

.05 Claim of Sexual Assault or Incest

A child born during a mother or father's current Family Benefit Cap Period (FBCP) is exempt from the Family Benefit Cap Period policy and may be eligible for CA when the child was conceived as a result of a sexual assault or due to incest.

The parent or nonparent specified relative must complete the Claim of Sexual Assault (FA-260) form indicating the child was born as a result of the assault or incest.

Unless evidence exists that disputes the participant's statement, accept the FA-260 and forward it to the [Office of Special Investigations](#) (OSI). Continue to process the case as the FA-260 referral is for potential investigation and no response is required from OSI.

OSI completes any action that they determine to be necessary.

In addition to the participant's written statement on the FA-260, the participant must present an acceptable document that verifies the claim. This includes, but is not limited to, the following:

- Law enforcement records
- Legal records
- Medical records

When the child is determined eligible for CA, complete the following:

- Key S (Sexual Assault) or I (Incest) in the WERE EXPT RSN AF field.
- Key IN in the PT field on SEPA.
- Document CADO with the following:
 - The type of acceptable document used to verify the claim
 - The name and date of birth of the child
 - The S or I WERE Exempt Reason Code was used
- Place the Benefit Cap Grid: Determining the BC Child (FAA-1302A) form in the permanent section of the case file. (See [tab five](#))