

#### **Weighting of personal assistance needs by chronological age**

##### **Preamble**

Children, like all other persons who are victims, are assessed on the basis of the actual loss of autonomy resulting from the injuries or sequelae caused by a criminal offence.

However, the ability to complete an activity autonomously, like the need for supervision, depends on a child's learning and maturity at a given chronological age.

In general, a child is assessed by comparing their abilities with those of a child of the same age. This comparison takes into account the responsibilities generally assumed by parents during the periods when the child is still dependent on their parents and continuing to learn.

##### **Weighting of personal activities by age**

For each activity, two (2) criteria are selected: the age when learning begins, and the age at which functional autonomy is achieved. The age when learning begins is when the child still needs partial assistance from their parents, but is becoming autonomous. The age at which functional autonomy is achieved is when the child no longer needs sustained assistance from their parents and must be assessed as an adult.

These distinctions are important for weighting purposes. A child who is in a learning period (age) needs partial assistance from their parents, and the Minister does not need to take on a responsibility that is generally assumed by the parents.

**Using the weighting table for a child's personal assistance needs**  
**Weighting of assistance needs by chronological age (Grid A)**

Table of personal assistance needs by chronological age														
Activity	Age													
	0:0	0:6	1:0	1:6	2:0	2:6	3:0	3:6	4:0	4:6	5:0	5:6	6:0	6:6
	Weighting													
Getting out of bed														
Dressing														
Bodily hygiene														
Excretory hygiene	Totally dependent on parents									Person who is a victim assessed as an adult				
Undressing														
Getting into bed														
Eating														
Using commodities in the home and surroundings														

If a child's age is to the left of the shaded fields, the child is not entitled to assistance, since they are still totally dependent on their parents.

If a child's age is to the right of the shaded fields, the child is assessed as an adult, since they have acquired the skills needed to be independent.

If a child's age is in the shaded fields, the child is assessed on the basis that they are still dependent and a normal degree of assistance is expected from the parents. As a result, the child cannot be given a score corresponding to full assistance.

**No need for assistance**

Despite the injuries sustained, the child is able to perform the activity or has a need for assistance that is a responsibility of the parents or an adult.

Partial need for assistance

The child is not able to perform the part of the activity they could previously perform and therefore needs partial assistance to perform the activity that is no longer a responsibility of the parents or an adult.

**Interpretation of the activity assessed, by age group**

- ◆ **Getting out of bed and getting into bed (criterion selected: go up / down stairs)**

2 years, 6 months and older: the child is able to go up or down stairs alone, without supervision.

18 months to 2 years, 6 months: the child is learning to go up or down stairs.

0 to 18 months: the child needs constant supervision to go up or down stairs and is dependent on the parents.

◆ **Dressing and undressing**

6 years and older: the child is able to put on and take off most indoor and outdoor clothing, and to tie laces.

2 years to 6 years: from around the age of 2, the child participates actively in dressing and undressing. This is more than just cooperation.

0 to 2 years: the child is generally dressed and undressed by an adult. Undressing as a game is not considered.

◆ **Washing**

6 years, 6 months and older: the child washes suitably and completely without much supervision, but may need help with their hair, ears and back.

4 years, 6 months to 6 years, 6 months: at the start of this period, the child can wash their hands in an acceptable way without splashing the surroundings.

0 to 4 years, 6 months: the child relies on their parents and must generally be washed or supervised continuously.

◆ **Excretory hygiene**

4 years, 6 months and older: the child does to the toilet, uses toilet paper, washes their hands and flushes.

2 years, 6 months to 4 years, 6 months: the child asks to go to the toilet and is able to foresee the need to use the toilet. Accidents occur during the day and night. The child may forget to wipe or wash their hands.

0 to 2 years, 6 months: the child needs help from the parents.

◆ **Eating unaided**

2 years and older: the child is generally able to eat unaided.

1 year to 2 years: the child is learning to eat unaided, and is able to lift a spoon from the plate to their mouth with the clear intention of eating.

0 to 1 year: the child depends on an adult for eating.

◆ **Using commodities in the surroundings**

7 years and older: the child walks around the neighbourhood, and is able to cross a **busy** street without supervision at a crosswalk or traffic light.

2 years to 7 years: the child moves around the house, goes up and down stairs, and is aware of the use and layout of each room and its contents.

