

Regulations on Allowances for Sexual Assault Victims, Taipei City

Date : (2015-1-20 Amended)

Article 1.

The Regulations are promulgated pursuant to Paragraph 2 of Article 19 of the Sexual Assault Crime Prevention Act.

Article 2.

The competent authority referred to in the Regulations are the Taipei City Center for Prevention of Domestic Violence and Sexual Assault (hereinafter referred to as the CPDVSA).

Article 3.

The entitlements of the Regulations are sexual assault crime victims (hereinafter referred to as the "victims") as provided in Paragraph 1 of Article 2 of the Sexual Assault Crime Prevention Act whose domicile address is registered in Taipei City (hereinafter referred to as the "City"); while those who actually reside in the City and indeed need such allowance according to CPDVSA's assessment will not be subject to the restriction on domicile registration.

Article 4.

A victim may apply for the allowance under the Regulations, or his/her spouse, legal representatives and doctors, psychologists, counselors, social workers and other personnel providing professional protection may apply on behalf of him/her.

Article 5.

The allowance items in the Regulations are as follows:

1. Medical costs.
2. Expenses for psychological recovery.
3. Legal costs and attorney's fees.
4. Emergency living expenses.
5. Emergency shelter expenses.
6. Other expenses with CPDVSA's approval as a special case.

Those who have received allowances of the same nature pursuant to other laws and regulations should not apply for the allowance under the preceding Paragraph repetitively.

During the period of accepting detention or shelter under government subsidy or its commissioned institutions, an expense allowance for such period under Subparagraph 4 of the preceding Paragraph should not be applied for.

Article 6.

The medical costs in Subparagraph 1, Paragraph 1 of the preceding Article refer to those fees outside the scope of National Health Insurance. The allowance items are registration fee, medical certificate fee, special medicinal material cost, toxic substance pharmaceutical testing fee, contraception and sexually transmitted diseases screening fee, medical expenses for abortion and childbirth expenses, copayment and other expenses under CPDVSA's approval as special cases; other items are not allowable. However, if hospitalization is required and a National Health Insurance ward at medical institutions/facilities are unavailable during the medical care period, full allowance may be granted for ward appointment charges.

The granted amount in the preceding Paragraph will be the actual cost after deduction of the National Health Insurance benefits.

Article 7.

The expenses for psychological recovery in Subparagraph 2, Paragraph 1 of Article 5 refer to those fees outside the scope of National Health Insurance, which allowance items are as follows:

1. Medical treatment by medical institutions/facilities: other than the registration fee, psychotherapy counseling, group treatment, psychological test, and medicine co-payment; other fees are not allowable.
2. Treatment by other counseling agencies or counselors: individual, couple, family or group psychotherapy.

The granted amount in the Subparagraph 1 of the preceding Paragraph will be handled pursuant to the relevant medical charge requirements of the National Health Insurance Administration, Ministry of Health and Welfare and the health care competent authorities.

The granted amount in Subparagraph 2, Paragraph 1 will be as follows:

1. Individual psychotherapy: maximum NT\$ 1,200 per visit.
2. Couple or family psychotherapy: maximum NT\$ 2,400 per visit.
3. Group psychotherapy: maximum NT\$ 800 per visit.
4. The allowance in Subparagraph 2, Paragraph 1 can be granted up to 15 times for each case per year, provided that cases under special circumstances and indeed need such allowance according to CPDVSA's assessment will not be subject to this restriction.

Article 8.

The allowance items and granted amounts for legal costs and attorney's fees in Subparagraph 3, Paragraph 1, Article 5 are as follows:

1.Allowance for legal costs:

(1)The allowance is up to NT\$20,000 in the first instance for each case.

(2)The allowance is up to NT\$30,000 in the second or third instance for each case.

2.The allowance for attorney's fees are limited to criminal, civil and procedure and ancillary civil actions of criminal procedures, up to NT\$50,000 in each instance for each case; where the attorney is appointed to draft legal documents only, the allowance is up to NT\$10,000 in each instance for each case. The total allowance is up to NT\$200,000 for each case.

The allowance for attorney's fees of applicants whose total family income divided by the number of family members does not exceed 80% of the average monthly consumption per person in the City, (attached with the original income and asset statement from calculated family members in the most recent year) and indeed need such allowance according to CPDVSA's assessment will not be subject to the restriction in the Subparagraph 2 of preceding Paragraph.

