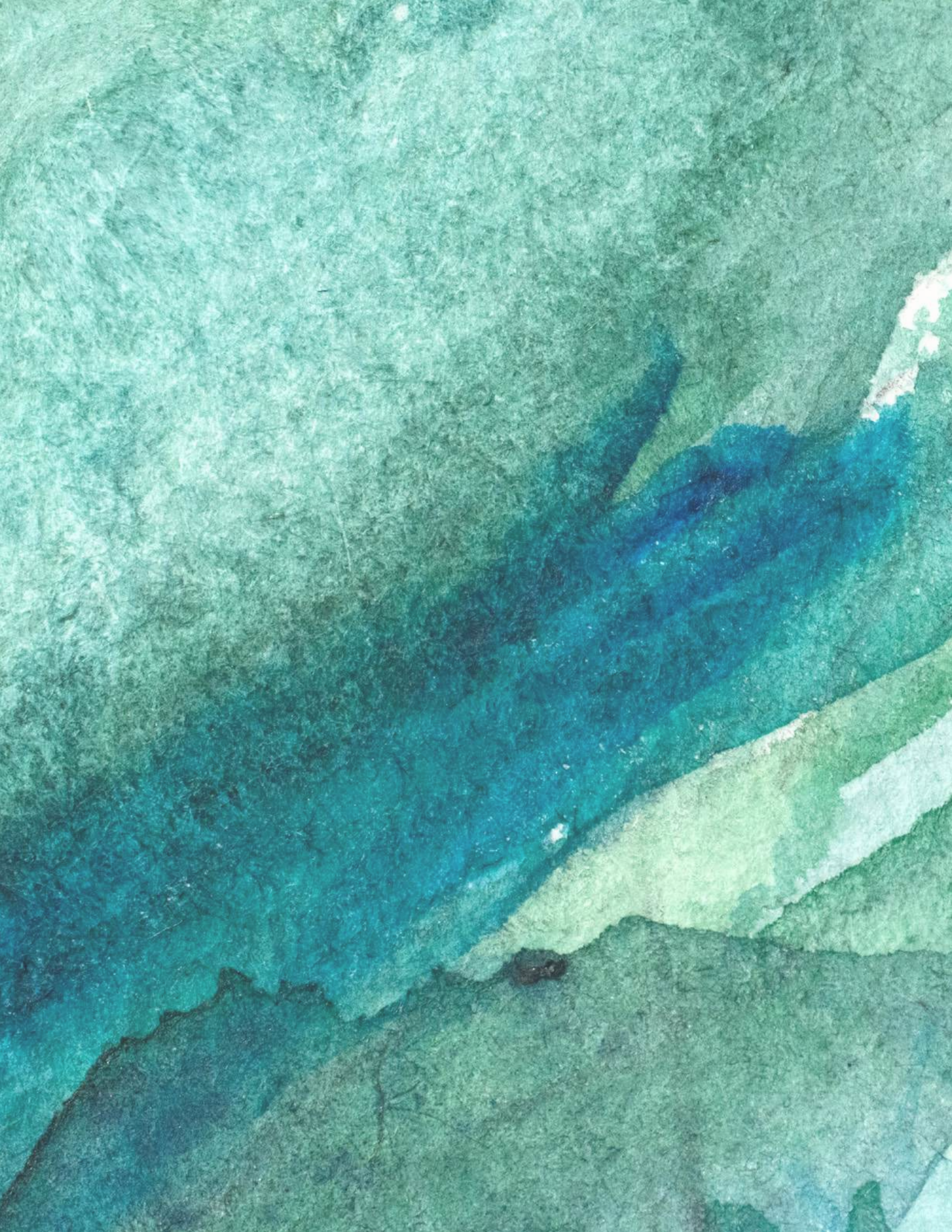


What's Next?

A Resource Guide for
Survivors of Sexual
Assault in Texas



Dear Reader,



If you are reading this guide, you may be someone who has experienced sexual violence. If you have, we are sorry for all that you've had to experience. We know this is not easy. What happened to you is not your fault—no matter the circumstances surrounding your assault.

We want to first acknowledge that every survivor's experience is different. Regardless of where you are on your path, we want you to know that you are not alone. You have a network of survivors and advocates who contributed to this guide because they believe in you and want you to know that you matter.

You may be seeking support and resources, and you may be wondering what steps to take next. The purpose of this guide is to provide you with practical information and support. It is separated into 3 main sections so that you can choose to review the information that feels most important to you.

