



**IVAC COMPENSATION APPLICATION GUIDE  
FOR VICTIMS OF CRIME UNDER AGE 18 (MINORS)**



**Indemnisation  
des victimes  
d'actes criminels**



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## IVAC COMPENSATION APPLICATION GUIDE

### For victims of crime under age 18 (minors)

This guide sets out the information you need to have before sending us your application. It provides assistance in filling out the form and gathering the required documents.

This is not a legal document. For information of a legal nature, please refer to the *Crime Victims Compensation Act* or the *Workmen's Compensation Act*.

**IMPORTANT NOTE:** If a minor was the victim of several different crimes committed by different offenders, please submit a separate application for each crime.

*Example:* Louis was sexually assaulted repeatedly by his uncle. The abuse started when he was 5 years old and continued until he was 10. In addition, when he was 11, he was assaulted by strangers while playing in the park. Louis' mother therefore submits two applications for compensation to the Direction de l'IVAC: one for the sexual abuse and another for the assault.

If you need help filling out the application, you should contact a crime victims assistance centre (Centre d'aide aux victimes d'actes criminels, [CAVAC](#)), a rape crisis centre (Centre d'aide et de lutte contre les agressions à caractère sexuel, [CALACS](#)) or an integrated university health and social services centre (Centre intégré universitaire de santé et de services sociaux, [CIUSSS](#)). You can find contact information for the CAVAC, CALACS or CIUSSS nearest to you online.

## WHO CAN APPLY FOR BENEFITS?

Only the person with parental authority or the Director of Youth Protection can submit an application for compensation on behalf of a minor under the age of 18 who was injured as a result of a criminal offence that is listed in the schedule to the *Crime Victims Compensation Act* (CVCA) and took place in Québec.

If the minor victim died, the person with parental authority, the Director of Youth Protection or a close relation of the minor victim may submit an application for compensation. Anyone who has paid for funeral expenses, transportation of remains or cleaning of the crime scene may submit a claim for compensation.

Any minor who is the victim of a crime in Québec, even if residing outside the province, is entitled to the same compensation as a Québec resident.

Any minor who suffers material damage as a result of assisting a peace officer in making an arrest or preventing a crime is considered a victim even if the minor is not killed or injured. A minor who is killed or injured in such circumstances is also considered a victim.

As of November 24, 2016, a minor parent of a child murdered by the other parent is recognized as a victim under the CVCA. The principle here is that the actual intent behind such an act is to harm the other parent. Consequently, the murder itself is enough to consider the other parent a victim; no other proof is required to make the application eligible.

**IMPORTANT NOTE:** Victims who are eligible under this new directive (in effect since November 24, 2016) may file for compensation even if the crime was committed more than two years ago, **in the case of crimes committed before November 24, 2016**. For crimes committed after that date, the two-year limitation stipulated in the CVCA applies.

Any minor who is the victim of a crime or his/her dependants, if the minor victim is killed may obtain the indemnities provided for in the CVCA as well as any applicable benefits.

**Special cases:** It may happen that a minor is injured or killed in certain circumstances that give rise to indemnities for the victim or the victim's dependants under other legislation. For example:

**If the crime occurred at the person's workplace:** The claim must be filed with the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) or the workers' compensation board in the province or country of residence. If the CNESST rejects the claim, the claim may be submitted to IVAC with the CNESST's rejection letter attached. For more information, call the CNESST at 1 866 302- 2778 or visit the CNESST website at [www.cnesst.gouv.qc.ca](http://www.cnesst.gouv.qc.ca).

**If the crime involved a motor vehicle:** If a minor is intentionally injured with a motor vehicle, he/she may be considered a crime victim and may choose to be compensated under the CVCA or under the *Automobile Insurance Act*. For more information, call the Direction de l'IVAC at 1 800 561-4822 or visit our website at [www.ivac.qc.ca](http://www.ivac.qc.ca).

