaten. She survived but has been in the hospital for an extended period of time. The victim's sister is caring for the victim's two children who witnessed the assault. The children are receiving counseling. The sister has paid for their counseling and is seeking compensation for the expenses. Is the victim's sister an eligible claimant?

A. Yes. Since the sister of the victim has assumed financial responsibility for the children, she is an eligible claimant. In addition, the sister is eligible for counseling herself as a result of the crime. It is not necessary that relatives of the direct victim witness the assault for benefits to be granted.

Property:

Q. Are broken doors eligible for compensation?

A. No. They are considered personal property and not covered under the law.

Child Molestation:

Q. A child victim is molested by a visiting relative but does not tell her parents until three (3) years later. Are the parents eligible to file for counseling expenses for the child?

A. Yes, the parents can file for counseling expenses for the child. The parents are also eligible for counseling. A police report will still need to be made.

Crime Scene Cleanup:

Q. A victim is gang raped in her car. Is she eligible for crime scene cleanup benefits?

A. No. This benefit is intended to compensate for the reasonable and necessary costs for cleaning a *private residential* crime scene. A car is not considered a private residence, even if the victim is homeless.

Relocation:

Q. A woman was raped by a stranger in her apartment. During the assault, the man threatened that if she went to the police, he would kill her. The woman reported the assault to the

police, but they were not able to find her perpetrator. She lives in fear that he will return and rape her again. Her current apartment is \$600/month. A new apartment she found is \$700 a month and requires a security deposit of \$700. In order to leave her current apartment, she would have to break her lease, costing her a penalty of her original security deposit of \$600. She would also need to rent a moving van that would cost \$200. Is the woman eligible for relocation benefits and what expenses would be covered?

- A. Yes, the woman would be eligible for relocation benefits because she meets all other compensation eligibility requirements. The relocation benefit may reimburse for temporary or permanent relocation expenses for the victim and individuals residing in her/his household when relocating is required for the immediate protection of their safety and/or health. The woman would be eligible for the security deposit she lost due to breaking her lease. She would not, however, be reimbursed for the security deposit on her new apartment (because she has the potential to receive the new security deposit back at the end of her lease). She will also be eligible for reimbursement for the \$100 difference between the old and the new monthly rent. Rental van fees are also an eligible expense. *Total relocation reimbursement for this scenario: \$900.*

To pay a relocation claim, VCAP requires a letter of verification from a medical provider, human services provider, or law enforcement representative verifying the immediate need to relocate. The victim needs to file a claim for the relocation benefit within 30 days from the date of the incident.

Crime Did Not Occur in PA:

Q. A Pennsylvania resident is a victim of a crime in another state and the payments from that state's compensation program do not cover all of her financial losses. Can the victim file a claim with Pennsylvania's Victims Compensation Assistance Program for the balance?

- A. No.

Minimum Loss Requirements:

Q. A victim, age 25, was unable to return to work for three (3) days after being assaulted. All of the victim's medical expenses were covered by insurance with the exception of \$30 in co-pays. Is the victim eligible for out-of-pocket expenses and loss of earnings?

- A. Yes, provided that the combined minimum expenses and loss of earnings was at least \$100. If expenses and loss of earnings do not total \$100, an application can still be made to get the process started. Once the claimant accumulates \$100 in losses, VCAP will begin reimbursing.

Medical Assistance:

Q. If a victim was on Medical Assistance at the time of the crime, can she be considered for any compensation for medical expenses?

- A. Yes. She could be considered for any medical expenses not covered by Medical Assistance, such as co-pays, deductibles, or non-covered medical supplies or services (i.e. ambulance) that are necessary for the victim as a direct result of the crime.

These questions and answers should only be used as a general guideline. There are many different aspects to determining eligibility, verification, and the processing of a claim. Other conditions may exist within each case that could easily change the answer to the question.

COMMON REASONS VCAP CLAIMS MAY BE DELAYED OR DENIED

Each claim is unique. There are many different aspects to determining eligibility, verification, and the processing of a claim. However, there are some common reasons that claims may be delayed in processing, or situations in which compensation is denied.

Reasons Claims May Be Delayed:

- Necessary information from health care providers such as hospital or medical records, or police reports, have not been received by VCAP.
- Health care providers or the police have not responded to VCAP's request for more information or clarification after the initial reports are provided.
- The victim/claimant has moved or changed her/his address or phone number and the information request from VCAP has not reached her/him.
- The employer has not sent in the required verification in cases where victims are applying for Loss of Earnings.
- The health insurance company has not sent needed information about paying or rejecting insurance claims. *This is necessary because VCAP is the "payor of last resort."*
- The district attorney's office may request that VCAP hold off on processing the claim because it is still investigating the crime and trying to more clearly ascertain the facts.

Reasons Claims May Be Denied:

- The claimant is not eligible.
- The expenses are not eligible.
- The victim has not filed a police report within 72 hours.
VCAP may, with good cause, allow the claim if the victim explains why it wasn't possible to file the report. Filing a PFA also meets the reporting requirement.
- The expenses are not a direct result of the crime.
- The claim is not filed no later than two (2) years after the occurrence of the crime or no later than two (2) years after the discovery of the occurrence of a crime.
If the victim was under 18 years of age at the time of the crime, and the alleged offender is the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the time for filing is extended until the victim reaches the age of 23.
- The crime occurred outside of PA.
- The claimant refuses to cooperate with law enforcement agencies or the courts.
- The victim is engaged in illegal activity that caused the crime.
In cases of rape and sexual assault, the conduct of the victim may not be considered with respect to assessing contribution to the crime or in denying the claim.



**Sexual Assault Programs and VCAP:
Working Together**

VCAP AND SEXUAL ASSAULT VICTIMS

Barriers to Service

VCAP is about economic justice. It is a program designed to reimburse victims for out-of-pocket losses, services required as a result of injuries, counseling fees, loss of earnings, as well as a variety of other expenses. The program also reimburses service providers for the forensic rape exam and other bills. Many survivors of sexual assault find it empowering to file claims for compensation. They feel being reimbursed for some of the expenses caused by the offender is a small way of achieving justice, especially since convicted perpetrators are required to pay into the program. Some survivors also feel that getting reimbursed for out-of-pocket expenses gives them a sense that the system is responding in some way to their needs.

VCAP can be a powerful resource for survivors of sexual violence. However, most sexual assault survivors are not utilizing the service. According to the 2003 PA Uniform Crime Report, 3556 rapes were reported in Pennsylvania, but VCAP reported that only 210 of those victims filed claims for compensation – that is a rate of only 5.9%. Why is crime victims' compensation not being utilized as a tool for healing?

An act of sexual assault is fundamentally violating and disruptive. It often changes the victim's self/body image, sense of control, willingness to take risks, and capacity to trust others. It can affect spiritual or religious beliefs, optimism, and hope for a healthy future. It may impair the victim in the work setting, in intimate relationships, and in the larger community. A sexual assault may elicit a range of physical responses from the victim, adding to the victim's experience of being out of control. All of these factors are compounded by another element that is often missing in other crimes: the perpetrator is often someone known to the victim. What is so devastating about the trauma of sexual assault is how private and invasive it is. As part of a police investigation and forensic exam, the victim will have to tell the story of the victimization repeatedly and in great detail. Her/his recollection will be questioned, her/his body will be treated as a crime scene, and she/he will often walk away from this experience feeling revictimized.

Many sexual assault victims suffer from rape trauma syndrome. Rape trauma syndrome is defined by three stages: crisis/disorganization, outward adjustment, and long-term/reorganization. The crisis/disorganization stage can last from a few days up to three months after the assault. The outward adjustment stage occurs between three months to one year. The long-term/reorganization stage begins when a victim moves out of acute crisis and begins to restructure her/his world after the assault. It can last for two to five years. During the crisis stage, most victims are unable to take action regarding compensation. They may suffer from flashbacks, fear, numbness, guilt, anxiety, and depression. A majority of sexual assault victims first hear of VCAP at the hospital. Unfortunately, many victims are in the crisis phase when at the hospital. Confusion, shock, flashbacks, and difficulty concentrating are characteristic of this phase. Often at this time, sexual violence victims are inundated with information from law enforcement, medical personnel, and sexual assault advocates. It is speculated that information regarding victims' compensation is presented at this time, but is lost due to the overwhelming amount of information victims are asked to process. Later in the recovery

process, as victims move into the reorganization stage, they are more likely to be receptive to hearing about and filing for compensation.

Numerous barriers can prevent sexual assault victims from filing for crime victims' compensation. Some of these barriers include:

- The victim does not have any or enough information about VCAP.
- The victim is given too much information about VCAP at the wrong times.
- The process of completing the VCAP forms may cause further emotional trauma.
- The process feels daunting and is viewed as another burden to take on.
- Dealing with issues related to money can be laden with shame for the victim.
- Some victims may experience difficulties with literacy that interfere with being able to readily comprehend and complete the forms.
- It feels too overwhelming for the victim to get the needed documentation from healthcare or other providers.
- The victim may feel embarrassed about having trouble with the forms and may not want to ask for help.
- The victim may view compensation as charity or being "paid off."

So what does all of this mean when it comes to filing for crime victims' compensation? It can mean that even hearing about VCAP feels like too much. Filing a claim can feel overwhelming. The thought of having to retell the story of the assault can be a great deterrent to seeking financial help. Additionally, cultural and familial beliefs surrounding privacy issues and finances may also prohibit a victim from filing a claim. Involving another agency or person outside of the victim's support network may feel too embarrassing or revealing.

GUIDELINES FOR ADVOCATES AND COUNSELORS OF SEXUAL ASSAULT VICTIMS

The following guidelines are intended as a useful protocol in helping advocates and counselors better support victims with respect to crime victims' compensation. Following this protocol can assist you in ensuring that victims receive adequate information and practical assistance regarding VCAP. With information and support, victims can make informed decisions about whether or not they want to file a claim for compensation.

- **Find at least *TWO* opportunities to talk** with each recent victim, or the parent(s) of each child victim, about VCAP. During one of these conversations, provide a VCAP brochure or information packet. (*Call 1-800-233-2339 to obtain brochures or packets.*)
- **FOLLOW UP with the victim** about her/his interest in filing a claim. Do this in person, over the phone, or through the mail via a questionnaire. (*See the sample questionnaire on page 37-38.*) Provide several opportunities for the victim to ask for help or more information.
- **RESPECT the victim's decision** to file or not file a claim. If she/he says she/he is not interested, you might explore the reason(s), unless doing so feels intrusive or dismissive. Some people need to "think out loud" with someone to figure out what they want to do. If the victim sounds uncertain, ask her/him if she/he would like you to check in with her/him in the future about compensation.
- **OFFER to help the victim or parent fill out the forms.** Review what documentation is needed for the claim and help her/him locate the necessary documents.
- **FOLLOW UP with the VCAP office and with the victim** until the claim is resolved. Ask the victim or parent if she/he would like you to stay in touch with the VCAP office regarding the claim. This usually takes about 12 weeks.
- **MAINTAIN an internal tracking system** for VCAP claims so you know the status and results of each claim filed in conjunction with your center. It is most helpful to keep a specific system for VCAP contacts and claims (separate from general client records), making it easier to both follow up and provide reporting statistics to funding sources.
- **WORK AS A TEAM in your center to identify good opportunities to bring up VCAP** with victims and families. Ensure that advocates, counselors, and coordinators are on the same page about who is talking with victims about compensation and who is following up.
- **CHANGE your practices** to better serve your clients. Assess your center's ability to adequately inform victims about VCAP and provide necessary assistance and follow-up. (*See page 41-42 for a sample assessment tool.*)

- **PARTNER with police departments and the district attorney's office** to inform victims about VCAP. Determine their knowledge of VCAP and offer information or support as needed. Advocate for victims by encouraging law enforcement and justice system agencies to provide prompt follow-up on requests from VCAP for reports, verifications, or other information to expedite claims processing.
- **DISCUSS VCAP with hospitals, clinics, private practitioners, and other health care providers** so they are aware of the possibilities of compensation for forensic rape exams. Also, inform them of compensation for the victim for follow-up care, medication, and other health care needs. Educate them about the importance of prompt and complete follow-up with VCAP requests for billing and other information.