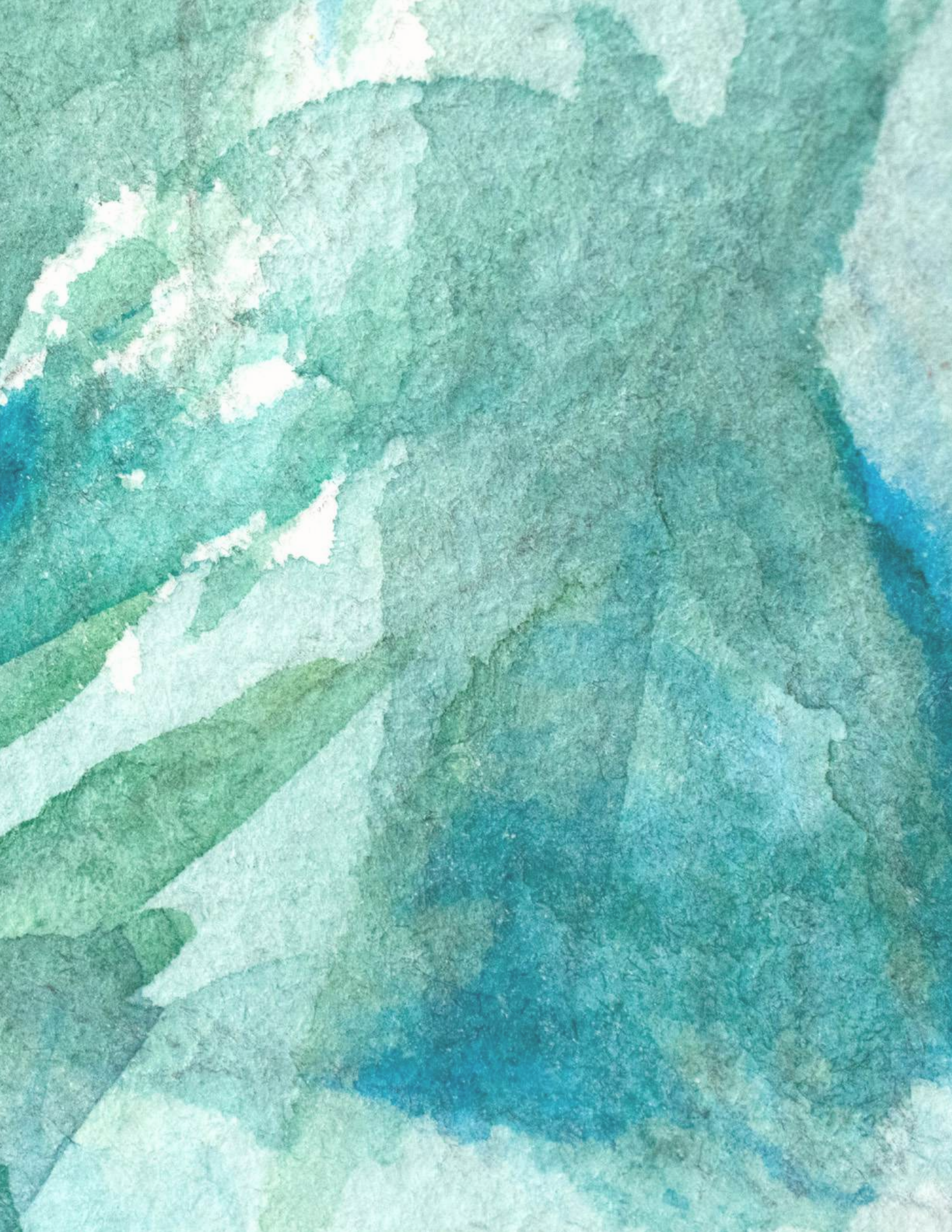
- 1 Understanding Sexual Violence, Trauma & Healing**
- 2 Time Sensitive Medical Care**
- 3 Reporting, Victim Rights & Other Legal Options**

This guide is not intended to cover everything or to replace other ways we survivors might find support and information. Specific information about available local resources, what happens if you choose to go to the emergency room, or what happens if you choose to report to the police may be available from your local Rape Crisis Center or by contacting one of the resources at the end of this guide.

Our hope is that this guide will answer some of the questions you may have, inform you of your rights, and help you take the first steps toward healing.