## WHEN MUST THE APPLICATION BE FILED?

In the case of minors who are victims of a crime, there is no time limit for submitting an application for compensation. However, once a child has turned 18, any application for compensation must be sent to the Direction de l'IVAC no more than two years after the crime, as stipulated in the CVCA. For crimes committed before May 23, 2013, the time limit is one year.

If the victim is over 18 years of age when the application for compensation is submitted, the form for adults (age 18 or over) must be used. This form is available on our website at [www.ivac.qc.ca](http://www.ivac.qc.ca).

## WHAT DOCUMENTS DO I HAVE TO PROVIDE?

When the claim is filed, you must provide proof of injury. If you have a document issued by a member of a professional order or a healthcare establishment that factually reports the injuries caused by the crime of which the minor was a victim, you must attach it to the application.

The document could be a medical report or a psychological or psychosocial assessment report, for example. The appendix in this guide lists the documents that could be accepted as objective proof of injury for the purposes of determining the eligibility of the claim.

The other documents requested are needed to speed up the processing of the claim and may be used in the calculation of any indemnities.

**IMPORTANT NOTE:** In all cases of sexual assault of a person under the age of 18, no documents proving injury need be attached to the application for compensation. If the application is accepted, a medical report or a psychological evaluation will be requested so the Direction de l'IVAC can authorize suitable treatment for the injuries caused by the crime.

## WHAT INFORMATION MUST BE PROVIDED?

For a file to be opened, your claim must include certain essential pieces of information. These are listed below. If any are missing, the file will be returned to you.

The following information is mandatory:

- ▶ Identity of the victim, including his/her health insurance number and social insurance number (Section 1)
- ▶ Date of crime (Section 3)
- ▶ Description and location of crime (Section 3)
- ▶ Notice of Election, signed (Section 13)
- ▶ Claimant's signature (Section 15)

# INSTRUCTIONS FOR COMPLETION OF APPLICATION FORM

## 1 – Identification of victim

Please provide all information requested in this section. This information is mandatory.

If the victim has died, please enter the date of death and attach the death certificate.

A death certificate is an official document issued by the Directeur de l'état civil attesting to the person's death. To obtain a death certificate, please go to [www.etatcivil.gouv.qc.ca](http://www.etatcivil.gouv.qc.ca), or call 514 644-4545 (in Montréal) or 1 877 644-4545 (toll-free).

### Home address

Please enter the address where the minor lives most of the time. All correspondence from the Direction de l'IVAC will be sent to the claimant's address.

## 2 – Claimant

You may fill out this section if you have parental authority over the minor victim under age 18 or you are the Director of Youth Protection.

In case of death of the minor victim, you may, if you are a close relation, submit an application for compensation to the Direction de l'IVAC as claimant. In addition, if you have paid for funeral expenses, transportation of remains, or cleaning of the crime scene, you may submit a claim to have those expenses reimbursed.

To find out the eligible amounts and conditions of reimbursement, go to the "Décès" tab on our website at [www.ivac.qc.ca](http://www.ivac.qc.ca).

## 3 – Crime

**If the minor was the victim of several different crimes committed by different offenders, a claim must be filed for each crime.**

Please provide information about the date of the crime.

You must provide a date or period of time during which the crime occurred.

**If the crime occurred only once**, it is considered a single event. Please provide the exact date (year/month/day). If you are not sure or do not remember, enter your best approximation.

*Example:* Alexandra's son was the victim of a sexual assault. He doesn't remember the exact date of the assault, but he does remember that he was on vacation at the time and was wearing shorts. When filling out the application form, Alexandra decides to enter the date July 1, 2014, under **single event**.

**If the crime was repeated**, it is considered to consist of events over a period of time. Please indicate the start date (year/month/day) and the end date (year/month/day) of these events (last criminal act).