Remember, even if law enforcement or the prosecutor's office does not continue with the case, the victim can still follow through with VCAP as long as she/he cooperated with law enforcement.

ACTION TIPS FOR COUNSELORS

The following are specific practical tips for assisting victims with crime victims' compensation. No one expects you to know all the benefits of the VCAP system, but if you know some of the benefits, you can help the sexual assault victim obtain the information she/he needs.

- Sign up for *Compensation Update*, the bulletin published by the VCAP office, at www.pccd.state.pa.us. Keep the updates in a binder as a quick reference for all staff.
- A PA resident who is assaulted in another state needs to apply to the compensation program in the state where the crime occurred. Advocates who work in border counties may want to obtain information about compensation in their neighboring states. Contact numbers for victims' compensation offices in all states can be found at www.ojp.usdoj.gov/ovc/help/links/htm. Click on the "state VOCA programs" link.
- If it seems a claimant can't meet the minimum loss requirements, call the VCAP office and ask a staff member to help you consider any potential out-of-pocket losses. When family members provide medically-necessary services (home health care, transportation, child care, etc.) to a victim, they are considered service providers and their loss of earnings will be considered toward the \$100 minimum loss requirement.
- If there is a delay in reporting, work with the claimant to document the reason for the delay and provide for a Good Cause exception.
- Help the victim know how to document for later reimbursement. Help her/him pay attention to collecting receipts and noting mileage, etc. Encourage the victim to set up a system to keep relevant receipts, bills, and other documentation available.
- A victim/claimant is not required to use personal, sick, or vacation days before applying to VCAP. The victim/claimant can take time off without pay and later be reimbursed by VCAP for Loss of Earnings. Time off must be verified by a physician and employer.
- Police incident numbers are important. If you are unable to obtain a copy of the police report to submit with the claim form, you can help by supplying VCAP with the police incident number. This enables the Program to use the police incident number on the police cover letter when requesting a copy of the full investigative police report. Providing the police incident number to the police departments assists them in locating the police report in a timely manner to send to VCAP.
- Case numbers for the defendants are important. If there is a known offender, you can help by providing the defendant's case number on the claim form. This enables VCAP to provide the case number on the letter to the Clerk of Courts' office, enabling them to respond back to VCAP in a timely manner with information regarding the court-ordered restitution to be paid to the victim.
- If you have access to the DAVE system, check the document listing screen to determine what information is outstanding and contact those entities who have been sent letters requesting information to expedite the claims process.

- Applications can still be made—even if the loss does not yet total \$100—to get the process started. Requests for additional awards related to the same claim may be filed later, as expenses arise or documentation becomes available.
- If a claim is denied, go into action! Get more information about the denial, ask how else a requirement might be met, ask the victim if she/he can provide additional information that may change the decision. If necessary, file an appeal.
- Keep PCAR’s English/Spanish VCAP bookmarks handy and distribute them widely. Display them in waiting rooms, offices, and counseling spaces.
- If you have questions, don’t hesitate to call the VCAP offices at 1-800-233-2339.

ACTION TIPS FOR LEGAL ADVOCATES

The following are specific practical tips for assisting victims with crime victims' compensation. No one expects you to know all the benefits of the VCAP system, but if you know some of the benefits, you can help the sexual assault victim obtain the information she/he needs. Think about how to incorporate VCAP into your work at the courthouse or during a meeting with a victim to discuss her/his legal options.

- Know the basic VCAP information and make a great referral.
- Help the victim understand the relationship of filing charges to the VCAP process.
- Notification to proper authorities is key for compensation. The following meet the requirement for proper reporting:
 - ◆ the police report—even if charges aren't filed
 - ◆ filing a Protection From Abuse petition
- Police have a duty to inform victims about VCAP and should know about the system. Give a friendly reminder for officers to mention VCAP to victims. Work with police to ensure that full and appropriate charges are filed.
- If the sexual assault victim is reluctant to work with police, district attorney, or the Court, explore those decisions and help her/him consider all the options and consequences—including the possible impact on her/his claim.
- Work with law enforcement and judicial personnel to provide information about sexual assault to help change the perception of the victim and her/his circumstances.
- Advocate for procedures to enhance the victim's safety when participating in law enforcement or court actions.
- Organize attorneys in the community who are committed to sexual violence issues to work with victims on VCAP claims.
- Talk with sexual assault victims about the relationship between VCAP and civil or criminal restitution awards and civil litigation awards. Expenses due in advance of restitution or a civil award can be paid by the VCAP Fund providing any restitution subsequently collected by the Court is directly forwarded to the VCAP Office. If money is recovered in a civil suit settlement against the offender, the sexual assault survivor will have to reimburse the VCAP Office for expenses already paid by the VCAP Fund.

ACTION TIPS FOR MEDICAL ADVOCATES

The following are specific practical tips for assisting victims with crime victims' compensation. No one expects you to know all the benefits of the VCAP system, but if you know some of the benefits, you can help the sexual assault victim obtain the information she/he needs.

- Provide a VCAP brochure, information packet, and/or PCAR's English/Spanish VCAP bookmark to the victim at the hospital. Often the first point of contact for sexual assault victims, medical advocates are in a unique position to provide information about VCAP when concerns over the cost of medications and exams arise.
- When a sexual assault victim is not able to return to work because of injuries, emotional distress, or fear—as long as there is medical verification by a health care provider or a qualified mental health professional—she/he may be able to apply for loss of earnings, reimbursement for medical bills, and payment for home health care, childcare, and replacement services.
- A victim/claimant is not required to use personal, sick, or vacation days before applying to VCAP. The victim/claimant can take time off without pay and later be reimbursed by VCAP for Loss of Earnings. Time off must be verified by a physician and employer.
- Distribute VCAP information at hospitals, health care facilities, and clinics. Place brochures in waiting rooms, exam rooms, and bathrooms.
- **Health care facilities are not allowed to bill the victim for a forensic rape exam.** Victims have the option to not have their insurance billed for the FRE. Health care facilities should send an FRE claim directly to VCAP. Check to make sure that the hospital does not bill victims—don't wait until the victim is being harassed by creditors for payment.
- Work with hospitals and other health care facilities and clinics to ensure that the forensic rape exam VCAP claim practice is in place.
- Work with the VCAP staff to find out what health care facilities are a problem and work together to advocate for a change in practice.
- Inform physicians, nurses, and mental health professionals about VCAP.
 - ◆ Offer an in-service on VCAP
 - ◆ Review the needed documentation
 - ◆ Make forms available
- Medical advocates can be instrumental in working with physicians and other health care providers to document the need for home or childcare services and/or replacement services for victims. The key to getting these services reimbursed is the verification that they are required.

ACTION TIPS FOR CHILDREN'S ADVOCATES

The following are specific practical tips for utilizing VCAP to assist child victims of sexual assault. No one expects you to know all the benefits of the VCAP system, but if you know some of the benefits, you can help the parent/legal guardian of the child victim obtain the information she/he needs.

- Children are eligible for compensation if they are the direct victims of sexual assault, surviving children of a deceased victim or intervenor, or are dependent for their principal support upon a deceased victim or intervenor.
- A claim for a minor may be filed by her/his parent or guardian. If the parent or guardian is unavailable or fails to assume financial responsibility for the minor's care, a person who assumes financial responsibility for services eligible for compensation may file a claim on behalf of the minor and receive compensation for eligible services provided to the minor. This excludes providers of services, insurance companies, and other state agencies, such as Children & Youth.
- If you are working with an emancipated minor who is the victim of sexual assault, call the VCAP office at 1-800-233-2339 for assistance with the claim process.
- When a victim is under the age of 18 at the time the crime occurred and the alleged offender is the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, **the time for filing is extended until the victim reaches the age of 23 or the statute of limitations expires, whichever is later.** If the alleged offender is not the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the filing extension still applies, but the victim is only eligible for counseling benefits.
- Crime victims' compensation may be an opportunity to get help with childcare and other services that benefit children. If a parent/guardian, who is a victim of sexual assault, is medically in need of help with tasks she/he used to perform before the assault, she/he may get reimbursed for hiring help. If an employed family member provides those services, she/he can apply for a loss of income.

RECOGNIZING OPPORTUNITIES TO ADDRESS CRIME VICTIMS' COMPENSATION

Introducing the topic:

One of the major tasks of advocates with regard to crime victims' compensation is recognizing opportunities to bring up the Victims Compensation Assistance Program. Although it is important to mention compensation at the hospital since that may be the only contact advocates have with some victims, other chances to provide information on VCAP also need to be identified. The immediate post-rape experience is often an overwhelming time during which the victim receives a lot of information. She/he is likely to be physically and emotionally stressed, and may have a hard time processing most of the information provided at that time. Therefore, finding other opportunities to explain VCAP is helpful in the long run.

Here are some possibilities:

Prior to going to the hospital

- when the victim or parent of a child victim expresses concern about paying for the rape exam and getting medical care

At the hospital

- when the victim mentions being concerned about submitting the cost of the rape exam to her/his insurance company. *The victim's insurance does not have to be billed for a Forensic Rape Exam if she/he does not wish.*
- when the victim says she/he doesn't have insurance
- after the medical exam as you are providing her/him with follow-up information and brochures

During a follow-up phone call or meeting shortly after the medical exam

- when the issue of insurance or paying for the exam comes up
- when she/he talks about having to miss work for follow-up medical care
- when she/he mentions the cost of getting to counseling or the doctor
- when she/he expresses concern about paying for medication related to the impact of the assault (including anti-depressants or anti-anxiety drugs)

In a counseling session or a meeting with a sexual assault advocate

- when the victim raises concerns about out-of-pocket expenses related to the crime
- when the victim talks about how unfair the system is
- when she/he expresses frustration about having to pay for what someone else did
- when the victim feels stressed by the costs of getting to counseling (parking, bus fare, etc.)

- when she/he is worried about money and can't pay bills, especially ones related to the assault

At the time of the trial or pre-trial meeting

- when the victim asks what else she/he can do with the frustration and sense of betrayal
- when she/he doesn't feel there is anything that will ever make up for all she/he has experienced
- when a parent says she/he had no idea the whole process would be so costly

Important reminder:

Some people experience shame and embarrassment regarding issues related to money. With that in mind, be aware that some victims may not directly bring up this topic. They may indirectly talk about "being worried" or "feeling stressed." This can be an opportunity to respond by saying

**Don't wait for the victim to bring up the issue of crime victims' compensation.
Be proactive!**

"Can you tell me more about your worries? Some people worry about court, other people feel more worried about their expenses, other people worry about their physical recovery. What in particular is worrying you?" They may also need reassurance that it is okay to talk about their concerns. Often, the most effective method is to be direct: ask "Has this experience impacted you financially?"

