



## Child Victims and Witnesses Guidelines

DISCLAIMER: This material is provided for reference only; it is not meant to be legal advice of any kind. All decisions by OVS are based on the information gathered during the investigation of the claim and the law under which it operates. The approval or denial of any claim is determined on a case-by-case basis and meeting the minimum requirements outlined below does not guarantee a positive outcome.

Minor children can only be deemed eligible if the crime was **committed against them** OR if they were **a witness** to the crime.

### Requirements

- The claimant must be the child's parent or legal guardian
- Minor may not sign their own claim form
- Birth certificate or guardianship paperwork is required to determine eligibility of claimant
- Each child having a crime committed against them OR having witnessed the crime need their **OWN** individual claim filed

### Minor Siblings of Child Victims

- Brother, sister, stepsiblings who are minors are eligible to receive counseling on the victim's claim; they do **not** need their own claims unless they witnessed (see above).

### Minor Victims When Legal Guardian is Perpetrator

- This can be problematic as OVS statute dictates that the perpetrator cannot benefit from the crime. OVS cannot reimburse expenses incurred by the claimant. However, if parent/guardian is cooperative and will sign a claim application as the claimant, OVS can process the claim and attempt to at least grant the minor victim an eligibility award. OVS *may* still be able to pay the provider directly for certain services for the victim but could not pay anything for services that directly benefited the claimant.

### Minor Victims When the State Has Custody

- OVS will accept claims filed for minor children using DSS Commissioner as claimant. We do not need the Commissioner's Social Security Number. Please check the "Do not have SSN" checkbox.

### Please Note:

Once the minor victim turns 18, they will need to file their own claim for continued services. In most cases we can create the new claim with the information we already have but we will need a new authorization form signed by the victim. Even with a new claim, the victim could possibly still be covered under his/her parents insurance until age 26.

Once the minor siblings of the victim turn 18, they will also need to file their own claims for continued services. They can no longer be afforded benefits under the original claim.