*Example:* A child witnessed repeated assaults (blows to the head, belly, legs, etc.) committed by his father against his mother over the course of nine years of conjugal violence. After a last assault on December 10, 2015, the mother left the father. The first assault witnessed by the child took place on June 4, 2010. When filling out Section 3 of the application form, the claimant selects **events over a period of time** indicating June 4, 2010 as the start date and December 10, 2015 as the end date.



• Location, city and/or address

Indicate the location and city where the crime took place. If you know the exact address, please include it.

• Description of circumstances

Give a detailed description of what the minor victim experienced. Use a separate sheet if the space provided is insufficient.

*Example 1:* January 24, 2016.

*My son was assaulted by several older students in the schoolyard. They surrounded him and hit him with their fists. His nose was broken.*

*Example 2:* April 1, 2012 to March 25, 2016.

*My daughter was sexually abused by her father from the age of five to the age of eight. During that time, he touched her genitals under her clothes, forced her to touch his genitals and made her watch while he masturbated. She was also subjected to vaginal penetration. The assaults took place in my home about once a month. They ceased when my daughter reported them to me.*

#### **4 – Bodily or psychological injury**

In your own words, name and describe any physical or psychological injury the child suffered as a result of the crime. Use a separate sheet if the space provided is insufficient.

*Examples of physical injury:* abrasions, contusions, fractures, cranial trauma, broken teeth.

*Examples of psychological injury :* acute stress, adjustment disorder, post-traumatic stress disorder, severe depression, panic attacks.

*Examples of symptoms:* anxiety, insomnia, nightmares, melancholy, hypervigilance, fears, phobias, flashbacks, etc.

## 5 – Medical follow-up

Here you must list all the health providers that the minor consulted because of injuries arising from the crime; use a separate sheet if necessary.

Indicate the exact date (year/month/day) of the first consultation in connection with injuries caused by the crime, the name and address of the health professional consulted, and the name of the hospital or establishment where the minor was treated or hospitalized, if applicable.

If the minor victim has not yet consulted a healthcare professional but has made an appointment, please indicate the date of the appointment, along with the health professional's name and address and the name of the hospital or establishment where the appointment will take place.

## 6 – Police department

Please provide all useful information.

Check  **Yes** if a complaint against the offender was filed with the police. Indicate the name of the police department that received the complaint, the name and telephone number of the investigator and the police report number. If you have a copy of the police report, attach it to your application to speed up processing.

## 7 – Witnesses to the crime (if applicable)

Provide the names and contact information of witnesses, if known. The Direction de l'IVAC may have to contact and meet with them if additional information is needed to determine the eligibility of your application.

## 8 – Persons allegedly responsible for the crime (if known)

Provide the names and contact information (address and telephone number) of the alleged perpetrators, if known. The Direction de l'IVAC may have to contact them if it decides to file for damages.

## 9 – Expenses and treatment

Check each type of expense, treatment or service you want to claim. **The Direction de l'IVAC will assess each claim submitted and will let you know whether it is accepted or rejected.** To be eligible for reimbursement, an expenditure must have been incurred because of an injury caused by the crime, and the **original receipts** must be presented.

*Ambulance* if the minor was taken by ambulance to a healthcare establishment for treatment of injuries caused by the crime and you paid for the service. The original ambulance service receipt or invoice must be attached.

*Living and/or transportation expenses* if travel was required to obtain medical care necessitated by injuries the minor victim sustained as a result of the crime.

To find out the rates in effect, see the form *Demande de remboursement des frais* (expense reimbursement application), available on our website at [www.ivac.qc.ca](http://www.ivac.qc.ca).

*Childcare expenses* if, due to injuries caused by the crime, the minor victim had to use a childcare service to take care of his/her children under 16 or an invalid. This expense is eligible for reimbursement if the minor had sole custody of and responsibility for the children or the invalid and had to be absent to receive care or treatment for injuries caused by the crime.

*Moving expenses*  *Alarm system* or  *Self-defence course* if one of these services has been or will be used because of the crime and it is shown that the service is necessary for rehabilitation of the minor victim.