Building the topic into your systems:

In addition to recognizing opportunities to raise the topic of crime victims' compensation, also make it a goal to bring it up in routine ways with all recent crime victims. Some suggestions on how to do this are:

- establishing a practice of including a "talk about VCAP" section in every service plan for recent victims
- addressing VCAP in all Sexual Assault Counselor (SAC) trainings
- having advocates do follow-up calls to all victims to check in and specifically mention VCAP
- mailing a VCAP brochure to all recent victims when an address is available and permission from the client has been given for mail contact
- displaying posters and brochures about VCAP in prominent places
- ensuring all advocates have VCAP brochures and information

SAMPLE SCRIPTS FOR TALKING ABOUT CRIME VICTIMS' COMPENSATION

In a first or early contact:

As a recent survivor of sexual assault, you can receive services at (name of center). Please do not hesitate to call our hotline number at (phone number).

Our services include:

- 24-hour hotline
- Counseling and emotional support
- Medical and legal advocacy (someone to help you with the police, for example)
- Referrals to other people who can assist you
- Assistance with crime victims' compensation

All our services are free and confidential. Here's a brochure that lists what we offer. In addition, I'm enclosing a brochure about the Victims Compensation Assistance Program.

The Victims Compensation Assistance Program is a program that will reimburse you for expenses that result from a crime. You can be reimbursed for medical expenses, counseling, and loss of earnings, to name a few. Travel expenses for counseling or doctor's appointments are reimbursed and home health care and child care are considered in some cases. It might be something to think about if you have any of these costs totaling more than \$100 out-of-pocket. If you are 60 years old or over, there is no minimum loss requirement.

At second or third contact:

I mentioned the possibility of getting reimbursement for out-of-pocket expenses you have incurred as a result of being assaulted. It's called crime victims' compensation. I thought of it now since you were talking about (the concern(s) expressed by the client regarding expenses).

Crime victims' compensation might be a way to get some support and help. Would you like to look over the forms with me? I can help you track your expenses, fill out the forms, and assist with following up on your claim once you've submitted it to the Victims Compensation Assistance Program.

Other comments that might be helpful at various stages of counseling:

- Some people feel a sense of justice knowing that they are getting reimbursed from a fund that convicted perpetrators pay into.
- You're right – it's not fair that you should have to pay for what someone else did to you: emotionally, physically, or financially. I know there's no way you can be truly "paid back" emotionally or physically, but VCAP can at least help with the financial end of things.

- Sometimes people feel that getting reimbursed for out-of-pocket expenses gives them a sense that the system is responding in some way.
- Would it help to get reimbursed for the cost of coming to counseling and going back to the doctor? I know your insurance is paying for your bills, but VCAP may be able to pay for your co-pays and your travel expenses.
- I know the forms seem overwhelming. I'd be happy to go over them with you and sort out what you have to do to file for crime victims' compensation.
- Would you like to talk about the possibility of filing for compensation in our next meeting? It would help if you could bring in all the bills and insurance forms you've had to pay or submit for anything related to the assault. We can make copies here and see what you might be eligible for.

**Which of these two approaches to VCAP sound more inviting:
"Would you be interested in applying to the Victims Compensation Assistance Program?" or "Would it be helpful to be reimbursed for mileage and parking when you come to counseling?"**

VCAP ADVOCACY CHECKLIST

Use this form to ensure that each client is provided with information on VCAP. Add it to each client's file to track referral actions.

- Offered a VCAP brochure
- Provided a basic overview of VCAP
- Provided a copy of a VCAP claim application
- Scheduled a future meeting to discuss VCAP issues
- Assisted with VCAP application completion
- Other _____

The following staff offered their particular advocacy perspective to this survivor about VCAP:

- Medical Advocate
 - Child Advocate
 - Legal Advocate
 - Sexual Assault Counselor
 - Other(s) _____
-

Adapted from *Crime Victims Compensation for Battered Women: Advocating for Economic Justice* by Jane E. Stuehling with permission from Pennsylvania Coalition Against Domestic Violence. All rights reserved.

SAMPLE FOLLOW-UP QUESTIONNAIRE #1

This questionnaire can be used to follow up with victims who have received information about VCAP, but, to your knowledge, have not filed a claim.

VICTIMS COMPENSATION ASSISTANCE PROGRAM QUESTIONNAIRE

We want to be sure that we are providing adequate information and support to our clients regarding crime victims' compensation. This form is intended to identify what might make it easier for you to file a claim.

Please check all that apply:

- I did receive the claim form.
- I did not receive the claim form.
- I do not feel I am eligible at this time because

-
- I would like assistance completing the claim form.
 - I would like assistance obtaining the necessary information or documentation.
 - I do not understand why I should file for compensation.
 - I already filed a claim.
 - I have been ordered restitution and feel that will cover my expenses.
 - I would like to receive a phone call from (name of center) regarding my responses.
Is it okay to leave a message? Yes No

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Work Phone: _____

Other way to contact you: _____

Thank you for taking the time to complete this form. The information provided will allow me to meet your needs more efficiently. A self-addressed stamped envelope has been provided for return of this form. If you have any questions, I can be reached at (phone number).

Sincerely,

(Your name and title)

SAMPLE FOLLOW-UP QUESTIONNAIRE #2

This questionnaire can be used to follow up with victims who have filed a claim, but it is pending—often awaiting more documentation.

VICTIMS COMPENSATION ASSISTANCE PROGRAM QUESTIONNAIRE

We want to be sure that we are providing adequate information and support to our clients regarding crime victims' compensation. This form is intended to identify what might make it easier for you to pursue your claim. You should have received a letter from the Pennsylvania Commission on Crime and Delinquency's (PCCD) Victims Compensation Assistance Program (VCAP) informing you of the receipt of the claim, and if necessary, requesting additional information.

Please check all that apply:

- I received a letter from VCAP verifying my claim was received.
- I received a letter from VCAP requesting additional information.
- I did not receive a letter from VCAP requesting additional information.
- I am in the process of gathering additional information and will send it to VCAP soon.
- I do not understand what information is needed.
If you feel you need help understanding what information is needed, is it okay for (name of center) to call you to see what assistance is needed? Yes No
Is it okay to leave a message? Yes No
- I will not be submitting the additional information because

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Work Phone: _____

Other way to contact you: _____

Thank you for taking the time to complete this form. The information provided will allow me to meet your needs more efficiently. A self-addressed stamped envelope has been provided for return of this form. If you have any questions, I can be reached at (phone number).

Sincerely,

(Your name and title)

SPREADING THE WORD: TIPS FOR DISSEMINATING INFORMATION ABOUT CRIME VICTIMS' COMPENSATION

Much of this manual is focused on disseminating information about VCAP to *victims themselves*. This is an essential part of increasing the monies paid to sexual assault victims and helping them identify opportunities for healing. However, another important factor is to *educate others who come in contact with victims*.

By increasing the knowledge base of medical, law enforcement, and justice system personnel regarding VCAP, you can aid survivors in two ways. First, these professionals are in positions to inform victims about VCAP. Second, they can also facilitate the claims process by producing necessary documentation promptly, verifying requested information, and cooperating with VCAP workers.

Sharing Information Within Your Center:

The size of your center, the number of paid and volunteer staff members, how you get together as a staff, and where most services are provided are just some of the factors that will influence how you might share information in your center. Some ideas include:

- Devote a staff meeting or in-service training to VCAP.
- Cover more details about VCAP in the 40-hour Sexual Assault Counselor (SAC) training.
- Include a weekly or monthly “tidbit” about VCAP in your newsletter.
- Attend a PCCD-sponsored VCAP training.
- Write a “report” on the training you attended in the newsletter.
- Talk specifically with direct services staff about VCAP and ways they can assist their clients.

Sharing Information with Police Officers and District Attorneys:

- Mention VCAP when speaking one-to-one with police officers and Assistant District Attorneys about a specific case.
- Address VCAP in training programs your center offers to law enforcement and/or justice system personnel.
- Provide police officers and detectives with copies of the VCAP brochure and packet.

Sharing Information with Hospitals:

- Train hospital staff about VCAP, including the laws around filing forensic rape exam forms.
- Talk with the billing department about how to file FRE claim forms.
- Talk with the emergency department social workers about VCAP.

Sharing Information with Individual Health Care Providers:

Talking with physicians or other health care providers and public clinic staff who may be providing follow-up care to victims can be useful. Few will be familiar with crime victims' compensation and the forms or reports VCAP requires.

- Talk with billing clerks and nurses about how to file a claim.
- Offer to present a program for the local medical society on the medical needs of victims and include information on VCAP.
- Write a brief article about crime victims' compensation for the local medical society newsletter.

Sharing Information with Mental Health Workers:

Since counseling services provided by licensed mental health practitioners can be considered for payment by VCAP, sharing information with trained counselors can be useful. Most counselors are interested in knowing, before they begin working with a client, exactly what kinds of forms and information will need to be provided to any payor. Having such knowledge up front can prevent delays. Most counselors will also want to know how the client information they provide will be used by VCAP, and the extent to which it remains confidential.

This information can be offered in several ways:

- as part of a VCAP training for mental health practitioners who work with sexual violence survivors
- through a mailing to local providers
- over the telephone in a one-to-one outreach effort
- by sending the information to local professional groups and asking them to disseminate it to their members

The method most likely to make a difference is personal contact. One-to-one conversations based on a developing relationship are the most productive.

HOW DOES YOUR CENTER RATE?

VCAP Assessment Tool

Answer the following questions to assess your center's effectiveness in responding to client VCAP needs. Use the answer key on the following page to determine your score.

1. Approximate percentage of staff at your center that has a basic knowledge of VCAP.
 - A. 100%
 - B. 50%
 - C. 10 %
 - D. What is VCAP?

2. Method most often utilized to disseminate information on VCAP to victims.
 - A. When clients ask about it
 - B. At the hospital
 - C. VCAP information is not provided
 - D. During counseling sessions

3. Circle the letter that most accurately describes your interaction with clients regarding VCAP.
 - A. Offer a VCAP brochure
 - B. Provide basic overview of VCAP
 - C. Schedule a future meeting to discuss VCAP issues specifically
 - D. VCAP information is not provided

4. How often do you mention VCAP to clients?
 - A. VCAP information is not provided
 - B. Once
 - C. 3-5 times
 - D. 15-20 times

5. Circle all that apply.
 - A. Attend PCCD-sponsored VCAP trainings
 - B. Keep up-to-date on *Compensation Update* issues
 - C. Cover VCAP in Sexual Assault Counselor trainings
 - D. Include VCAP information in trainings for law enforcement, judicial, and health care personnel
 - E. Mail VCAP questionnaires to victims to follow up on topic or status of claim
 - F. Display VCAP posters and brochures in prominent places
 - G. Offer assistance to victims in filling out VCAP forms
 - H. Have a formalized internal tracking system for VCAP claims



Training Materials

- actual help filling out the forms
- contacting the VCAP office for more information
- contacting the VCAP office to follow up on a claim already filed
- talking with someone else in the victim's network or a victims' service provider about VCAP, VCAP forms, etc.
- other: _____
- other: _____
- other: _____

5. If a victim expresses an interest in VCAP, who in your center follows up with her/him? What is the process?

6. In your opinion, who in your center needs to know more about VCAP?

7. What training would you like to see provided on VCAP?

TRAINING OUTLINE

30 mins.	Registration/Complete Pre-Test	p. 46
15 mins.	Greetings/Housekeeping Details	
2 mins.	Training Objectives	p. 76
15 mins.	Optional Icebreaker	
15 mins.	Brainstorming Exercise A: Perceptions of VCAP	p. 50
45-60 mins.	Overhead Presentation: VCAP Training Curriculum	p. 51
15 mins.	Break	
10 mins.	Brainstorming Exercise B: When to Introduce VCAP	p. 50
30-45 mins.	Role Plays: Introducing VCAP	p. 60
10 mins.	Role Play Debriefing	
10 mins.	Brainstorming Exercise C: How to Follow Up on VCAP	p. 50
30-45 mins.	Role Plays: Following Up on VCAP	p. 67
10 mins.	Role Play Debriefing	
15 mins.	Break	
30 mins.	Taking Action Exercises: “Developing an Action Plan to Raise Awareness About VCAP in Your Center” and “Who is a Potential Ally?” handouts.	p. 74/75
30 mins.	Post-Test and Answers	p. 48
15 mins.	Closure and Q&A	
10 mins.	Evaluation	p. 76

VICTIMS COMPENSATION ASSISTANCE PROGRAM TRAINING

PRE/POST TEST

Please indicate T for true statements and F for false statements.

