



## Information for Survivors of Sexual Assault

To ensure the safety of vulnerable populations, the law requires a person to report suspected sexual assault or abuse to law enforcement and the Texas Department of Family and Protective Services for the following individuals:

- A child,
- An adolescent less than 18 years old,
- An elderly person, or
- An individual with a disability.

If you are 18 or older, you may choose to report the sexual assault to law enforcement. You may ask for a medical forensic exam for a sexual assault even if you choose not to report the assault to law enforcement.

You may choose to have a support person(s) in the exam room with you, which can be:

- A friend,
- A family member, or
- A trained sexual assault advocate.

If an advocate is available, they will come and have a confidential conversation with you. An advocate can answer any questions about the process and inform you of your options every step of the way. You may also choose not to have anyone in the exam room except for you and the medical staff.

### Advocacy

**Sexual Assault crisis centers** provide FREE and confidential information, counseling, and support.

- Call 1-800-656-HOPE to be connected with your closest sexual assault crisis center.

- Find more information at the Texas Association Against Sexual Assault (TAASA)'s Crisis Center Locator: [taasa.org/crisis-center-locator/](https://taasa.org/crisis-center-locator/).

**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.

- Find your closest children's advocacy center at [www.cactx.org](https://www.cactx.org).

### **Benefits of a Medical Forensic Examination for a Sexual Assault**

A medical forensic examination for sexual assault is a process to assess your health care needs relating to sexual assault and to collect any evidence for possible use in a law enforcement investigation and prosecution.

The individual conducting your exam:

- Is compassionate about your wellbeing.
- Has been specifically trained to provide sensitive and comprehensive care to all sexual assault survivors.
- Has up-to-date information on all aspects of care.
- Is familiar with the legal system.
- Can provide you with accurate information about your options and what happens if you decide to report the sexual assault.<sup>1</sup>

### **Informed Consent**

The provider will give you (or your parent or guardian) information before they examine you or you receive treatment.

The provider will:

- Answer your questions.
- Ask you what's most important to you.
- Help you choose what kind of care you want.

You may ask the medical provider to explain:

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<sup>1</sup> *A Guide for Survivors of Sexual Assault*, Texas Association Against Sexual Assault, Austin TX, available at <https://texaslawhelp.org/article/guide-survivors-sexual-assault>.

- Why they are asking you questions.
- Why they are collecting or not collecting certain evidence.
- Which tests or treatments they recommend.

The provider will ask you to sign a consent form. It is okay if you don't want any of the things offered. You do not have to answer any question asked during the exam and you can skip any portion of the exam or treatment, even after you have given written consent. You do not have to have evidence collected to receive medical evaluation and care.

Your provider will share information about saying yes or no to any part of your exam. A child may be examined and treated without parental consent under certain conditions. ([Texas Family Code §32.003](#)<sup>2</sup>).

The exam may take several hours. You can skip any aspect of the exam and you can stop any part of the exam (withdraw your consent) at any time.

You have the right to access a shower after the medical forensic exam at no cost to you, if shower facilities are available at the health care facility.

### **Medical Forensic Exam for a Sexual Assault**

A medical forensic exam for sexual assault has two parts:

- Medical care for the evaluation and treatment of health conditions and concerns, and
- Forensic evidence collection to be used in the investigation of a criminal case.

During the **medical care part** of the exam, your provider may look for and treat health conditions and concerns. Results from medical testing will be available from this facility.

During the **evidence collection part** of the exam, your provider may collect, with your consent, any of the following (and law enforcement may use these items in an investigation):

- Hair combings,
- Swabs from your skin where you were touched or might have been touched, and
- Your clothing.

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<sup>2</sup> URL: <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.32.htm#32.003>

Your provider may take photographs of body surfaces or genital areas if you give your consent.

If you are 18 or older, a provider usually does not conduct a medical forensic exam for a sexual assault if more than 120 hours (5 days) have passed since the assault.

A law enforcement officer will refer a minor who has been sexually assaulted for a medical forensic exam regardless of when the sexual assault is reported. A provider will offer a medical forensic exam for a sexual assault, regardless of how long ago the assault occurred.

### **Reporting and Evidence Storage**

If you are 18 or older you may choose not to report the sexual assault to law enforcement. You may still have the provider collect forensic evidence 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 whether you want to report the assault.

The Texas Department of Public Safety (DPS) crime laboratory must store the collected evidence for at least five years (duty to preserve). The DPS crime laboratory will not test the collected evidence unless you report the sexual assault. The laboratory will store the evidence carefully, securely, and safely. When DPS' duty to preserve approaches the five-year mark, DPS will notify you by the Track-Kit system (refer to next section below) that evidence collected in your case is about to be destroyed. You have 90 days from the point of notification to object to the destruction of evidence.

You can learn more about evidence storage and DPS' procedures for notifying survivors before the destruction of evidence at:

<https://www.dps.texas.gov/section/crime-laboratory>.

To report the sexual assault at a later time, contact the law enforcement agency that serves the area where the assault occurred. You may also contact the law enforcement agency for the results of the forensic part of your exam.