*Medication* if prescribed for treatment of an injury caused by the crime. To be reimbursable, it must be on the list of medications covered by the Québec basic drug insurance plan unless the minor victim is not a resident of Québec.

*Dental treatments* made necessary by injuries caused by the crime. Please attach a dental treatment plan and a panoramic X-ray of the teeth of the minor victim.

*Physiotherapy or occupational therapy* if these treatments were prescribed by a physician to treat an injury caused by the crime. They must be administered by a member of the Ordre professionnel de la physiothérapie du Québec. For the reimbursement procedure, please go to our website at [www.ivac.qc.ca](http://www.ivac.qc.ca).

*Psychotherapy for minor victim* if he/she needs help from a psychotherapist. Make sure the therapist consulted has a psychotherapy permit issued by the Ordre des psychologues du Québec.

*Psychotherapy for close relation* if you are filing as a close relation of a deceased victim and are claiming expenses for psychotherapy or wish to receive psychotherapy. Make sure you fit the description of a close relation as defined in the glossary (page 21). You must enter the name of each close relation who wishes to receive psychotherapy in Appendix 2 of the application form. Psychotherapy must be administered by a therapist with a psychotherapy permit issued by the Ordre des psychologues du Québec.

If the minor is the victim of a crime other than homicide or murder, he/she may designate a person of his/her choice to receive psychotherapy as a close relation. The designated person does not have to be a member of the victim's family but must have a significant relationship with the victim. Make sure the designated person fits the definition of close relation as defined in the glossary (page 21).

- Personal home care* if because of injuries caused by the crime, the minor victim is unable to take care of himself/herself and perform, unassisted, most of the household chores and activities of daily living (e.g., cleaning, preparing meals, dressing, bathing) he/she usually does at home. After a needs assessments and under certain conditions, the Direction de l'IVAC will determine any amount to which the minor victim is entitled, given the nature of the injuries and the resulting limitations.
- Routine home maintenance* if because of injuries caused by the crime the minor victim is unable to perform everyday upkeep (e.g., mowing the lawn and clearing snow from the driveway) and must hire someone to do it. After a needs assessment and under certain conditions, the Direction de l'IVAC will determine whether such expenses should be reimbursed. Reimbursement may be made after submission of two quotes.
- Availability allowance* if, because of his/her condition, the minor victim must be accompanied when receiving treatment. For the reimbursement procedure, please go to our website at [www.ivac.qc.ca](http://www.ivac.qc.ca) and see the section on rehabilitation under indemnities and services.
- Damaged spectacles or contact lenses*,  *Damaged prostheses or orthotic*,
- Damaged clothing* if you wish to be reimbursed for the value of these items damaged during the crime. No receipt is required for clothing, but for reimbursement of glasses, prostheses or orthotic devices, a quote from a health professional indicating the replacement value is required.
- Other* if you foresee any other expenses needed to treat the injuries caused by the crime of which the minor was a victim.

## 10 – Inability of minor to work, study or go about most of his/her usual activities

The minor victim may be entitled to indemnities for the period of temporary total disability (TTD) during which he/she is unable to work, attend school or perform most of his/her usual activities of daily living.

Only a physician can determine whether the minor victim is unable to work, attend school or perform most of his/her usual activities. If you checked  *Yes*, you must attach a medical certificate, or other document issued by a doctor, confirming the minor victim's inability to work, attend school or perform most of his/her usual activities of daily living due to injuries caused by the crime. If the minor victim was employed, you must complete Appendix 1A of the application form.

TTD indemnities are based on the minor victim's annual revenue at the time he/she stopped working.

If the minor victim was in school or unemployed on the date when the injuries caused by the crime began preventing him or her from attending school or performing his/her usual activities, the indemnities will be based on the minimum wage in effect on that date.

## 11 – Marital status

The Direction de l'IVAC needs to know the family situation of the minor victim in order to calculate and pay the indemnities for temporary total disability and for permanent disability, if applicable.

