§ 626. Out-of-pocket loss; definition. 1. Out-of-pocket loss shall mean unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care or other services necessary as a result of the injury upon which such claim is based, including such expenses incurred as a result of the exacerbation of a pre-existing disability or condition directly resulting from the crime or causally related to the crime. Such expenses or indebtedness shall include the cost of counseling for the eligible spouse, domestic partner, grandparents, parents, stepparents, guardians, brothers, sisters, stepbrothers, stepsisters, children, stepchildren or grandchildren of a homicide victim, and crime victims who have sustained a personal physical injury as the direct result of a crime and the spouse, children or stepchildren of such physically injured victim. For the purposes of this subdivision, the victim of a sex offense as defined in article one hundred thirty of the penal law is presumed to have suffered physical injury. Such counseling may be provided by local victim service programs, where available. It shall also include the cost of residing at or utilizing services provided by shelters for battered spouses and children who are eligible pursuant to subdivision two of section six hundred twenty-four of this article, and the cost of reasonable attorneys' fees for representation before the office and/or before the appellate division upon judicial review not to exceed one thousand dollars.

2. Out-of-pocket loss shall also include the cost of counseling for a child victim and the parent, stepparent, grandparent, guardian, brother, sister, stepbrother or stepsister of such victim, pursuant to regulations promulgated to carry out the provisions and purposes of this article.

3. Notwithstanding any inconsistent provision of this article, and without regard to the financial difficulty of the claimant, out-of-pocket loss also shall include the cost of unreimbursed and unreimbursable counseling expense or indebtedness reasonably incurred by relief workers who worked at the World Trade Center site in the immediate aftermath of the September eleventh, two thousand one terrorist attacks, or incurred by individuals who personally witnessed such attacks, where such counseling expense or indebtedness is incurred

as a direct result of such work or of the witnessing of such attacks, and is incurred on or before December thirty-first, two thousand seven.