1. ____ Victims need to wait until the trial is over to file a VCAP claim.
2. ____ Any victim under age 60 may not file a claim if they have not met the minimum loss requirement.
3. ____ It is the responsibility of the victim to file a claim for payment of the forensic rape exam in order for the hospital to receive payment.
4. ____ When an award has been made by VCAP, attorney's fees may be paid for services to assist a victim with the VCAP process.
5. ____ A victim must retain an attorney in order to file a claim for compensation.
6. ____ A victim cannot file a claim if the perpetrator is not arrested and convicted.
7. ____ A claim for victims' compensation must be made within two (2) years of the date of the crime.
8. ____ Once the claim form and attached receipts have been submitted, no additional costs can be paid.
9. ____ If a victim has medical insurance (including Medical Assistance), she/he must submit all medical bills (with the exception of the FRE) to the insurance company first.
10. ____ Compensation may be considered for counseling services that are needed as a direct result of the crime.
11. ____ All information provided to VCAP, including reports from doctors or counselors, is confidential and will not be released to anyone without the victim's permission.

Please circle the correct answer:

12. In order to file a claim for victims' compensation, victims age 60 and over must have had a loss of at least:
 - A. \$100 or two (2) continuous week's loss of earnings
 - B. \$500
 - C. \$100
 - D. no minimum loss requirement

13. The Victims Compensation Assistance Program reimburses victims for the following crime-related costs:
- A. uninsured medical expenses
 - B. property losses
 - C. loss of earnings
 - D. all of the above
 - E. a and c only
14. These uninsured medical expenses can be paid by VCAP as long as they were incurred as a result of the crime:
- A. hospital bills
 - B. cost of medications
 - C. fees for counseling
 - D. all of the above
15. The parent of a child sexual assault victim can claim the following losses:
- A. fees for parent counseling
 - B. fees for counseling for the child
 - C. loss of earnings for time taken to transport child to counseling
 - D. all of the above
 - E. b and c only
16. The following expenses can be paid by VCAP:
- A. transportation costs to attend court as a witness
 - B. transportation costs for counseling for the victim
 - C. transportation costs for doctor's appointments for the victim
 - D. all of the above
 - E. b and c only
17. From the time a claim is filed and all necessary documentation has been received, payment of compensation claims generally occurs within
- A. 12 weeks
 - B. 9 weeks
 - C. 18 weeks
 - D. 26 weeks
18. In order to file for compensation, a victim must
- A. report the assault to the police within 72 hours or explain why the report was not made
 - B. file charges
 - C. go to the hospital for a medical exam
 - D. all of the above

VICTIMS COMPENSATION ASSISTANCE PROGRAM TRAINING

PRE/POST TEST – ANSWERS

Please indicate T for true statements and F for false statements.

1. F Victims need to wait until the trial is over to file a VCAP claim.
2. F Any victim under age 60 may not file a claim if they have not met the minimum loss requirement.
3. F It is the responsibility of the victim to file a claim for payment of the forensic rape exam in order for the hospital to receive payment.
4. T When an award has been made by VCAP, attorney's fees may be paid for services to assist a victim with the VCAP process.
5. F A victim must retain an attorney in order to file a claim for compensation.
6. F A victim cannot file a claim if the perpetrator is not arrested and convicted.
7. T A claim for victims' compensation must be made within two (2) years of the date of the crime.
8. F Once the claim form and attached receipts have been submitted, no additional costs can be paid.
9. T If a victim has medical insurance (including Medical Assistance), she/he must submit all medical bills (with the exception of the FRE) to the insurance company first.
10. T Compensation may be considered for counseling services that are needed as a direct result of the crime.
11. T All information provided to VCAP, including reports from doctors or counselors, is confidential and will not be released to anyone without the victim's permission.

Please circle the correct answer:

12. In order to file a claim for victims' compensation, victims age 60 and over must have had a loss of at least:
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 - B. file charges
 - C. go to the hospital for a medical exam
 - D. all of the above

BRAINSTORMING EXERCISES

The following questions for each of the three Brainstorming Exercises are meant to facilitate discussion regarding different aspects of VCAP. Allow 15 minutes for each brainstorming session.

A. Perceptions of VCAP

1. What do you already know about VCAP?
2. What are your feelings toward VCAP?
3. How have you worked with VCAP in the past?

B. When to Introduce VCAP

1. When is the issue of VCAP most often addressed with victims?
2. When would it be most beneficial for victims to hear about VCAP?
3. List 5 situations when it would be appropriate to mention VCAP to a victim.

C. How to Follow Up on VCAP

1. What is the purpose of “following up” on VCAP with victims?
2. List 5 situations when it would be appropriate to follow up on VCAP with a victim.
3. In any of the role-play situations we just saw, what are some specific ways the advocate could follow up with the victim?


VCAP TRAINING CURRICULUM


Below are copies of the slides (with notes) to the overhead presentation on VCAP.*

Adobe Acrobat Reader 5.0 or higher is required to view this presentation. It can be downloaded for free from Adobe's website: www.adobe.com.

To navigate Adobe Acrobat: From the menu bar at the top, select [WINDOW], then select [FULL SCREEN VIEW]. The presentation will fill your screen. Press the right arrow key on your keyboard to move one page forward; press the left arrow key to move one page back; press the escape key to exit the program at any time.


*Please note that during the presentation, the slides will have the full photos.

	<p>An Introduction to the Victims Compensation Assistance Program (VCAP)</p> <p>Pennsylvania Coalition Against Rape</p> <p><i>Funding provided by the Pennsylvania Commission on Crime and Delinquency</i></p>
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	<p>The cost per adult sexual assault is estimated at \$87,000 per episode of sexual violence.</p>
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NOTES:

- Victims' compensation is a critical ingredient in repairing the harm.
- Source: Miller, Ted R., Cohen, Mark A., and Wiersema, Brian. *Victim Costs and Consequences: A New Look*. Washington, DC: National Institute of Justice, 1996.

	<p>What is VCAP?</p> <ul style="list-style-type: none">▪ A program of the Pennsylvania Commission on Crime and Delinquency (PCCD) under the Office of Victims' Services.▪ Individuals who are injured during a crime may be compensated for out-of-pocket expenses resulting from the crime.▪ Offenders are required to pay into the Victims Compensation Assistance Fund.
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NOTES:

- Established in 1976.
- PCCD is responsible for reviewing claims for compensation and providing publicity through outreach and training.
- Out-of-pocket means "any expense incurred as a result of the crime." Claimants or providers will be reimbursed for eligible costs.
- Offenders who are found guilty, plead guilty or nolo contendere, or are placed in a diversionary program pay into the VCAP Fund.



Who Can Apply for Crime Victims' Compensation?

- The victim of a crime that occurred in PA
Applicant does not need to be a PA resident.
A PA resident who is injured in another state needs to apply to the compensation program in the state where the crime occurred.
- An intervenor
A person who is hurt (physical and/or mental injury) or killed while helping someone who is the target of a crime.
- A surviving spouse, parent, or child of a deceased victim or intervenor
- A parent/guardian of a child victim
Excludes providers of service, insurance companies, and other state agencies, such as Children & Youth.
- Any person dependent for her/his principal support upon a deceased victim or intervenor
- Any person who assumes the financial obligation of the crime-scene cleanup, funeral, or burial expenses incurred as a direct result of the crime



What Expenses May Be Submitted for Compensation?

- **Medical expenses** related to the crime: medical care, dental care, prescriptions, home health care and replacement services (including child care), medical equipment and supplies (including eyeglasses, etc.), transportation costs for medical care.
- **Counseling expenses** related to the crime: fees and transportation costs.
- **Loss of earnings** due to a physical or mental inability to work resulting from the crime, attending mandatory court proceedings, caring for a related injured victim, and making funeral arrangements for a deceased victim.
- Crime-related **loss of support** for financial dependents of the victim.
- **Stolen benefit cash** for victims whose primary source of income includes social security, retirement or pension, disability, or court-ordered child/spousal support.
- **Funeral expenses:** funeral, burial, and memorial costs.



- **Attorney's fees** for services related to filing a VCAP claim, if applicable.
- **Crime-scene cleanup** for the victim or any person who assumes the obligation for the cost of the crime-scene cleanup within a private residence.
- **Relocation expenses** for temporary or permanent relocation where there is an immediate need to protect the safety and health of the direct victim and those individuals residing in the household of the direct victim.

Maximum payout amount: \$35,000.

(Forensic Rape Examination, Counseling Expenses, and Crime Scene Cleanup Expenses are over and above the \$35,000 maximum.)



What Expenses Cannot Be Claimed for Reimbursement?

- Property loss
- Pain and suffering

NOTES:

- Exceptions to property loss include medical equipment and supplies (e.g. eyeglasses, walkers).



VCAP is the Payor of Last Resort

- Claimant must utilize all other sources of insurance, public benefits, pensions, or settlements that could pay for expenses related to the injury before compensation can be considered.

A sexual assault victim can choose to NOT have her/his insurance billed for the Forensic Rape Exam.

NOTES:

- A victim/claimant is not required to use personal, sick, or vacation days before applying to VCAP. The victim/claimant can take time off without pay and later be reimbursed by VCAP for Loss of Earnings. Time off must be verified by a physician and employer.



Forensic Rape Examination Application

The process for reimbursement for the Forensic Rape Examination (FRE) is separate from the standard VCAP claim form.

- The service provider of the FRE is the claimant for the FRE application. The victim does not file the FRE claim form.
- \$1000 reimbursement cap for the FRE and related medications.
- Hospitals are not to bill victims for a forensic exam. Additionally, hospitals should not bill victims for co-pays for the forensic rape exam.

NOTES:

- The \$1000 cap does not count toward the \$35,000 maximum the victim is eligible for.
- Costs of medications provided at the hospital are covered in the FRE Application submitted by the service provider. However, if the victim receives a prescription and has it filled, the victim needs to file a standard claim form in order to be reimbursed for the cost of the medication or co-pay.
- If the victim ends up paying the co-pay, the hospital has to file for the co-pay costs through the FRE billing process. VCAP will then pay the co-pay back to the hospital and the hospital, in turn, reimburses the victim. This can be a complicated process. Therefore, it is important for advocates to convince providers to not make victims pay the co-pay for the FRE.