The family situation must be as declared in the minor victim's provincial and federal tax returns, if applicable.

Please see the glossary (page 20) for definitions of possible family situations. Then check the one that corresponds to the minor victim's situation as at the date of the crime (for a single event) or the start date of the crime (for events over a period of time) (see Section 3).

Please indicate the number of dependants of the victim, including dependent adults and spouse, if applicable.

**IMPORTANT NOTE :** If the minor victim was unable to work, attend school or perform most of his/her usual activities, you must indicate his/her family situation as at the date of disability, that is, the date on which the minor victim stopped working, attending school or performing most of his/her usual activities. You must also indicate the number of dependants (both over and under 18 years of age) as at the date of disability, if applicable.

## 12 – Minor's employment status and sources of income

In the left-hand column, indicate the minor victim's status and income sources as at the date of the crime (in the case of a single event) or the start date of the crime (for events over a period of time) (see Section 3).

In the right-hand column, indicate the minor victim's status as at the date of disability, i.e., the date on which the minor victim stopped working, attending school or performing his/her usual activities.

You must fill out the left-hand column. The right-hand column is to be filled out only if you checked  *Yes* in Section 10 to declare a disability. If you checked  *No*, do not fill out the right-hand column in Section 12.

Please check each response that applies:

- Working* and  *Employee* if the minor was working full time, part time, seasonally or on call for an employer and was receiving a salary. If so, you must fill out and attach Appendix 1A or 1B of the compensation application:
  - ▶ Attach Appendix 1A if the minor victim was placed on leave immediately after the crime because of injuries caused by the crime.
  - ▶ Attach Appendix 1B only if the minor victim was not placed on leave because of injuries caused by the crime.
  - ▶ Attach appendices 1A and 1B if the date of disability is different from the date of the crime.

If you do not provide Appendix 1A or 1B, please attach one of the following:

- ▶ Copies of the minor victim's pay stubs for the 12 months preceding the crime or the date of disability
  - ▶ A letter from the minor victim's employer confirming that he/she works there, stating his/her job title, hiring date, annual salary and work schedule and giving a brief description of the duties of the job
  - ▶ A termination letter from the minor's employer if he/she is no longer employed
  - ▶ Employment insurance benefit statements showing the amount of unemployment insurance the minor is receiving and the benefit weeks
- Employed* and  *Self-employed* if, on the date of the crime or the date of disability, the minor victim was operating his/her own business and acting as a service supplier to customers. If such was the case, you must enclose the following with the application:
- ▶ The provincial or federal tax return for the year before the crime or the disability (the provincial tax return is preferable for residents of Québec)
  - ▶ The detailed assessment notice for the year before the crime or the disability. If this notice was not kept, it can be requested from Revenu Québec or the Canada Revenue Agency
  - ▶ Proof that the business was a going concern as at the date of the crime or the disability (subject to acceptance by the Direction de l'IVAC, the proof may be a receipt for supplies, a lease for commercial premises, a service contract or any other document showing that the business was active)
  - ▶ If the minor victim was the president of an incorporated company (Inc.) and paid himself/herself a salary and dividends, you must include, in addition to the above documents, the Relevé 3 or Relevé T5 for the year before the disability
  - ▶ If the minor victim is not a resident of Canada, any official document proving his/her income; this type of document is usually required by the tax authorities of most countries and territories (the equivalent of Revenu Québec or the Canada Revenue Agency)
- Unemployed* if the minor victim was unemployed on the date of the crime or the date of disability.
- Full-time student* if, on the date of the crime or the date of disability, the minor victim was attending an educational institution full time. In case of a minor age 16 or older, you must attach an attestation of attendance issued by the secretary or registrar of the educational institution.

