



Claiming ICBC Benefits for Infants Injured in Accidents – Anyone under 19

This Info Sheet provides basic information on Accident Benefits for infants injured in an accident; it is not meant to be a substitute for legal advice.
If you are unsure of the rights and entitlements of an infant, seek legal advice.

An “infant” is any person under the age of majority, which is 19 years old in British Columbia. Infants injured in an accident by someone at fault are entitled to the same ICBC Accident Benefits for medical care and income loss as adult victims.

For more information on ICBC Accident Benefits see our **Info Sheet 2, *Claiming ICBC Benefits for Medical Care and Rehabilitation – Any Injured Person*** and **Info Sheet 3, *Claiming ICBC Benefits for Income Loss and Homemaker Expenses***.

Infants may also make a Personal Injury Claim for damages. Their compensation is assessed similarly to adults, but the Court may award higher amounts for some types of damages, such as the loss of enjoyment of life and cost of future care. For more information on Personal Injury Claims, see our **Info Sheet 1, *Making a Personal Injury Claim – Innocent Victims of Accidents***.

If an infant is injured by an at-fault driver

If an infant is injured by an at-fault driver, the Public Guardian and Trustee (PGT) of British Columbia will protect that infant’s rights and interests. Information regarding the PGT may be found at: <http://www.trustee.bc.ca/>.

An infant’s guardian or lawyer would work with the PGT to negotiate with ICBC for compensation.

The PGT reviews the proposed settlement of a Personal Injury Claim.

- For settlement proposals under \$50,000, the PGT has the authority to approve or reject an offer on the child’s behalf.
- On settlements over \$50,000, the PGT makes a recommendation to the Court as to whether the settlement is adequate or not, and the Court then makes the final determination to either accept or reject the proposed settlement.

It is possible that the matter may end up at trial, in which case the infant’s guardian and lawyer would continue to work with the PGT to ensure the most favourable judgment.

Damages

Assessing what amount of damages should be awarded to an infant requires having the skill and judgement to look into the future and understand how the injury might impact the child throughout his or her lifetime. Most parents are not equipped to do that and should retain a lawyer who will agree to act on the basis that their fee is a percentage of the recovery. The PGT will review this fee agreement for fairness when the case settles.