ELIGIBILITY: Requirements for Filing Claims and Receiving Awards

- A claim may be filed by/for anyone eligible for compensation.
- A claim must be filed no later than two (2) years after the occurrence of the crime or no later than two (2) years after the discovery of the occurrence of a crime and the injuries must be as a result of the crime.
- The crime was reported to the proper authorities within 72 hours after the occurrence of the crime, unless Good Cause is shown.
- Minimum loss requirements are met.

Under age 60: \$100

Age 60 or older: No minimum out-of-pocket loss required

If expenses and loss of earnings do not total \$100, an application can still be made to get the process started. Once the claimant accumulates \$100 in losses, VCAP will begin reimbursing.



- The claimant cooperates with law enforcement agencies, the courts, and VCAP.
- The victim did not participate in illegal activity that caused her/his injuries.
In cases of rape and sexual assault, the conduct of the victim may not be considered.
- The offender does not benefit from the award.

NOTES:

- The police report meets the requirement of proper notification even if charges are not filed. Filing a PFA also meets the reporting requirement.
- Exception to the filing deadline: When a victim is under the age of 18 at the time the crime occurred and the alleged offender is the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the time for filing is extended until the victim reaches the age of 23 or the statute of limitations expires, whichever is later. If the alleged offender is not the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the filing extension still applies, but the victim is only eligible for counseling benefits.
- Exception to the reporting requirement: The Victims Compensation Assistance Program may consider a delay in reporting to be justified when the claimant is mentally or physically incapacitated, the victim is a minor, there is fear of retaliation, the occurrence of the crime is not readily apparent, or other appropriate circumstances.



VERIFICATION of Submitted Claims

Police

- verification that the crime occurred
- request for the full incident report
- request for the completion of a police questionnaire

Health Care Providers

- verification of dates of service
- the relation of the injuries or need for treatment to the crime incident
- billing information
- current status of payments and insurance

Counselors

- estimated length of continuous treatment



- if the victim received counseling prior to the crime incident, what portion of the treatment being provided is a direct result of the crime incident
- if family or group therapy is involved, a breakdown of family/group members who attended each session and their relationship to the victim
- counseling treatment goals and methods of accomplishing those goals
- the target completion date

Employer

- verification of the dates that the victim lost time from work
- benefits received by the victim, such as sick, personal, or vacation pay, etc.

NOTES:

- During the Verification process, VCAP sends out requests for information to identified individuals and agencies.
- Verification requests may be sent to Clerks of Court, Police Departments, District Justices, Hospitals, Service Care Providers, Funeral Homes, and Employers.
- A victim's claim can be delayed if the identified individuals and agencies do not provide the necessary documentation in a timely manner. Follow up with the identified agencies to expedite claims processing.



Common Reasons VCAP Claims May Be Delayed or Denied

Reasons Claims May Be Delayed:

- Health care providers or the police have not responded to VCAP’s request for more information or clarification.
- The employer has not sent in the required information in cases where victims are applying for Loss of Earnings.
- The health insurance company has not sent needed information about paying or rejecting insurance claims.
- The district attorney’s office may request that VCAP hold off on processing the claim because it is still investigating the crime.

Reasons Claims May Be Denied:

- Claimant is not eligible.
- Expenses are not eligible.
- Victim has not filed a police report within 72 hours.



- The expenses are not a direct result of the crime.
- A claim is not filed no later than two (2) years after the occurrence of the crime or no later than two (2) years after the discovery of the occurrence of a crime.
- The crime occurred outside of PA.
- The claimant refuses to cooperate with law enforcement agencies and the courts.
- The victim is engaged in illegal activity that caused the crime.

In cases of rape and sexual assault, the conduct of the victim may not be considered with respect to assessing contribution to the crime or in denying the claim.

NOTES:

- Information from health insurance companies is necessary because VCAP is the “payor of last resort.”
- Exception to reporting requirement: VCAP may, with good cause, allow the claim if the victim explains why it wasn’t possible to file the report.
- Filing a PFA also meets the reporting requirement.
- Exception to filing deadline: If the victim was under 18 years of age at the time of the crime, and the alleged offender is the victim’s parent, person responsible for the victim’s welfare, any individual residing in the same home as the victim, or a paramour of the victim’s parent, the time for filing is extended until the victim reaches the age of 23 or the statute of limitations expires, whichever is later.



Less than 6% of sexual assault victims in Pennsylvania file victims’ compensation claims.

NOTES:

- Source: The 2003 Uniform Crime Report showed that 3556 rapes were reported in PA. According to VCAP, only 210 of those victims filed claims for compensation.



Barriers for Sexual Assault Victims

Numerous barriers can prevent sexual assault victims from filing for crime victims' compensation. Some of these barriers include:

- The victim does not have any or enough information about VCAP.
- The victim is given too much information about VCAP at the wrong times.
- The process of completing the VCAP forms may cause further emotional trauma.
- Dealing with issues related to money can be laden with shame for the victim.
- Some victims may experience difficulties with literacy that interfere with being able to readily comprehend and complete the forms.
- It feels too overwhelming for the victim to get the needed documentation from healthcare or other providers.
- The victim may feel embarrassed about having trouble with the forms and may not want to ask for help.
- The victim may view compensation as charity or being "paid off."

NOTES:

- A majority of sexual assault victims first hear of VCAP at the hospital. Unfortunately, many victims are in the crisis phase when at the hospital. Confusion, shock, flashbacks, and difficulty concentrating are characteristic of this phase.



How Counselors and Advocates Can Assist Victims with Compensation

- **Find at least TWO opportunities to talk** with each recent victim, or the parent(s) of each child victim, about VCAP. Provide a VCAP brochure or information packet or PCAR VCAP bookmark.
(Call 1-800-233-2339 to obtain brochures or packets.)
- **FOLLOW UP with the victim** about her/his interest in filing a claim. Provide several opportunities for the victim to ask for help or more information.
- **RESPECT the victim's decision** to file or not file a claim. If the victim says she/he is not interested, explore the reason(s).
- **OFFER to help the victim or parent fill out the forms.** Review what documentation is needed for the claim and help her/him locate the necessary documents.
- **FOLLOW UP with the VCAP office and with the victim** until the claim is resolved. This usually takes about 12 weeks.



- **MAINTAIN an internal tracking system** for VCAP claims so you know the status and results of each claim filed in conjunction with your center.
- **WORK AS A TEAM in your center to identify good opportunities to bring up VCAP** with victims and families.
- **CHANGE your practices** to better serve your clients. Assess your center's ability to adequately inform victims about VCAP and provide necessary assistance and follow-up.



SPREADING THE WORD: Tips for Disseminating Information about Crime Victims' Compensation

Sharing Information Within Your Center:

- Devote a **staff meeting or in-service training** to VCAP.
- Cover more details about VCAP in the 40-hour **Sexual Assault Counselor (SAC) training**.
- Include a weekly or monthly "tidbit" about VCAP in your **newsletter**.
- Attend a **PCCD-sponsored VCAP training**. Write a "report" on the training you attended in the newsletter.
- Talk specifically with **direct services staff** about VCAP and ways they can assist their clients.

Sharing Information with Police Officers and District Attorneys:

- Mention VCAP when speaking with police officers and Assistant District Attorneys about a **specific case**.



- Address VCAP in **training programs** your center offers to law enforcement and/or justice system personnel.
- **Encourage** law enforcement and justice system agencies to provide prompt follow-up on requests from VCAP for reports, verifications, or other information to expedite claims processing.
- Provide police officers and detectives with copies of the **VCAP brochure/packet and PCAR VCAP bookmark**.

Sharing Information with Hospitals:

- **Train** hospital staff about VCAP. Educate them about the importance of prompt and complete follow-up with VCAP requests for billing and other information.
- Talk with the **billing department** about how to file a claim form for forensic rape exams.
- Talk with the emergency department **social workers** about VCAP.



Sharing Information with Individual Health Care Providers:

- Talk with **billing clerks and nurses** about how to file a claim.
- Offer to **present a program** for the local medical society on the medical needs of victims and include information on VCAP.
- **Write a brief article** about crime victims' compensation for the local medical society newsletter.

NOTES:

- The method most likely to make a difference is personal contact. One-to-one conversations based on a developing relationship are the most productive.



**For More Information on the Victims
Compensation Assistance Program (VCAP):**

**Pennsylvania Commission on Crime and Delinquency
Office of Victim Services**

Victims Compensation Assistance Program
PO Box 1167
Harrisburg, PA 17108-1167
Phone: 800.233.2339
www.pccd.state.pa.us

Pennsylvania Coalition Against Rape

125 N. Enola Drive
Enola, PA 17025
Phone: 800.692.7445
www.pcar.org

INTRODUCING VCAP ROLE-PLAYS

Find a way in each of these situations to mention VCAP as a possibility for practical aid and support for healing.

Instructions for role-playing: Below are seven role-play scenarios. Each scenario requires two volunteers – one individual to play the advocate and the other to play the victim/survivor or family member. On the following page is a copy of the handout for the volunteers. Photocopy the handout and cut apart each role-play scenario. Hand each player the instructions for her/his character. The person playing the advocate should know only who, where, and when, but not the details of how the other character feels or what she/he will say. Give the volunteers a few moments to read over the scenario and prepare for the role-play.

Since many people find role-playing intimidating, sample “starter sentences” for each character are provided. It is not required that the volunteers use these sentences – they are provided in case the volunteers feel “stuck.” The most important thing to keep in mind when role-playing is listening to your partner and responding to her/his comments/concerns.

1. An advocate is with a victim at the emergency room. The victim has spoken with the police and has been examined by the doctor. She is getting ready to rejoin her boyfriend who is waiting for her in the lobby. She seems very appreciative of the advocate’s presence and has been fairly engaged with the advocate throughout the advocacy, but she is eager to leave.
2. An advocate is meeting with the father of an 8-year-old girl who was molested by an older man from their neighborhood. The perpetrator has been arrested and is awaiting a preliminary hearing. The father is concerned about how his daughter will cope at the hearing. He is also concerned about missing work for appointments and court, and about the costs of the exam at the hospital. He is angry and frustrated by the fact that it took the police three weeks to arrest the perpetrator.
3. An advocate is making a follow-up phone call to a man who was sexually and physically assaulted in the park by three men. He had spoken with an advocate at the hospital after the assault. The survivor did not show up for a counseling appointment yesterday (one week after the assault). When the advocate reaches him on the phone, he says he is too embarrassed to come to the center. He also says he is worried about missing work, since he was off all of the previous week due to injuries. He feels overwhelmed by everything.
4. An advocate is on the telephone with a woman who was raped an hour ago. She wants to go to the hospital, and thinks she wants to tell the police, but is worried about getting to the hospital and paying for the exam. She needs information about options for getting medical care.
5. An advocate is talking with an older woman who was sexually assaulted in her home two weeks ago. Her daughter initially called the rape crisis center about her mother’s assault. The daughter was concerned because her mother is depressed and afraid to go out, especially after the preliminary hearing yesterday. The woman is not sure she wants to go through with the trial

even though the police said it was an “open and shut” case. The daughter also mentioned that her mother had money and other property stolen, having just cashed her social security check earlier on the day of the assault, and is having trouble healing from the injuries to her shoulder sustained in the attack.