Check  *Beneficiary* AND each situation that applies:

- Last-resort financial assistance (social assistance)* if the minor victim was receiving government social assistance on the date of the crime (and the date of disability if applicable)

- Employment insurance** if the minor victim was receiving employment insurance benefits. Please attach an employment insurance (EI) statement covering the date of the crime (and the date of disability if applicable), or an employment termination notice, or all pay stubs covering the 12 months preceding the crime (and the date of disability if applicable)
- Private or group disability insurance** if the minor victim was receiving benefits under a private or group disability insurance plan. Please have the minor victim's employer fill out Appendix 1A or 1B of the application, or attach all pay stubs covering the 12 months preceding the date on which the minor victim began receiving disability insurance benefits
- CNESST benefits** if the minor victim was receiving compensation from the CNESST following an occupational injury. Please have the minor victim's employer fill out Appendix 1A or 1B of the application, or attach proof of employment or a letter from the employer confirming that the minor victim works there
- SAAQ benefits** if the minor victim was receiving compensation from the Société de l'assurance automobile du Québec (SAAQ) because of a motor vehicle accident. Please have Appendix 1A or 1B of the compensation application filled out by the minor victim's employer at the time of the accident, or attach proof of employment, a letter from the employer confirming that the minor victim was working there at the time of the accident, or all pay stubs covering the 12 months preceding the date of the accident
- Other** if none of the above categories apply. Please specify the minor victim's employment situation on the date of the crime or the disability

### 13 – Notice of Election

If you are a victim of a crime, you may elect one of two options:

- Sue the offender in the civil courts for all damages suffered

- Apply for compensation under the Crime Victims Compensation Act (CVCA)

If you elect to apply for compensation on behalf of a minor victim, you must complete the Notice of Election and sign it in the presence of a witness to inform us of your choice.

Once you have signed the application for compensation and filed it with the Direction de l'IVAC, the CNESST may sue the minor victim's assailant in your stead without having to ask for your permission or for that of the minor victim. This is allowed under the law, even if the minor victim is receiving the compensation provided for in the CVCA.

If a civil suit has already been instituted on behalf of the minor victim before application is made to the Direction de l'IVAC for compensation, you must inform us of the amount claimed and, if the court has already handed down a ruling, of the amount

received. If the latter is less than the compensation the minor victim could have received under the CVCA, you may be entitled to an amount making up the difference. To be eligible, you must notify the CNESST within the year following the court ruling.

#### **14 – Authorization to collect information on minor’s health status**

To determine the right to certain benefits, measures and reimbursements, the Direction de l’IVAC requires information about the minor victim’s state of health. We therefore need your consent to collect this information from the minor victim’s attending physician or other health professional, or from a healthcare establishment, clinic or healthcare worker.

Please sign this section to indicate your consent. Enter the date beside your signature.

#### **15 – Declaration**

You must date and sign the compensation application form. Your signature testifies to the truthfulness of the information provided in the appendices attached (if applicable). If the form is not signed and dated, it will be returned to you.

#### **APPENDIX 1A**

##### **Information on employee’s remuneration at the date of work interruption**

If you checked  *Yes* in Section 10, please have the minor victim’s employer fill out Appendix 1A. This information will be used to calculate the amount of the minor victim’s temporary total disability (income replacement) benefit, if applicable.

#### **APPENDIX 1B**

##### **Information on employee’s remuneration at date of the crime**

If you checked  *Employee* in Section 12, please have the minor victim’s employer fill out Appendix 1B, even if no claim is being made for income replacement. This information will be used to calculate the amount of the minor victim’s permanent disability benefit in case of permanent lasting effects of injuries sustained as a result of the crime.

You must sign the form authorizing the employer to disclose the information to us.

#### **APPENDIX 2**

##### **Assistance for victim’s close relations**

Complete Appendix 2 only if the minor victim is deceased, to identify all close relations who could be eligible for assistance. One or more close relations could be entitled to the number of psychotherapy sessions stipulated in the regulation.

## **APPENDIX 3**

### **Victim's dependents**

Appendix 3 is to be filled out only if the victim is deceased and had dependants at the time of the crime.

