



Information for Survivors of Sexual Assault

If you are a child, an elderly person, or a disabled individual, the law requires any suspected sexual assault to be reported to law enforcement.

If you are age 18 or older, you may choose to report the sexual assault to law enforcement. You may request a medical forensic exam regardless of whether you choose to report the sexual assault.

Informed Consent: You (or your parent or guardian) will be provided information before you are examined or receive treatment. You may ask the medical provider to explain why questions are being asked, why certain evidence is collected or not collected, or which tests or treatments are necessary. You will then be asked to sign a consent form. You may decline to answer any question or decline any portion of the exam or treatment, even after you have provided written consent. A child may be examined and treated without parental consent.

Sexual Assault Exam: A sexual assault exam includes two parts: forensic evidence collection to be used in the investigation of the criminal case, and medical care for the evaluation and treatment of injuries.

During the medical portion of the examination, injuries or other medical conditions are identified and treated. Results from medical testing will be available from this medical facility.

During the forensic portion of the examination, evidence is collected. The evidence may be used in an investigation. Depending on the nature of the assault, the following items may be collected during the exam: hair combings, swabs from areas of the body with potential DNA deposits, swabs from areas of genital contact, fingernail swabs/clippings, debris items and clothing. Photographs may be taken of body surface injuries or genital injuries during the examination.

If you are age 18 or older, medical forensic exams are usually not conducted if more than 120 hours (5 days) have passed since the assault. For children,

a medical forensic exam should always be conducted, regardless of how long ago the assault occurred.

You may choose to have a support person (friend, family member, or advocate) in the exam room with you during the medical forensic exam. You may also choose not to have anyone in the exam room except for you and the medical staff. The exam may take several hours.

Reporting and Evidence Storage: If you are age 18 or older you may choose not to report the sexual assault to law enforcement at this time. You may still have forensic evidence collected today, at no cost to you, in case you decide to report the assault later. This will secure the evidence while giving you time to consider if you want to report the assault.

The Texas Department of Public Safety (DPS) crime laboratory is required to store the collected evidence up to five years. The collected evidence will not be tested unless you report the sexual assault. Learn more about evidence storage and DPS' procedures regarding notification of survivors prior to the destruction of evidence at <https://www.dps.texas.gov/CrimeLaboratory/>.

To report the sexual assault at a later date, contact the law enforcement authority that serves the area where the assault occurred. You may also contact this law enforcement authority for the results of the forensic portion of your examination.

Sexually Transmitted Infections (STIs): The risk of contracting a STI after sexual assault is not known. Emergency treatment for STIs following sexual assault may include a combination of antibiotics designed to prevent most common STIs (gonorrhea, chlamydia, and trichomoniasis). Children and the elderly often do not receive STI preventive treatment.

HIV/AIDS: You may be concerned about the risk of HIV/AIDS. If the assault happened within the last 72 hours (3 days), there is a course of medication, called antiretroviral (ARV) therapy that may prevent HIV/AIDS transmission. ARV therapy may be available at the this health care facility or you may need a prescription to fill at a pharmacy. You may also go to a local health department or community clinic for testing and treatment of HIV/AIDS at a reduced cost. Treatment lasts 28 days and common side effects include feelings of tiredness, diarrhea, nausea, and flu-like symptoms. Talk with your medical provider for more information about the risk and preventive treatment of HIV/AIDS.

Pregnancy: You may be concerned about the risk of pregnancy. If the assault happened within the last 120 hours (5 days), there is medication called emergency contraception that may prevent pregnancy. Emergency contraception may be available at this health care facility or you may choose to talk with a pharmacist for emergency contraception that is available without a prescription. The sooner emergency contraception is taken, the more likely it is to be effective. Talk with your medical provider for more information about the risk of pregnancy or emergency contraception. Emergency contraception is not given if you were already pregnant at the time of the sexual assault.

Drug Facilitated Sexual Assault: If you think you may have been involuntarily drugged, notify your medical provider so they can obtain a urine and/or blood specimen as quickly as possible.

Costs/Payment: The medical forensic exam results in two bills: one for medical costs and one for forensic costs.

Medical costs, such as medications, x-rays, stitches, facility or provider fees, may be your responsibility. Your medical insurance may cover your medical costs. Crime Victims' Compensation may make a payment to you or on behalf of you for the reasonable costs incurred for medical care provided whether or not the crime is reported.

Forensic costs, such as swabbing for DNA, photographing injuries, or collecting debris, are not your responsibility.

Public agencies are responsible for paying for the forensic portion of an examination and for the evidence collection kit used in connection with the examination. The health care facility or provider is responsible for seeking reimbursement for those costs.

Crime Victims' Compensation (CVC) Program: CVC may reimburse you for a variety of costs, including medical costs. Learn more by visiting their website: <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/overview-crime-victims-compensation-program> or calling 1-800-983-9933.

For exams conducted after August 31, 2019, CVC can reimburse medical providers for the forensic costs. Learn more about reimbursements for victims and medical providers by visiting:

<https://www.texasattorneygeneral.gov/crime-victims/services-crime-victims/sexual-assault-exam-reimbursement>.

Advocacy: FREE and confidential information, counseling, and support are available through rape crisis centers. Call 1-800-656-HOPE to be connected to your closest rape crisis center or go to www.rainn.org for more information.

Children’s Advocacy Centers provide a child-friendly approach to the investigation process and provide services including counseling and support for children and their families. Go to www.cactx.org to find your closest child advocacy center.

Form developed under TX HSC §323.005 *Information form* and §323.0052 *Information form for Sexual Assault Survivors Who Have Not Reported Assault*. Updated 2/25/2020.