6. An advocate is sitting in the hospital waiting room with the parents of a teenage girl who was sexually assaulted at a party the night before by a friend. The parents are expressing concern that she may be pregnant or have contracted a disease, and are worried about how to pay for the medical costs associated with an abortion or follow-up medical care, as they have no insurance. They said they were told that the hospital would “take care of” the current rape exam. They have also said that they aren’t sure that their daughter will talk to the police in any detail, or will give the name of the boy who raped her.
7. An advocate is meeting with a victim who has come into the rape crisis center to talk about the upcoming trial. The trial is scheduled for next week. She did not meet with anyone at the center until yesterday, when she called to ask for help. The district attorney had encouraged her to call the center on several occasions, but the victim felt she could “do it alone.” She now wants an advocate. She sustained several physical injuries at the time of the assault.

INTRODUCING VCAP ROLE-PLAY SCENARIOS HANDOUT

Photocopy this handout and cut apart each role-play scenario. Hand each player the instructions for her/his character. The person playing the advocate should know only who, where, and when, but not the details of how the other character feels or what she/he will say. For each character, sample “starter sentences” are provided to aid each player in the role-play. **It is not required that these sentences be used by the volunteers.**

1. **ADVOCATE:** You are with a victim at the emergency room. She has been appreciative of your presence and has been fairly engaged with you throughout the advocacy. She is getting ready to rejoin her boyfriend who has been waiting in the lobby.

STARTER SENTENCES:

Some people feel a sense of justice knowing that they are getting reimbursed from a fund that convicted perpetrators pay into.

Would it help to get reimbursed for the cost of transportation to counseling and going back to the doctor? I know your insurance is paying for your bills, but VCAP may pay for your co-pays and your travel expenses.

1. **SURVIVOR:** You are in the emergency room. You have spoken with the police and have been examined by the doctor. You are getting ready to rejoin your boyfriend in the lobby. You have appreciated the presence of the advocate, but you are eager to leave the hospital.

STARTER SENTENCES:

I don't need government charity.

I'm angry that I will have to pay for all these medical bills because of what he did to me.

2. **ADVOCATE:** You are meeting with the father of an 8-year-old girl who was molested by an older man from their neighborhood. The perpetrator has been arrested and is awaiting a preliminary hearing.

STARTER SENTENCES:

I'm sorry this has cost you so much. VCAP is a way you can get some of that money back.

Sometimes people feel that getting paid back for out-of-pocket expenses gives them a sense that the system is responding in some way.

2. **FATHER:** You are the father of an 8-year-old girl who was molested by an older man from your neighborhood. The perpetrator has been arrested and is awaiting a preliminary hearing. You are angry and frustrated by the fact that it took the police three weeks to arrest the perpetrator. You are concerned about missing work for appointments and court, and about the costs of the exam at the hospital. You are also concerned about how your daughter will cope at the hearing.

STARTER SENTENCES:

My family has been through hell for the last month and a half. It took the police three weeks to arrest the guy.

I work by the hour. If I don't work, I don't get paid. I've been missing work because of all the doctor and court appointments. And now we have to find a way to pay the medical bills.

3. **ADVOCATE:** You are making a follow-up call to a man who was sexually and physically assaulted in the park by three men. He spoke with an advocate at the hospital. He did not show up for a counseling appointment yesterday (one week after the assault).

STARTER SENTENCES:

You may be eligible for loss-of-earnings reimbursement due to missing work from the assault. Also, you are not required to use personal or vacation days before applying to VCAP.

Although it can't repay you emotionally, VCAP can help ease the financial burden. If you don't feel comfortable coming into the center, can we meet someplace else?

3. **SURVIVOR:** You are a male survivor who was sexually and physically assaulted in the park by three men. You met with an advocate at the emergency room. You did not show up for a counseling appointment yesterday (one week after the assault). You were too embarrassed to come to the center for your appointment. You are worried about missing work, since you were off all the previous week due to injuries. You feel overwhelmed by everything.

STARTER SENTENCES:

By the time I got home from the hospital, I'd forgotten everything the other advocate had talked to me about. I think VCAP would just be too much.

I can't miss any more work. I was already out all last week recovering from my injuries. I've run out of vacation days and I only have a few personal days left.

4. ADVOCATE: You are on the telephone with a woman who was raped an hour ago. She wants to go to the hospital and thinks she wants to tell the police.

STARTER SENTENCES:

The Victims Compensation Assistance Program can reimburse you for out-of-pocket expenses resulting from the crime. Medical bills, counseling fees, and transportation to appointments are all covered.

I can have an advocate meet you at the hospital who can support you through the exam, assist you if you decide to talk to the police, and explain VCAP.



4. SURVIVOR: You are on the telephone with an advocate from the rape crisis center. You were assaulted an hour ago. You want to go to the hospital and think you want to tell the police, but you're worried about getting there and paying for the exam.

STARTER SENTENCES:

I was just raped and I need to know what I should do. I want to talk to the police, but I don't know what I should do first.

Do you know how much the hospital bills will be? I'm not sure I can afford to go to the hospital.



5. ADVOCATE: You are talking with an older woman who was sexually assaulted in her home two weeks ago. Her daughter initially called the rape crisis center about her mother's assault. She said her mother was depressed, afraid to leave the house, and was having trouble healing from the injuries. The daughter also mentioned that her mother had money and other property stolen, having just cashed her social security check earlier on the day of the assault.

STARTER SENTENCES:

Your daughter was concerned that you were having trouble getting around the house because of your injuries. Would you like to talk about the possibility of having someone come to your house to help you with chores?

I'd be happy to meet with you to talk about getting reimbursed for medical bills and your stolen social security check. I can even assist you with the forms for VCAP.



- 5. SURVIVOR:** You are an older woman who was sexually assaulted in your home two weeks ago. Your daughter initially called the rape crisis center about your assault. She was concerned because you seem to be depressed and afraid to go out of the house, especially after the preliminary hearing yesterday. The police say it's an "open and shut" case against the young man they believe assaulted you, but you're not sure you want to go through with the trial. Your perpetrator also stole property and the money from your social security check. You are having trouble recovering from the injuries you sustained in the attack.

STARTER SENTENCES:

My daughter means well, but I wish she would just leave it alone. She thinks the trial will help things, but I don't want to leave my house—and I certainly don't want to see him again.

I'm on a fixed income—I can't afford to keep going back to the doctor for my shoulder. And I don't want to burden my daughter any more than I have. Since I don't drive, she has to drive me to all these doctor and court appointments.

- 6. ADVOCATE:** You are sitting in the hospital waiting room with the parents of a teenage girl who was sexually assaulted at a party the night before by a friend.

STARTER SENTENCES:

VCAP may reimburse you for your daughter's medical care, prescriptions, counseling and transportation costs for counseling and doctor appointments. It will also reimburse you and your husband/wife for counseling.

Your daughter does not need to speak with the police today, but she will need to cooperate with law enforcement in order for you to be eligible for VCAP. We can ask the officer to introduce him/herself and leave his/her card for a meeting at a later date.

- 6. PARENT:** You are sitting with the advocate in the hospital waiting room. Your teenage daughter was sexually assaulted at a party the night before by a friend. You are concerned she may be pregnant or have contracted a disease. You are worried about how you will pay for the medical costs associated with an abortion or follow-up medical care, as you have no insurance. The hospital told you they would "take care of" the current rape exam. You aren't sure your daughter will talk to the police in any detail, or give the name of the boy who raped her.

STARTER SENTENCES:

Neither her father/mother nor I have health insurance. If she needs an abortion or medication how are we going to pay for it? This isn't fair!

She may have been drinking or doing drugs at the party. Does that hurt our chances of receiving a payment from VCAP?

7. ADVOCATE: You are meeting with a victim who has come into the rape crisis center to talk about the upcoming trial. The trial is scheduled for next week. She did not meet with anyone at the center until yesterday, when she called to ask for help.

STARTER SENTENCES:

You have been through a traumatic experience and you shouldn't have to go it alone. Would you like to have a legal advocate accompany you to the trial?

Would it help to get reimbursed for the cost of transportation to counseling? Or to get reimbursed for lost earnings from attending the trial?

.....

7. SURVIVOR: You are meeting with a counselor at the rape crisis center to talk about the upcoming trial. The trial is scheduled for next week. You did not meet with anyone at the center until yesterday when you called to ask for help. You thought you could "do it alone" but now you're feeling overwhelmed and would like an advocate. You sustained several physical injuries at the time of the assault.

STARTER SENTENCES:

The DA mentioned a way I could get reimbursed for my expenses. I looked at the forms online but they looked really confusing.

It's been hard for me to get around since I broke my leg during the assault.

FOLLOWING UP ON VCAP ROLE-PLAYS

Find a way in each of these situations to mention VCAP as a possibility for practical aid and support for healing.

Instructions for role-playing: Below are continuations of the previous seven role-play scenarios. During these role-plays, the volunteers playing the advocates should find a way to follow up on VCAP. On the following page is a copy of the handout for the volunteers. Photocopy the handout and cut apart each role-play scenario. Hand each player the instructions for her/his character and give them a few moments to read over the scenario and prepare for the role-play.

1. The advocate is with a victim she/he accompanied to the emergency room last month. The victim is talking about how frustrating it is that the police have not arrested the perpetrator, even though they have told her that they know who it is. She is also upset because the hospital is billing her for the exam, even though they originally told her that she wouldn't have to pay for it directly.
2. The advocate is meeting with the father of an 8-year-old girl who was molested by an older man from their neighborhood. He is a single parent, and is upset because his boss told him today that he can't give him any more paid time off to deal with counseling and court appointments for his daughter. He feels it is all so unfair, since the perpetrator is out on bond awaiting trial. He said his daughter has become very fearful and is seeing a counselor every week. He asks about "that victim's comp thing you mentioned two weeks ago." He wants to know more about it.
3. The advocate is meeting with a man who was sexually and physically assaulted in the park by three men. After missing three appointments for counseling, he has finally come in to talk. He is very embarrassed and having a hard time opening up. Toward the end of the session, he mentions that he is getting many hospital and medical bills and needs some help dealing with them.
4. The advocate is making a follow-up call to a woman who was raped three weeks ago. She has not been in touch with anyone at the center since she talked with the advocate at the hospital. The advocate is calling because she/he isn't certain what the woman needs at this point. The victim says she wants to know what she can do to deal with the situation, besides waiting for the police to find the perpetrator. (She talked with the police and had a rape exam at the hospital.)
5. The advocate is talking with an older woman who wants help dealing with the forms to file a victims' compensation claim. The advocate has talked with her before about VCAP and given her the forms. The woman said she would have her daughter help her, but now says she needs help from the advocate for a neck brace and other medical supplies, and co-payments for anti-depressants (prescribed by her family physician two months after the assault).

6. The advocate is meeting with a teenage girl (who was raped by a friend at a party two weeks ago) and her parent about the possibility of filing for VCAP. The girl's parents have no insurance. The victim has talked with the police reluctantly, saying she doesn't know if she can go through with the trial. The parent is very stressed by the whole situation, and is angry at her/his daughter for "making such a mess." The daughter and the parents are all receiving counseling at the advocate's center.

7. The advocate is meeting with a victim who filed for VCAP two months ago. The perpetrator was convicted at the trial several months ago. The victim has been coming in every couple of weeks for counseling and "just wants it all over with." She says she hasn't heard anything from VCAP since she got an early letter saying her claim was being processed. Her claim included co-payments for follow-up medical care after her leg was broken during the assault, reimbursement for a neck brace, and other medical supplies and co-payments for anti-depressants (prescribed by her family physician two months after the assault).