Please see the Glossary (page 20) for the definition of “dependent.”

## CHECKLIST OF DOCUMENTS THAT MIGHT BE REQUIRED

To speed up the processing of your file, we strongly recommend attaching all documents that are required or that could support and justify your claim. A representative of the Direction de l'IVAC may contact you to request any other document deemed useful.

Check box if document is attached to the application	Documents
<input type="checkbox"/>	Attestation of school attendance
<input type="checkbox"/>	Medical certificate
<input type="checkbox"/>	CNESST medical certificate
<input type="checkbox"/>	Other official document proving income
<input type="checkbox"/>	Other report
<input type="checkbox"/>	Assessment notice for year preceding the crime
<input type="checkbox"/>	Copies of birth certificates of dependants, including mother's and father's names
<input type="checkbox"/>	Copy of death certificate
<input type="checkbox"/>	Copy of marriage or civil union certificate
<input type="checkbox"/>	Provincial or federal tax return
<input type="checkbox"/>	Court order of tutorship (guardianship) or curatorship (trusteeship)
<input type="checkbox"/>	Dental treatment plan and panoramic X-ray
<input type="checkbox"/>	Psychological assessment report
<input type="checkbox"/>	Psychosocial assessment report
<input type="checkbox"/>	Police report
<input type="checkbox"/>	Medical report
<input type="checkbox"/>	Original receipt for transportation of remains
<input type="checkbox"/>	Original receipt for crime scene cleaning expenses
<input type="checkbox"/>	Original receipt for funeral expenses
<input type="checkbox"/>	Original receipt or invoice for ambulance service
<input type="checkbox"/>	Receipt for personal aid services
<input type="checkbox"/>	Employment insurance benefits statement
<input type="checkbox"/>	Quote for eyeglasses, prosthesis or orthotic device
<input type="checkbox"/>	Quotes for routine home maintenance services
<input type="checkbox"/>	Pay stubs for the past 12 months or letter from employer

## GLOSSARY

### **Spouse**

The following persons are recognized as the victim's spouse:

- ▶ Any person who is joined to the victim by marriage or civil union and who cohabited with the victim at the time of the incident
- ▶ Any person who at the time of the incident had cohabited with the victim in a conjugal relationship for at least three years (or one year if a child was born or adopted during their union) and who is publicly recognized as the victim's spouse. The spouse and the victim may be of the same or opposite sex

### **Dependent spouse**

The victim's spouse is considered a dependent spouse if, on the date of the crime, the victim was able to claim a total or partial tax credit or a tax deduction for alimony.

### **Non-dependent spouse**

The victim's spouse is considered a non-dependent spouse if, on the date of the crime, the victim was not claiming any tax credit or tax deduction for alimony.

### **Date of manifestation of injury**

The date on which the injury caused by the crime manifests itself. To be eligible for compensation under the IVAC program, the injury must be reported in a document issued by a member of a professional order or by a healthcare establishment. The appendix to this guide lists the documents that may be accepted as objective proof of injury.

### **Date of disability**

The date on which a physician certifies, in a medical report or a CNESST medical assessment, that the minor victim is unable to work, attend school or perform his/her usual activities of daily living (housework, making meals, getting dressed, bathing, etc.).

### **Filing date**

The date on which the Direction de l'IVAC receives your application for compensation. The date is stamped on the application when it is received.

### **Date of crime**

The date on which the minor was the victim of a crime. If the minor was the victim of a criminal act repeated over a period of time, it is important to state when the criminal acts began and when the last criminal act occurred.

### **Holder of parental authority**

Parental authority confers on parents rights and duties with respect to their minor children (from birth to age 18). These rights and responsibilities take many forms, including caring for the child and making decisions respecting the child's health, upbringing and heritage. Parental authority may be held jointly (by two parents) or by a single parent.

