



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: April 26, 2010

TO: Ms. Sharon L. Summers, DSS
Policy, Program & Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 13 DE Reg. 1277 [Proposed Food Supplement Program Income Exclusions Reg.]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to amend its Food Supplement Program regarding Income Exclusions. The proposed regulation was published as 13 DE Reg. 1277 in the April 1, 2010 issue of the Register of Regulations. SCPD has the following observations and recommendation.

The list of exclusions is detailed and lengthy (12 pages). Without engaging in comprehensive research, SCPD did not identify any deficiencies. Council's only recommendation is in the context of §9059U.20 which contains the following exclusion:

20. Crime Act of 1984, P.L. 103-322, exclude payments to a victim from a crime victim compensation program from income and resources.

In Delaware, the crime victim compensation program, codified at Title 11 Del.C. Ch. 90, is known as the "Victims' Compensation Assistance Program" or "VCAP". Attach please find a descriptive pamphlet. To provide guidance to DSS workers, it would be preferable to add the following sentence to Par. 20: "In Delaware, the primary crime victim compensation program is created by statute [Title 11 Del.C. Ch. 90] and is known as the "Victims' Compensation Assistance Program".

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendation on the proposed regulation.

cc: Ms. Elaine Archangelo
Ms. Barbara Brown
Ms. Stephanie Hamilton
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council



Helping Victims on their road to recovery

Dear Fellow Delawarean,

The Victims' Compensation Assistance Program (VCAP) serves as an important resource for victims on their road to recovery. Part of the Delaware Department of Justice, VCAP helps alleviate the financial burden and distress that crime leaves behind by awarding financial compensation for losses that victims sustain as a result of crime.

The intense and unexpected nature of crime shakes victims physically and emotionally. Financial awards provided by VCAP help recover lost income and pay for medical expenses, counseling services, temporary housing, and other costs that victims bear as they move on with their lives. Inside this brochure, you'll learn how to apply for compensation and where to contact VCAP staff for assistance through office locations statewide.

If you or a loved one has been harmed by a crime in Delaware, please contact VCAP today.

*Beau Biden
Attorney General*

To be eligible for compensation:

- The crime must be reported to law enforcement within 72 hours (unless this requirement is waived by VCAP).
- A claim must be filed with VCAP within 1 year of the crime, unless an extension is granted by VCAP.
- The victim must cooperate with law enforcement agencies in the apprehension and conviction of the perpetrator.
- The victim must cooperate with VCAP staff and provide all information requested.
- The victim must not have caused or contributed to his/her injury or death.

Victims' Compensation Assistance Program

900 North King St, Suite 4
Wilmington, DE 19801

**For additional victim assistance,
please contact:**

Delaware Victim Center

1-800-VICTIM-1 (In-State Only)

Delaware Department of Justice, Victim/Witness Services

(302) 577-8500 (New Castle County)

(302) 739-4211 (Kent County)

(302) 856-5353 (Sussex County)

Delaware Helpline Ask for VCAP

1-800-464-HELP (In-State)

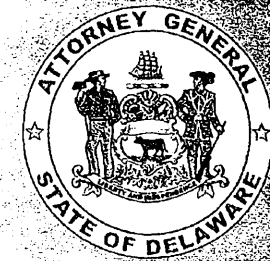
1-800-273-9500 (Out-of-State)

The Victims' Compensation Assistance Program

Helping Victims Recover Losses



Delaware Department of Justice



**Attorney General
Joseph R. "Beau" Biden III**

Statewide

Phone: (302) 255-1770

Fax: (302) 577-1326

1 (800) 464-HELP

www.attorneygeneral.delaware.gov/VCAP

What types of crimes may be covered?

The most common cases for which awards are granted include murder, assault, child abuse crimes, domestic violence crimes, kidnapping, arson, burglary, and sexual assault or sexual abuse.

What kind of financial help may be available?

Compensation may be available for many types of services. Examples include:

- Medical and/or dental expenses for the victim
- Mental health treatment or counseling
- Wage or income loss
- Income loss to a custodian while providing care to a child victim
- Costs of attending court proceedings
- Loss of support for victims and dependents in certain situations
- Funeral and/or burial expenses
- Moving/relocation expenses
- Temporary housing
- Change of locks, doors or windows to help make your residence safe
- Replacing items seized as evidence by police

Cases may be heard on an emergency basis. Limits have been set for certain types of losses; generally, no award can exceed \$25,000 unless the victim is permanently and totally disabled, where the limit is \$50,000. Additional compensation may be available for one year prior to, or two years following, the offender's release from prison or the date of the retrial, parole hearing, or other court-related events involving the offender.

Assisting You Through The Process

How do I file a claim?

Obtain a claim form online at:

www.attorneygeneral.delaware.gov/VCAP

OR

Call VCAP at (302) 255-1770 or 1-800-464-HELP

The claim form asks you to provide general information about your case. You should also submit with your claim copies of any bills you want VCAP to pay.

VCAP staff members are available in office locations statewide to assist you through the claim process. Please call VCAP if you need help completing your claim or if you have any questions.

What can I expect?

After receiving your application, VCAP will assign you a case number and request police reports and other documentation needed to review your case.

The time required to process your claim depends on how accurate and complete your claim form is and how quickly additional information can be gathered to thoroughly review your case.

You will receive a written decision regarding the outcome of your claim. If your claim is approved, the decision will list payments to be made by VCAP. If your claim is denied or you disagree with the decision you can submit a written request for reconsideration or file an appeal.

What types of losses are not covered by VCAP?

You cannot be paid for lost, damaged, or stolen property. Benefits are not available for pain and suffering.

VCAP is the payor of last resort. This means it will not cover financial losses that are covered by other sources, such as insurance.