

Recent Changes to the Crime Victim Assistance Program Counselling Benefits – Information for Service Providers

General Overview

The Community Safety and Crime Prevention Branch recently added a new counselling benefit that is now available through the Crime Victim Assistance Program (CVAP). **This benefit provides additional counselling sessions for eligible claimants to provide support during legal proceedings.**

The intention of this benefit is to provide claimants with additional support to help address the trauma and victimization that can be triggered by legal proceedings. Legal proceedings often take place years after a crime occurs, and by that time the claimant may have used up all of their regular counselling benefits.

Q: What are the recent changes to CVAP counselling benefits? Who will be impacted?

All claimants (victims, immediate family members, and witnesses) who qualify for benefits through CVAP may be eligible to be awarded this benefit. In addition to their regular counselling sessions, claimants may be awarded additional counselling sessions to provide them with support during, and for a limited period of time following, legal proceedings. The number of additional sessions a claimant is eligible to receive will depend on their claimant category.

Please see the chart below for an overview of counselling benefits that are now available through CVAP.

| Claimant Category | Counselling Benefits | |
|-------------------------|----------------------|-------------------------------------|
| | Regular Counselling | Counselling for Legal Support - NEW |
| Victim | 48 sessions | 24 sessions |
| Immediate Family Member | 36 sessions | 18 sessions |
| Witness | 12 sessions | 12 sessions |
| Minor (Under 19) | No cap | |

Benefit Details

Q: In relation to what type of legal proceedings will this benefit be available?

Eligible claimants may receive this benefit in relation to the following types of criminal legal proceedings:

- A preliminary inquiry
- A trial
- A sentence hearing or review
- An appeal hearing
- A parole hearing
- A hearing of the review board established for B.C. under section 672.38 of the Criminal Code
- A coroners investigation or inquest

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Q: Will this benefit be available in relation to civil legal proceedings?

No. Claimants will not be eligible to receive this benefit in relation to civil proceedings. The benefit will only be available in relation to the types of legal proceedings listed above.

Q: How many additional counselling sessions is a claimant eligible to receive through this benefit?

The number of counselling sessions a claimant may be eligible for depends on their claimant category:

- Victims = 24 sessions
- Immediate Family Members = 18 sessions
- Witnesses = 12 sessions

Q: Is there a time limit for using this benefit?

Eligible claimants can access this benefit for the duration of the legal proceedings, as well as for 18 months following the conclusion of those legal proceedings. Following that time period, the claimant can continue accessing counselling through their regular counselling benefits (provided that they still have sessions available).

Award of Benefit

Q: At what point during the adjudication process will this benefit be awarded?

In any case where it appears that legal proceedings may be possible in relation to a claim, this benefit will be automatically awarded at the time the claimant's original CVAP application is assessed and an award of benefits is made.

The onus will be on the claimant to notify CVAP that they require this benefit when legal proceedings are either upcoming or underway. CVAP will then review the claimant's file and make a decision regarding the payment of this benefit. The claimant may be asked for further information to support their application for this benefit.

There is no time limit with respect to when the claimant must notify CVAP of upcoming/ongoing legal proceeding and when the decision on their application was first issued.

Q: Does this benefit replace the regular counselling benefit available through CVAP? Will claimants be eligible to receive both?

This new counselling benefit for legal support will be available to claimants in addition to the regular counselling benefits that were already available through CVAP. Eligible claimants can receive both types of counselling benefits, up to the maximum award limits in each category. This new benefit is intended for use only during the time when legal proceedings are ongoing (as well as for 18 months following).

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Q: This benefit is available as of December 2017. What if a claimant was involved in legal proceedings that concluded within the 18 months prior to December 2017? Are they still eligible to receive this benefit?

Yes. If a claimant was involved in legal proceedings prior to December 2017, they may still be eligible to receive this benefit until the date which is 18 months following the conclusion of those proceedings. For example, if the legal proceedings concluded on July 1, 2017, the claimant will be eligible to receive the benefit until December 31, 2018.

If a claimant's legal proceedings concluded 18 months prior to December 12, 2017, the claimant will not be eligible to receive this benefit.

Further Information

Q: Where can I find more information about this benefit?

If you would like further information regarding this benefit, please contact the Crime Victim Assistance Program by phone at 604-660-3888 or by email at CVAP@gov.bc.ca.

CVAP Application Forms, as well as the Counselling Guidelines, can be found at:
<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/cvap-forms>