FOLLOWING UP ON VCAP ROLE-PLAYS HANDOUT

Photocopy this handout and cut apart each role-play scenario. Hand each player the instructions for her/his character. For each character, sample “starter sentences” are provided to aid each player in the role-play, if necessary. **It is not required that these sentences be used by the volunteers.**

1. **ADVOCATE:** You are with a survivor who you accompanied to the emergency room last month.

STARTER SENTENCES:

I was wondering if you had any concerns about the financial aspect of the crime. Many survivors are worried about how they will pay their medical bills. Have you thought any more about applying to VCAP?

Sometimes people feel that getting paid back for out-of-pocket expenses gives them a sense that the system is responding in some way.

.....

1. **SURVIVOR:** You are talking with the advocate who accompanied you to the hospital after your assault last month. You are frustrated over the fact that the police have not arrested your perpetrator even though they have told you that they know who it is. You are also upset because the hospital has billed you for the rape exam even though they originally told you that you wouldn't have to pay for it.

STARTER SENTENCES:

There isn't any justice! They say they know who raped me, but they won't arrest him.

Can you help me deal with the hospital? They're now telling me I have to pay for the exam. I'm so confused.

2. **ADVOCATE:** You are meeting with the father of an 8-year-old girl who was molested by an older man from their neighborhood. The daughter comes to the center once a week for counseling.

STARTER SENTENCES:

VCAP can reimburse you for loss of earnings from missing work due to taking your daughter to counseling. When family members provide medically-necessary services (such as transportation) to a victim, they are considered service providers and their loss of earnings will be considered toward the \$100 minimum loss requirement. You are also not required to use personal or vacation days before applying to VCAP.

You're right—it's not fair that you should have to pay for what someone else did to your daughter. I know there's no way your family can be truly “paid back”, but VCAP can at least help with the financial end of things.

.....

- 2. FATHER:** You are the father of an 8-year-old girl who was molested by an older man from your neighborhood. You are a single parent and are upset because your boss just told you he can't give you any more paid time off to deal with counseling and court appointments for your daughter. You feel it is all so unfair because the perpetrator is out on bond awaiting trial. Your daughter has become very fearful and comes to counseling at the center once a week. You want to know more about "that victims' comp thing" that the advocate mentioned two weeks ago.

STARTER SENTENCES:

Can you tell me more about that "victims' comp thing" you mentioned before? I'm at the end of my rope with all these bills.

My daughter's molester is out there living his life, while the walls are caving in around us. Not a day goes by that I don't think about what he did to my family.

- 3. ADVOCATE:** You are meeting with a man who was sexually and physically assaulted by three men in a park. After missing three appointments for counseling, he has finally come in to talk.

STARTER SENTENCES:

I know it can be difficult to talk about what happened. Is there anything in particular you would like to talk about? Some people talk about the assault, others need help preparing for court, and other people are worried about their expenses.

At our next meeting, bring in all your bills and insurance forms you've had to pay or submit. We can make copies here and sort them out to see what you might be eligible for.

- 3. SURVIVOR:** You are a man who was sexually and physically assaulted by three men in the park. After missing three appointments for counseling, you have finally come in to talk. You are very embarrassed and are having a hard time expressing your emotions. You mention that you are getting many hospital and medical bills and need help dealing with them.

STARTER SENTENCES:

I don't know if this is a service you provide, but I'm getting all these bills and I don't know what is covered and what isn't.

Sometimes I feel like getting money from VCAP is like being "paid off" by the government.

4. ADVOCATE: You are making a follow-up call to a woman who was raped three weeks ago. She has not been in touch with anyone at the center since she talked with the advocate at the hospital. You are calling because you aren't sure what she needs at this point.

STARTER SENTENCES:

I would like to offer the services of the rape crisis center. Is there anything in particular you would like to talk about or need assistance with? Some people talk about the assault, others need help preparing for court, and other people are worried about their expenses.

VCAP can help ease the financial burden of the crime. If you'd like to come in for an appointment, we can talk about eligibility and filing requirements.

.....

4. SURVIVOR: You are a woman who was raped three weeks ago. You have not been in touch with anyone at the center since you talked with the advocate at the hospital. You want to know what you can do to deal with the situation, besides waiting for the police to find the perpetrator.

STARTER SENTENCES:

It's just so frustrating sitting around waiting for the police to find him. It makes me feel helpless. I want to take charge and do something.

The advocate at the hospital mentioned something about financial assistance. Could you tell me more about that?

5. ADVOCATE: You are talking with an older woman who wants help dealing with the forms to file a victims' compensation claim. You have talked with her before about VCAP and given her the forms and she said she'd have her daughter help her with them.

STARTER SENTENCES:

We can work on the forms together—that way it won't be so overwhelming. What will help is if you bring in all the bills and insurance forms you've had to pay or submit and we can see what you might be eligible for.

Since you are over 60, there is no minimum loss requirement.

.....

5. SURVIVOR: You are an older woman who wants help dealing with the forms to file a victims' compensation claim. You have spoken with the advocate before about VCAP and she gave you the forms. You said you would have your daughter help you, but now you need help for a neck brace and other medical supplies and co-payments for anti-depressants (prescribed by your family physician two months after the assault).

STARTER SENTENCES:

I thought my daughter and I could complete the forms, but we're very confused. I've had to pay for several medical supplies and medications and I'm not sure what to do to be reimbursed.

I've been having a woman come in and help me with chores around the house. How long will VCAP pay for that service?

6. ADVOCATE: You are meeting with a teenage girl (who was raped by a friend at a party two weeks ago) and her parent about the possibility of filing for VCAP. The survivor has talked with the police reluctantly, saying she doesn't know if she can go through with the trial. The daughter and the parents are all receiving counseling at your center.

STARTER SENTENCES:

A few of the eligible expenses covered by VCAP are medical care, prescriptions, medical equipment and supplies, transportation costs for medical care, counseling expenses and transportation costs, loss of earnings due to attending required court proceedings and/or caring for a victim.

The only person who deserves blame is the perpetrator. We can all work together to ease the emotional and financial strain on your family.

6. SURVIVOR: You are a teenage girl who was raped by a friend at a party two weeks ago. You spoke with the police reluctantly, saying you're not sure you can go through with the trial. You and your parents are receiving counseling at the rape crisis center.

STARTER SENTENCES:

My parents get upset every time another bill comes to our house.

If we apply for this VCAP thing will I have to testify? I told the police I'm not sure I want to.

- 6. PARENT:** You are the parent of a teenage girl who was raped by a friend at a party two weeks ago. She spoke with the police reluctantly, saying she wasn't sure she could go through with the trial. You are very stressed about the whole situation, and are angry with your daughter for "making such a mess." You and your daughter are receiving counseling at the rape crisis center.

STARTER SENTENCES:

What does "payor of last resort" mean? We don't have insurance, so we don't have another resource to go to first. Does that mean we're not eligible?

I don't understand how you could let this happen. If we'd known you were going to go to a party, we wouldn't have let you go—and you know that!

- 7. ADVOCATE:** You are meeting with a survivor who filed for VCAP two months ago. The perpetrator was convicted at the trial several months ago. The survivor has been coming in every couple weeks for counseling. Her claim included co-payments for follow-up medical care after her leg was broken during the assault, reimbursement for a neck brace and other medical supplies, and co-payments for anti-depressants (prescribed by her family physician two months after the assault).

STARTER SENTENCES:

I'd be happy to check to determine what information is outstanding and contact those entities who have been sent letters requesting information to expedite the claims process.

How did the process of filing for VCAP make you feel? Has it helped in your recovery process?

- 7. SURVIVOR:** You are meeting with the advocate about a VCAP claim you filed two months ago. The perpetrator was convicted at the trial several months ago. You have been coming to the center every couple of weeks for counseling. You haven't heard anything from VCAP since you got an early letter saying your claim was being processed. Your claim included co-payments for follow-up medical care after your leg was broken during the assault, reimbursement for a neck brace and other medical supplies, and co-payments for anti-depressants (prescribed by your family physician two months after the assault).

STARTER SENTENCES:

I got a letter from VCAP saying my claim was being processed. But I don't know what that means—it was two months ago.

I just want all of this to be over with. It's consumed my life for months. What can I do to move on?

DEVELOPING AN ACTION PLAN TO RAISE AWARENESS ABOUT VCAP IN YOUR CENTER

List all the people in your center who you think need to be knowledgeable about VCAP:

Now, circle the names of all the people listed above who need more information in order to be adequately informed.



List 3 ways your center could help these people gain needed information:

1.

2.

3.

Now, circle the number above of the method that you think would be most effective.



How could you keep people updated as changes occur at the state level?

Who would be the best person or people in your center to ensure that victims receive information about VCAP?

WHO IS A POTENTIAL ALLY?

Think of 3 situations when you or someone in your center might be able to offer information about VCAP to victims.

Three thought bubbles arranged in a triangle, each containing four horizontal lines for writing.

Who is a potential ally in your center to help increase awareness about VCAP and work on developing an action plan?

When can you talk to this person?

Two thought bubbles of different sizes, each containing four horizontal lines for writing.



What else can your center do to help disseminate information and raise awareness about VCAP within your center?

Three horizontal lines for writing.

EVALUATION FORM

Please print clearly.

Rating of training objectives

At the completion of this training, participants should be able to:

	LOW			HIGH	
1. Explain the VCAP claims process.	1	2	3	4	5
2. Explain the eligibility requirements for receiving a VCAP award.	1	2	3	4	5
3. Identify eligible expenses for a VCAP claim.	1	2	3	4	5
4. List at least 3 Action Tips for increasing the effectiveness of VCAP for clients.	1	2	3	4	5
5. Effectively work with law enforcement, healthcare, and judicial personnel regarding VCAP.	1	2	3	4	5
6. Identify opportunities to address VCAP with clients.	1	2	3	4	5
7. Develop an action plan to raise awareness about VCAP within their organization.	1	2	3	4	5

Evaluation of entire training

	LOW			HIGH	
Overall rating of training	1	2	3	4	5
Training was what I expected	1	2	3	4	5
I found value in the resource materials	1	2	3	4	5
Training and content were well organized	1	2	3	4	5

The information I found **most useable**:

What I **wish I would have received**:

Presenter(s)

(Name of presenter) _____

	LOW			HIGH	
Demonstrated knowledge of topic	1	2	3	4	5
Explanation of topic	1	2	3	4	5
Materials and visual aids	1	2	3	4	5

Additional comments:



Helpful Tools

GLOSSARY OF TERMS

This glossary explains the various terms used in reference to crime victims' compensation.

Appeal

A victim's (claimant's) formal opportunity to challenge the decision made by VCAP regarding a claim. There are specific time frames within which a claimant can challenge VCAP's decision.

Award

The money paid for eligible expenses by VCAP to claimants and providers.

Benefit Statement

A document that shows income amounts and the source of income, such as social security, disability, retirement/pension, court-ordered spousal or child support, as well as life insurance benefit statements, statements from medical insurance showing patient responsibility and others as applicable.

Claimant

Someone who has filed a claim for crime victims' compensation.

Claims Review Officer

A staff person at the Victims Compensation Assistance Program who authorizes payment of claims.

Claim Specialist

A staff person within VCAP who determines eligibility, performs verification, and calculates losses incurred by the victim.

Compensation

A reimbursement for expenses incurred as a result of an injury directly related to a crime.