For an investigation or prosecution of a felony offense or conduct constituting a felony offense, the entity responsible for storing the evidence must retain and preserve the evidence for at least 40 years or until the statute of limitations for the offense has expired, whichever timeframe is longer ([Texas Code of Criminal Procedures Article §38.43](#)<sup>3</sup>).

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<sup>3</sup> URL: <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.38.htm#38.43>

## **Sexual Assault Evidence Tracking Program (Track-Kit)**

You can track the status and location of your sexual assault evidence collection kit from the time of collection through destruction via Track-Kit.

Your medical provider will give you a card with:

- The Track-Kit URL (<https://tx.track-kit.us/>),
- Your Track-Kit barcode, and
- A temporary password you will use to log in for the first time.

Questions About Track-Kit:

- If you do not receive or if you misplace the card, please contact your medical provider or the law enforcement agency for help.
- For general Track-Kit questions, contact STACS DNA by:
  - Phone: 855-239-0677
  - Email: [support@stacsdna.com](mailto:support@stacsdna.com)
- For more information about Track-Kit:
  - Online: [DPS Track-Kit webpage](#)<sup>4</sup>
  - Email: [kittracking@dps.texas.gov](mailto:kittracking@dps.texas.gov)

## **Sexually Transmitted Infections (STIs)**

The risk of contracting a STI after sexual assault is not known. Emergency treatment for STIs is available. The treatment may include a combination of antibiotics designed to prevent most common STIs like gonorrhea, chlamydia, and trichomoniasis.

- If you are a child or an elderly person, talk to your medical provider about whether STI treatment is indicated and/or recommended.
- You will be offered treatment if you have a positive test for an STI. Ask your medical provider about what tests and treatment may be right for you; and ask about any potential side effects of treatment.

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<sup>4</sup> URL: [www.dps.texas.gov/section/crime-laboratory-service/sexual-assault-evidence-tracking-program](http://www.dps.texas.gov/section/crime-laboratory-service/sexual-assault-evidence-tracking-program)

## **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 is available at hospitals and may be available at this health care facility. You may need a prescription to fill at a pharmacy.
- You may also go to a local health department or community clinic for HIV/AIDS testing and treatment at a reduced cost.
- Treatment is twice a day for 28 days. 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**

If you are concerned about becoming pregnant, emergency contraception medicine may be available at this facility. This medicine is also available without a prescription at many Texas pharmacies. A health care provider can also place an IUD (intrauterine device) for emergency contraception.

- The sooner emergency contraception is taken, the more likely it will be effective.
- Emergency contraception is not offered if you were pregnant before the assault.
- Please ask your health care provider at this facility about emergency contraception options, as well as potential side effects.

## **Drug-Facilitated Sexual Assault**

If you think drugs or alcohol (whether taken voluntarily or involuntarily) were involved, tell your health care provider so they can get a urine sample, a blood sample, or both as quickly as possible.

## **Costs and Payment**

There are two bills for a medical forensic exam for sexual assault: 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 all or part of your medical costs. The Crime Victims' Compensation (CVC) Program (see below) may make a

reimbursement payment to you or on your behalf for the reasonable costs of medical care provided.

You are not responsible for paying the **forensic costs**, such as swabbing for DNA, photographing injuries, or collecting debris.

If you receive a bill, contact the below individual at this hospital or facility for help:

Contact Name & Number: \_\_\_\_\_

### **Crime Victims' Compensation (CVC) Program**

CVC may reimburse you for a variety of costs, including medical costs. Your advocate can help guide you through this process.

Learn more about CVC on the [Texas Attorney General's CVC Program Overview webpage](#).<sup>5</sup>

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 on the [Texas Attorney General's Sexual Assault Exam Reimbursement webpage](#).<sup>6</sup>

### **How to Submit a Complaint against a Regulated Health Facility**

You may submit a complaint by:

- Email: [hfc.complaints@hhs.texas.gov](mailto:hfc.complaints@hhs.texas.gov)
- Fax: (833) 709-5735
- Complaint hotline: 1-800-458-9858
- U.S. Mail:  
Health and Human Services Commission  
Complaint and Incident Intake  
Mail Code E-249  
P.O. Box 149030  
Austin, Texas 78714-9030

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<sup>5</sup> URL: [www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/overview-crime-victims-compensation-program](http://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/overview-crime-victims-compensation-program)

<sup>6</sup> URL: [www.texasattorneygeneral.gov/crime-victims/services-crime-victims/sexual-assault-exam-reimbursement](http://www.texasattorneygeneral.gov/crime-victims/services-crime-victims/sexual-assault-exam-reimbursement)

For more information, visit the [HHSC File a Complaint Against a Health Facility webpage](#).<sup>7</sup>

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<sup>7</sup> URL: [hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation/file-a-complaint-a-health-facility](https://hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation/file-a-complaint-a-health-facility)

Handout developed under [Texas Health and Safety Code §323.005 Information Form](#) and [§323.0052 Information Form for Sexual Assault Survivors Who Have Not Reported Assault](#). Updated 12/20/2023.