0 to 2 years: the child depends on continuous help from an adult to use the commodities in the surroundings.

#### **Weighting of household tasks**

For household tasks, 2 categories of persons who are victims have been determined who are minors, depending on whether or not they live with their family or in a similar setting.

##### **a) Person who is a victim aged under 16 living with their family or in a similar setting**

A "similar setting" is a setting that, for the person who is a victim, has the responsibilities generally assigned to parents.

A person who is a victim aged under 16 living with their family or in a similar setting does not have to take charge, regularly and continuously, of household tasks. As a result, household tasks are excluded from the assessment of the need for personal assistance.

##### **b) Person who is a victim aged under 16 years not living with their family or in a similar setting**

A person who is a victim aged under 16 years who does not generally live with their family is considered to have become independent at the time of the event, as is a person who is a victim who is not living with their family in order to pursue their studies. The person generally lives in a place that is not the family home.

The person must perform habitual household tasks because they are independent of their family.

**It is important to note** that for a person who is a victim aged under 16 years who attends an educational institution, assistance with household tasks is granted only during periods of school attendance.

#### **Weighting of the need for supervision by age**

A person's need for supervision varies depending on their chronological age. A child aged 2 needs permanent supervision from the parents to ensure their health and safety and promote their social integration.

On the other hand, a teenager does not generally need constant supervision from an adult.

As for the need for assistance, a distinction is made between the ages of dependency, learning and autonomy.

**Using the weighting table for a child's supervision needs**

**Weighting of supervision needs by chronological age (Grid B)**

Table of supervision needs due to neurological and mental sequelae by chronological age													
	Age												
Higher cerebral function	0:0	1.0	2.0	2.6	3.0	4.0	5.0	6.0	7.0	8.0	9.10	11.0	12.0
	Weighting												
Memory													
Temporal orientation	Totally dependent on an adult												
Spatial orientation													
Communication													
Self-control													

If a child's age is to the left of the shaded fields, the child cannot be assessed, given that at that age the child is totally dependent on the parents or an adult.

If a child's age is to the right of the shaded fields, the child is assessed as an adult, since they have acquired the skills needed to be independent of their parents or an adult.

If a child's age is in the shaded fields, they are assessed on the basis that they need supervision because of their age and a normal degree of assistance is expected from the parents or an adult. As a result, the child cannot be given a score corresponding to full supervision.

**No need for supervision**

Despite the injuries sustained, the child's need for supervision is no different from the supervision generally expected from the parents or an adult for a child of the same age.

**Need for light supervision**

The injuries sustained are such that more supervision is needed than the supervision generally expected from the parents or an adult for a child of the same age.

**Need for moderate supervision**

The injuries sustained are such that full supervision is needed for the part of an activity that is generally not supervised by the parents or an adult.

**Interpretation of the functions assessed, by age group**

- ◆ **Memory**

6 years and older: the child has developed the ability to use memory and their own memory methods.

2 years to 6 years: the child uses memory, but needs guidance because they have not yet developed their own memory methods.

0 to 2 years: the child discovers their environment, explores and returns to interesting objects.

◆ **Temporal orientation**

6 years and older: the child can tell the difference between a day, a week, an hour and a minute. They associate events in time.

5 to 6 years: the child differentiates between morning and afternoon, minutes and hours.

0 to 5 years: the child is acquiring an understanding of time, learning to tell the time, etc.

◆ **Spatial orientation**

7 years and older: the child walks around the neighbourhood, and is able to cross a busy street safely without supervision at a crosswalk or traffic light.

2 years to 7 years: the child moves around the house, knows the rooms in the house and their use, and can move around outside without crossing the road and while remaining in sight.

0 to 2 years: the child depends on an adult.

◆ **Communication**

6 years and older: the child has reached a level of expressive and receptive language comparable to that of an adult.

2 years to 6 years: the child understands simple orders and is learning to express needs.

0 to 2 years: the child needs to be understood or interpreted by an adult, and needs many reminders of simple instructions.

◆ **Self-control**

12 years and older: the child is aware of most social practices and moral values and has assimilated or is assimilating them.

2 years, 6 months to 12 years: the child may be reasoned with verbally and is acquiring social skills.

to 2 years, 6 months: the child is dependent, obeys adults and follows their wishes.