Content Warning: *This guide involves information, facts, and language related to sexual violence. Topics include trauma support for survivors seeking information and options after an assault, medical care, victim rights, and interactions with law enforcement. We understand this content can be triggering and encourage you to take care of yourself, read this at a pace that works for you, and seek support when needed.*



Contents

Section 1: Understanding Sexual Violence, Trauma & Healing	6
What is Sexual Violence?	6
What is Trauma?	7
What is Healing?	9
Practices That Can Support Healing	10
Who could I talk to?	11
Preparing for Sharing	11
After Sharing	12
Where else can I find support?	13
 Section 2: Time Sensitive Medical Care Options	 15
Why does medical care matter?	15
Medical Options Immediately After an Assault	16
Other questions you may have about medical care	20
Other questions you may have about medical costs	21
Pregnancy, Sexually Transmitted Infections & Prevention	22
Medical Care After 120 hours	23
After Receiving Medical Care	23
 Section 3: Victim Rights, Reporting & Other Legal Options	 25
What are Crime Victims Rights?	25
Reporting a Sexual Assault	33
What happens during the criminal justice process?	33
Investigation Process: Information Gathering and Evidence Collection	36
Investigative Outcomes: Arrest, Grand Jury Referral, or No Arrest	37
Prosecution	38
Criminal Justice Outcomes	39
 Additional Resources and Support	 44
Helplines	44
Additional Support Resources	45
Resources Related to Victim Rights	45
Tips for Finding a Counselor and Navigating Options for Therapy	46
Important Information & Notes	48

SECTION 1

Understanding Sexual Violence, Trauma & Healing

What is Sexual Violence?

Sexual violence is a broad term that refers to any sexual behaviors, actions, and/or words that are unwanted or where consent is not given freely. This includes when acts of sexual violence are attempted or completed, as well as when it is reported or not reported.

A person may use force, threats, manipulation, or coercion to commit sexual violence. The people who commit sexual violence can be people we know or strangers. However, it's most often committed by someone we know and trust, such as a friend, acquaintance, coworker, or family member.

What are some examples of sexual violence?


Sexual violence includes, but is not limited to: rape, sexual assault, incest, grabbing or groping someone's breast, butt, or genitals, commercial sexual exploitation or doing sexual acts so that someone else can make money, sexual harassment, anti-LGBTQ harassment or comments that make you uncomfortable or cause you harm, someone exposing themselves to you, someone watching you without your knowledge or consent, being forced to make pornography, and rape that occurs within a relationship or marriage.

Sexual violence affects everyone, regardless of age, race, class, disability, sex, gender identity/expression, or sexual orientation.

Is this guide only for survivors of sexual assault?

While this guide includes some information that is specific to survivors of sexual assault, this section has information about healing related to all forms of sexual violence. Before we move forward, we want you to know that no matter who you are, where you come from, or the circumstances surrounding the violence, **what happened to you is not your fault and you are not alone.**

Free healing options are available to all survivors, even if what happened wasn't reported or isn't legally considered a crime. Please remember that how you feel is important and your experiences matter.



It's important to know that some forms of sexual violence are *legally* defined as crimes while others are not. This does not mean those experiences are any less real or harmful. It can however impact some legal options and resources available to you. The legal definition of **sexual assault** is set out in the Texas Penal Code and can be found [online](#). If you are unsure if what happened to you is a crime, it may be helpful to speak with an attorney for more information.



**Scan QR
to access
Texas Penal
Code**

Link: statutes.capitol.texas.gov/Docs/PE/htm/PE.22.htm

What is Trauma?

Trauma is what occurs when we experience something that is harmful or unexpected. There are many different things that can cause trauma. It can be caused by an event, series of events, or by ongoing harm that we or our families and communities have endured for generations. Sexual assault is one example of a traumatic event, but many of us may experience trauma in more than one way. Trauma is also very personal to the individual, meaning that what is traumatic for one person may be different for another.



How Can Trauma Affect Us?

Trauma is different from other types of harm that we experience because it can have lasting effects on our minds, actions, bodies and emotions. Below are lists of examples. You may experience some, all, or none, of these responses. You might also experience things that aren't mentioned here. And that's okay. Here's a gentle reminder that there is no one way to respond to trauma. It is normal to have different experiences or responses.