### **Foster family**

A foster family is a single person or a couple who receive into their home one or more children experiencing difficulty entrusted to them. The foster family provides a replacement family environment for an undetermined period of time. The foster family offers living conditions that promote a parental-type relationship in a family setting.

### **Single-parent family**

A family is considered single-parent when the minor victim is solely responsible for the care of the children, either because he/she is the sole living parent or because he/she has sole custody following a separation. To claim single-parent status for purposes of the compensation application, the victim must be recognized as a single parent under the *Income Tax Act* and must claim the corresponding tax credits.

### **Dependent person**

Anyone for whom the minor victim can claim a total or partial tax credit or a deduction for alimony may be considered a dependent person. The following may be dependent persons:

1. The minor victim's spouse
2. A person from whom the minor victim is separated or divorced and who, at the time of the crime, was entitled to alimony under a court order or agreement
3. The minor victim's adopted or biological children under 18 years of age
4. Any other person (whether a blood relative of the minor victim or not) who acts as a parent toward the minor victim or toward whom the minor victim acts as a parent and who, at the time of the crime, was living totally or partially from the minor victim's income

### **Incapacity**

Incapacity means a person is unable to care for himself/herself or manage his/her affairs.

Incapacity may be declared due to a mental or degenerative illness, stroke, intellectual disability, head injury or weakened state as a result of old age that alters the mental faculties or physical ability to express one's wishes.

### **Close relation**

The victim's close relations may receive compensation if the victim has died.

The following are considered close relations:

- Deceased victim's spouse
- Deceased victim's father and mother
- Person standing in loco parentis, acting as a parent to the deceased victim
- Deceased victim's child
- Child of the deceased victim's spouse
- Deceased victim's brother and sister
- Deceased victim's grandfather and grandmother
- Child of the spouse of either of the deceased victim's parents

If the victim is not deceased, he/she may designate as a close relation any of the persons listed above **or another person with whom he/she has a significant relationship**. When the victim is less than one year old or is incapable of making a choice, the victim's representative makes the choice.

### **Tutor of a minor**

Parents are automatically and jointly the legal tutors (guardians) of their child. They must represent the child in exercising his/her rights. They must also protect the child's property by administering it prudently, diligently, honestly and loyally, in order to remit it to the child on attaining majority or emancipation.

If the parents are separated:

Whether one parent obtains custody of the child, custody is shared between the two parents or someone else is awarded custody, the mother and father remain joint legal tutors of their child. They retain their parental authority and the obligation to ensure the child's maintenance and education and to contribute financially to these, barring a judgment otherwise depriving them of their parental authority.

## APPENDIX : Documents establishing objective proof of injury for purposes of eligibility for compensation - Minor victim

For compensation to be paid under the *Crime Victims Compensation Act*, the compensation application form submitted to the Direction de l'IVAC must be accompanied by a document proving injury caused by the crime (except in case of sexual assault of a minor).

A number of different documents are acceptable for this purpose; for example, a medical report diagnosing the injury or a psychological assessment report. Effective June 1, 2017, other documents may be accepted as objective proof of injury, copies of the following in particular:

- ▶ Medical or psychosocial consultation notes
- ▶ Medical record
- ▶ Psychological or psychosocial assessment report

These documents must be written by:

- ▶ **A healthcare professional working in the public system or a private establishment** (medical clinic, rehabilitation centre, CLSC, youth centre, etc.)
- ▶ **A member of a professional order who has provided support to the victim** (psychologist, psychotherapist, sexologist, nurse, social worker, etc.)

For one of these documents to be accepted as objective proof of injury, it must factually describe the physical or psychological impacts of the crime on the victim.

**In the case of psychological injury, if the victim cannot supply a document providing objective proof of injury**, the Direction de l'IVAC may pay for a psychological assessment.

If you are not sure that the document you have is acceptable as objective proof of injury, please contact the Direction de l'IVAC.



**IVAC**

Indemnisation  
des victimes  
d'actes criminels

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