Contribution

The amount an award is reduced (ranging from 1% to 100% of the total award) based upon the degree to which the victim's conduct contributed to, provoked, or prolonged the infliction of the injury. Sexual assault claims are not assessed contribution.

Direct Victim

An individual against whom a crime has been committed or attempted and who, as a direct result of the criminal act or attempt, suffers physical or mental injury, death, or loss of earnings under the Crime Victim's Act.

Filing Deadline

The date by which a claim must be filed following a crime. Claims must be filed no later than two (2) years after the occurrence of the crime or no later than two (2) years after the discovery of the occurrence of a crime.

Forensic Rape Examination (FRE)

The examination of a sexual assault victim including the gathering of forensic evidence as well as treatment of injuries, administration of medications, and attention to other health care needs.

Good Cause

A reasonable explanation for not complying with VCAP's guidelines for reporting to the proper authorities within 72 hours.

Intervenor

A person who is hurt (physical and/or mental injury) or killed while helping someone who is the target of a crime.

Loss of Earnings

A compensation benefit offered by VCAP for loss of income (due to missing work without pay) as a result of a crime.

Loss of Support

A compensation benefit offered by VCAP for loss of income that the deceased homicide victim would have provided to dependents.

Minimum Loss Requirement

A claimant must have a loss of at least \$100 in out-of-pocket expenses. There is no minimum loss requirement for victims aged 60 or older when the crime occurs.

Out-of-Pocket Losses or Expenses

Any loss or expense incurred as a result of a crime. These losses are limited to expenses as defined in the Chart of Eligible Expenses (*page 16*).

Payor of Last Resort

The last source of payment. The Victims Compensation Assistance Program must ensure that all other resources (medical insurance, life insurance, etc.) are utilized prior to considering victims' compensation for payment of crime-related expenses with the exception of the Forensic Rape Exam.

Proper Authorities

State or local law enforcement only.

Replacement Services

A compensation benefit offered by VCAP for services that a victim or intervenor usually performs, but no longer can, as a result of the crime. Examples include: cooking, child care, home maintenance, cleaning, errands.

Stolen Benefit Cash

Cash or cash equivalent that is stolen or defrauded from a victim that came from an eligible reimbursable benefit such as disability, pension, or spousal/child support.

Supplemental

Anytime a VCAP claim has been previously filed and paid by VCAP, it is possible to file for additional losses directly related to the original claim.

VCAP QUICK REFERENCE GUIDE

Who is eligible for VCAP?

Eligible claimants include:

- The victim
- An intervenor
- A surviving spouse, parent, or child of a deceased victim or intervenor
- A parent/guardian of a child victim
- Any person dependent for her/his principal support upon a deceased victim or intervenor
- Any person who assumes the financial obligation of the crime-scene cleanup, funeral, or burial expenses incurred as a direct result of the crime

What expenses may be submitted for possible compensation?

Eligible expenses include:

- **Medical expenses** related to the crime: medical care, dental care, prescriptions, home health care and replacement services (including child care), medical equipment and supplies (including eyeglasses, etc.), transportation costs for medical care.
- **Counseling expenses** related to the crime: fees and transportation costs.
- **Loss of earnings** due to a physical or mental inability resulting from the crime, attending required court proceedings, caring for a related injured victim, and making funeral arrangements for a deceased victim.
- Crime-related **loss of support** for financial dependents of the victim.
- **Stolen benefits cash** for victims whose primary source of income includes social security, retirement or pension, disability, or court-ordered child/spousal support.
- **Funeral expenses:** burial costs and transportation.
- **Attorney's fees** for services related to filing a VCAP claim, if applicable.
- **Crime-scene cleanup** for the victim or any person who assumes the obligation for the cost of the crime-scene cleanup within a private residence.
- **Relocation expenses** for temporary or permanent relocation where there is an immediate need to protect the safety and/or health of the direct victim and those individuals residing in the household of the direct victim.

What expenses cannot be claimed for reimbursement by VCAP?

- Property loss
- Pain and suffering

Is the rape exam paid for?

Yes. VCAP pays the hospital directly for the Forensic Rape Examination (FRE). Hospitals are required to complete a FRE claim form in order to receive payment. By law, hospitals are NOT to bill victims for the cost of a forensic rape examination. *Also, a victim may choose NOT to have her/his insurance billed for the exam. There is a check-box on the FRE Claim Form for a victim to choose whether or not to access insurance.*

Is there a minimum that must be met before submitting a claim?

No. Applications can be made—even if the loss does not yet total \$100—to get the process started. Requests for additional awards related to the same claim may be filed later, as expenses arise or documentation becomes available. Total loss must total \$100 before payment will be made, however. There is no minimum requirement for persons over 60 years of age.

Is there a time limit for filing a claim?

Yes. A claim must be filed no later than two (2) years after the occurrence of the crime, or no later than two (2) years after the discovery of the occurrence of a crime.

Exception: When a victim is under the age of 18 at the time the crime occurred and the alleged offender is the victim's parent, person responsible for the victim's welfare, any individual residing in the same home as the victim, or a paramour of the victim's parent, the time for filing is extended until the victim reaches the age of 23 or the statute of limitations expires, whichever is later.

Does the victim have to report the crime to the police?

The crime must be reported to the proper authorities within 72 hours after the occurrence of the crime. The Victims Compensation Assistance Program may consider a delay in reporting to be justified when the claimant is mentally or physically incapacitated, the victim is a minor, there is fear of retaliation, the occurrence of the crime is not readily apparent, or other appropriate circumstances.

If the claimant or I need assistance understanding the claim process, getting forms, following up on a claim, or answering other questions who can we call?

You can talk with anyone at the VCAP office by calling 1-800-233-2339.

CRIME VICTIMS COMPENSATION RESOURCE LIST

The following resources can provide information regarding the Victims Compensation Assistance Program.

Pennsylvania Commission on Crime and Delinquency

Office of Victim Services
Victims Compensation Assistance Program
PO Box 1167
Harrisburg, PA 17108-1167
Phone: 800.233.2339
www.pccd.state.pa.us

Office of the Victim Advocate

1101 S. Front St.
Suite 5200
Harrisburg, PA 17104-2518
Phone: 800.563.6399
Fax: 717.787.0867

Pennsylvania District Attorneys Association

2929 N. Front St.
Harrisburg, PA 17110
Phone: 717.238.5416
Fax: 717.231.3912

Pennsylvania Chiefs of Police Association

3905 N. Front St.
Harrisburg, PA 17110
Phone: 717.236.1059
Fax: 717.236.0226
www.pachiefs.org
PAcops@aol.com

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
Office of Victims' Services
Victims Compensation Assistance Program
800-233-2339 or 717-783-5153

Protocol and Billing Procedures for Forensic Rape Examinations

A. Filing

(1) An application for payment of the forensic rape examination shall consist of the original completed form entitled Forensic Rape Examination Claim Form, along with an itemized bill. The claim form is available from the Commonwealth of Pennsylvania, Pennsylvania Commission on Crime and Delinquency, Victims Compensation Assistance Program. Each bill must identify the International Classification of Diseases (ICD-9) code of V71.5 as the primary, or one of the secondary diagnostic codes. Each billable procedure, service or supply must be described and the accompanying Physicians' Current Procedural Terminology (CPT) code, Health Care Financing Administration (HCFA) revenue code, or both, must be listed along with the cost for each procedure, service or supply.

(2) The claim must be filed by a hospital or other licensed health care provider, within one year of the date of the crime incident. Failure to file within the prescribed time frame may result in non-payment of the claim.

B. Awards

(1) Payment made to a medical provider by the Victims Compensation Assistance Program shall be considered by the provider as payment in full for the costs associated with the forensic rape examination or other physical examination conducted for the purpose of gathering evidence in any investigation and prosecution under 18 Pa. C.S. Ch. 31. Payment made to providers for medications directly related to the sexual assault or rape and prescribed at the time of the forensic rape exam will be considered as payment in full.

(2) The costs of the forensic rape examination and medications shall not be charged to the victim.

(3) Health care providers must utilize the victim's insurance to include Medical Assistance, Health Maintenance Organizations or federally financed insurance programs such as Medicare or Champus, before applying to the Victims Compensation Assistance Program. In instances where the victim or person responsible for the victim requests that the provider not access insurance, the claim may be submitted directly to the Victims Compensation Assistance Program for consideration of payment. The signature of the victim or person responsible for the victim is required on the form if that person elects not to access their insurance.

C. Payment Procedures

(1) Payment will not exceed \$1,000 for a forensic rape examination which is used to obtain evidence for law enforcement to pursue charges for sexual offenses pursuant to 18 Pa. C.S. Ch. 31, and for medications directly related to the sexual assault or rape which are prescribed at the time of the forensic rape examination.

(2) The bill submitted to the Victims Compensation Assistance Program for the forensic rape examination must include the International Classification of Diseases (ICD-9) Diagnosis Code V71.5 as the primary, or one of the secondary, diagnostic codes, and some or all of the following:

- (i) Physician/ARNP Office or Other Outpatient Services; Emergency Department Services (Physician's Current Procedural Terminology (CPT) codes 99201 - 99205, 99211 - 99215, 99281 - 99285) which include the collection of:
 - (a) the victim's clothing;
 - (b) head hair and pubic hair combings;
 - (c) oral, vaginal, penile, and rectal swabs and smears;
 - (d) fingernail scrapings;

- (e) bite mark evidence (which may include photographs, impressions, and saliva samples);
 - (f) dried fluid collection;
 - (g) saliva sample;
 - (h) completed forensic lab form, body diagrams;
 - (i) completed sexual battery examination report form.
- (ii) Consult (CRC) (CPT code 99245) - *consultation with child victim of sexual assault/rape.*
 - (iii) Alcohol Test (CPT code 82055) – administered only to determine immediate medical treatment for victim of rape/sexual assault.
 - (iv) Venipuncture for the collection of whole blood samples (CPT codes 36406, 36415, G0001).
 - (v) Laboratory tests for baseline sexually transmitted diseases and pregnancy:
 - (a) Chlamydia (CPT codes 86631, 86317, 87110);
 - (b) Syphilis (CPT codes 86592, 86593, 86280, 86781);
 - (c) Gonorrhea Culture (CPT codes 87070, 87081);
 - (d) Pregnancy Test (CPT codes 84702, 84703, 81025);
 - (e) HIV Screening (CPT code 86703). *Follow-up HIV costs need to be submitted on a standard VCAP Claim Form by the victim or the person responsible for victim.*
 - (f) Hepatitis (CPT codes 86704 - 86709, 86803);
 - (f) Gram Smear (CPT code 87205);
 - (g) Urine (CPT codes 81002, 81003, 81015, 87086).
 - (vi) Use of medical facility for forensic rape evidence collection examination (Health Care Financing Administration (HCFA) Revenue Code 450 or 510).
 - (vii) Forensic evidence collection kit (Revenue Code 270).
 - (viii) Colposcopy (CPT code 57452 female, CPT code 99170 male).
 - (ix) Drug Screening – administered only to determine immediate medical treatment for victim of rape/sexual assault.
- (3) Expenses for procedures other than those listed in paragraph (C)(2) must be justified and submitted, in writing, as being necessary and directly related to the forensic rape examination.

D. Confidentiality

Providers are reminded of the strict confidentiality provisions of the Crime Victims Act set forth at 18 Pa. C.S. §11.709, which prohibits disclosure of information relating to this claim except as provided by law or with the written consent of the patient.



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