- › **Changes in sleep:** Sleeping less or sleeping more.
- › **Changes in appetite:** Feeling hungrier or not able to eat.
- › **Body Pain:** headaches, tense muscles, cramps, genital pain
- › **New or worsening health problems:** heart, digestive/stomach, and/or reproductive issues
- › **Changes in sexual health:** more or less physical arousal, sexually transmitted infections
- › **Craving for drugs, alcohol, or developing other addictions**
- › **Problems with concentrating or remembering things**
- › **Experiencing flashbacks:** when you come across certain places, smells, sounds, or things that can make you feel like you are reliving the event again
- › **Feeling a "rollercoaster of emotions":** Feeling big mood swings throughout the day
- › **Feeling a range of emotions:** denial, sadness, anger, guilt, shame, confusion, embarrassment, or numbness.
- › **Dissociation,** meaning we feel like we're detaching from reality or from our bodies
- › **Not being able to relax or feeling like you're always on alert or have to prepare for something bad to happen.**
- › **Thoughts of suicide**
 - › *If you or someone you know is thinking about suicide, or would like emotional support, you can call or text 988 for free and confidential from the Suicide and Crisis Lifeline.*
- › **Fear or being in public or social spaces.**
- › **Trusting or connecting with others**
- › **Unable to complete tasks or assignments, or missing school, or work.**



Trauma is what happens inside of us because of what happened to us. It can disconnect us from ourselves and the world around us. This is why healing can come from finding ways to reconnect with our mind, bodies, and hearts.

Understanding Our Responses to Trauma

When harm happens, we might question our actions or have thoughts about whether we could have done something differently. People may also say hurtful things because they don't understand our actions or how we responded during or after a sexual assault or other traumatic experience.

During this time, it might be helpful to remember that our brain responds to extreme stress and trauma by trying to help us survive.

There are many different ways our brain and body help us survive. Fight, flight, freeze, and fawn are words used to help us understand common ways people might behave or respond to highly stressful or traumatic events. Below are some examples of what these responses could look like.

Fight

This can look like fighting back, talking back, or trying to defend ourselves in some way.

Flight

This can look like trying to get away from what's happening, by leaving, hiding, or running away.

Fight and flight are responses that involve movement, but when your brain feels like it isn't safe to fight or run away, it tries to help you survive in different ways that aren't active.

Freeze

This can look like not moving, shutting down, or disconnecting from what is happening. It can cause someone to feel numb or empty.

Fawn

This can look like trying to please, staying connected with, or befriending the person who is harming or threatening you.

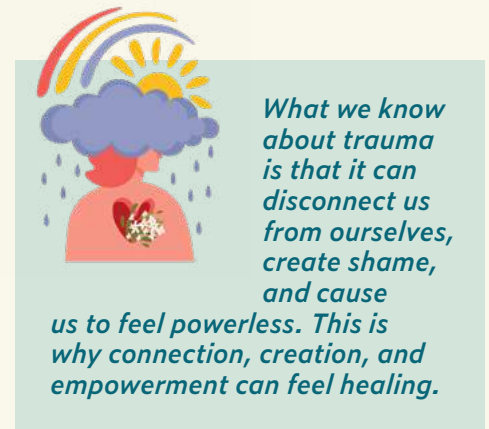


Remember, there is no right or wrong way to respond to trauma. These trauma responses aren't things we choose or have much control over. Our brains tell our bodies to respond in a way that is most likely to help us survive so that we can be safe again.

Why does healing matter?

The impact of trauma can have lasting effects on our lives if it is not addressed. To heal from trauma, involves we must be willing to acknowledging the harm we have experienced and how it has impacted us. While there is no one way to heal from trauma, it is important to seek the help that feels right to you and serves your needs.

- **Trauma affects the brain and body.** This is why trying to ignore what we've experienced can not only be harmful to our mental health, but also negatively impact our physical health and relationships.