Article 9.

Allowances for emergency living expenses in Subparagraph 4, Paragraph 1, Article 5, are stipulated as follows:

1.For those whose total family income divided by the number of family members is less than 80% of the average monthly consumption per person in the City, the allowance will be up to three months of the lowest living expense of that current year in the City per person per time.

2.For those whose total family income divided by the number of family members is at least 80% of the average monthly consumption per person in the City, the allowance will be up to two months of the lowest living expense of that current year in the City per person per time.

The allowance is limited to one time per person per case and may be extended one more time in case of need according to CPDVSA's assessment.

Article 10.

For emergency shelter expenses in Subparagraph 5, Paragraph 1, Article 5, the allowances are stipulated as follows:

1.The settlement expenses of those to be settled at the agencies will be handled in accordance with the regulations governing the detention and settlement allowance for the disabled, children and youth, senior citizens and women etc.

2.For those accommodated in hotels and inns via CPDVSA's referral by family enterprises, the allowance is up to NT\$1,500 per person per day; the allowance is up to NT\$2,000 per day if he/she is accommodated with direct relatives. The duration of

each settlement is up to 7 days and may be extended one more time in case in need of settlement extension according to CPDVSA's assessment.

Article 11.

An application under the Regulations should be filed with an application form together with the following documents to CPDVSA:

1. Medical costs.

(1) Application by the medical institutions/facilities: attach original receipts of medical institutions/facilities and medical details.

(2) Application by the victims: attach photocopy of identity proof document, photocopy of diagnosis certificate, original receipts of medical institutions/facilities and receipt certificate.

2. Expenses for psychological recovery:

(1) Application by the medical institutions/facilities: attach original receipts of medical institutions/facilities and medical details.

(2) Application by the victims: attach photocopy of identity proof document, photocopy of psychological record summary or diagnosis certificate, original receipts of medical institutions/facilities and receipt certificate.

3. Legal costs and attorney's fees: attach photocopy of identity proof document, photocopies of pleading, photocopy of power of attorney or verdict, original receipts of attorney's fees and receipt certificate. Applications filed pursuant to Paragraph 2, Article 8 should also attach taxation data and household registration data.

4. Emergency living expenses: attach photocopy of identity proof document, original income and asset statement from calculated family members in the most recent year and receipt certificate.

5. Emergency shelter expenses: applied for by agencies, itemized with case records, receipt certificate or the original receipts issued by hotel and inn enterprises.

6. Allowances for the expenses of other special cases upon CPDVSA's approval: the documents as designated by CPDVSA.

Article 12.

The deadlines for filing applications under the Regulations are as follows:

1. Medical costs, expenses for psychological recovery: within three months from the date of diagnosis.

2. Legal costs and attorney's fees: from filing litigation to six months after the final judgment becomes binding.

3. Emergency living expenses, emergency shelter expenses: within six months from suffering the costs incurred.

CPDVSA may dismiss applications that fail to meet the deadlines of the preceding Paragraph.

Article 13.

The number of members calculated for total family income and total family members defined in Paragraph 2 of Article 8 and Paragraph 1 of Article 9 refers to the applicants and his/her spouse and supported unmarried children; if the applicants are minor and unmarried it refers to first-degree lineal blood relatives.

Any members listed above shall be excluded from the calculation if the member is an offender or under the circumstances of Paragraph 3 of Article 5 of the Public Assistance Act.

Article 14.

The measure for granting allowance pursuant to the Regulations should be stated: "If any person receiving an allowance is found to have committed any of the following, the CPDVSA may rescind whole or part of the original approved measure depending on the seriousness of such conditions, and recall all or part of the allowance already paid by an administrative act: (i) provision of false information or incomplete statement on material matters. (ii).allowance grant by fraud or other improper means". Where paid allowances should be recovered under the circumstances of the preceding Paragraph, the CPDVSA may deliver a written notification for refund within a certain period of time, and refer to compulsory execution in accordance with the laws in case of any failure of refund within such period of time; where the conduct involves criminal responsibility, the cases should be transferred to the judicial authorities for further procedure.

Article 15.

The budget need for the Regulations required source should be supported by the relevant annual budget of CPDVSA.

Article 16.

The form format prescribed in the Regulations shall be determined by the CPDVSA.

Article 17.

The Regulations shall come into force on the date of promulgation.