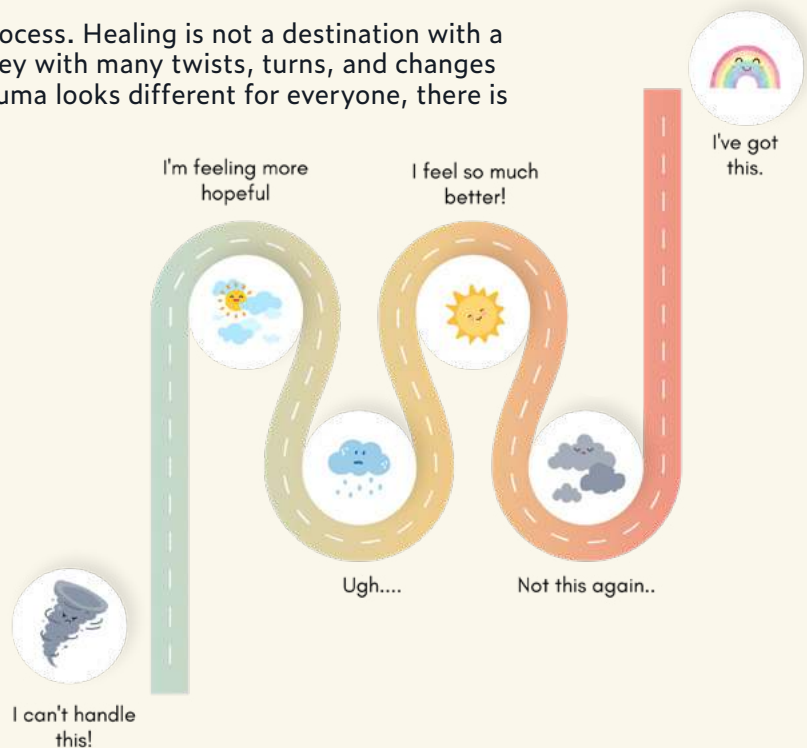
Healing is possible.

What is Healing?

Healing is an on-going, ever-changing process. Healing is not a destination with a clear beginning or end, but rather a journey with many twists, turns, and changes along the way. Because the impact of trauma looks different for everyone, there is also no "one size fits all" way to heal.

It can be overwhelming or difficult to figure out what to do or where to start. Healing doesn't have to be complicated. It can involve simple activities that help you reconnect with yourself. It can also change. Your focus on healing today may be different then what you focus on the next day.

On the next page, we share a few activities that are known to assist in the healing process following a traumatic event.



Healing is not:

a straight path or a simple set of steps
a place or something to finish
a one-size-fits all experience
obvious
something you have to prove to others

Healing is:

a journey with twists, turns along the way
an ongoing, everchanging process
individualized and different for all of us
unpredictable or not obvious
something felt and experienced by you only

Practices That Can Support Healing

Healing can create ways for us to cope and move forward in meaningful ways.

Wellness

Experiencing trauma can make it difficult to take care of ourselves and our needs. Regularly checking in with our mind and body is essential to healing. Drinking plenty of water, eating nourishing foods, resting, and practicing meditation allows your body to recharge and your mind to refresh.



Community

Connecting with others can be a source of strength. Trauma can cause us to feel alone or like no one understands what we are going through. Engage with communities that help you feel seen and understood. Turn to healing traditions that are connected to your culture. Consider joining a support group where you can meet other survivors.



Creative expression

Even if we are not actively thinking about what happened, journaling, painting, music, or other forms of creative expression can support us in many ways, from providing us with an outlet to release our stress to helping our brains process what happened.

Laughter

Laughter has the power to help reverse some of the negative effects of stress. When we laugh, our body is able to release natural "feel good" chemicals. Consider watching your favorite funny movie, reading a good joke, or surrounding yourself with people or things that make you smile or laugh.



Crying

Although crying is often associated with sadness and anger, our tears help release hormones from our body that cause stress. This can result in uplifting our mood, better sleep, and allows our body to rest and the immune system to recover.

Breathing

Breathing is a powerful tool that can help calm our mind and body. It can be done anywhere, at any time. If you find yourself feeling disconnected or feeling overwhelmed by stressful thoughts or feelings, try taking slow deep breaths.

Physical Activity

Exercising, walking, running, or taking up a new physical activity can help us release stress, clear our mind, and engage with our body in a positive way.



Empowerment

Healing can be centered on gaining back our personal power and a sense of control. This is something that takes time for many of us. We can start by finding ways to celebrate our sense of self or engaging in activities that help us feel in control. This can include eating a meal of your choice, learning a new skill, taking a class that helps you feel safe, reading a book or downloading an app with words of empowerment.

Who could I talk to?

For some of us, it can be helpful to talk to a trusted person who understands this type of trauma, such as a counselor or advocate. For example, a sexual assault advocate at a rape crisis center may be able to help you sort through your concerns, explore options, and answer questions you may have. You do not have to do this alone. You can build a healing support system that works for you.

Should I tell my friends or family members?

It is up to you! You decide who you feel safe turning to. You get to choose who to tell, when to tell them, how much information to share or if you want to share anything at all.

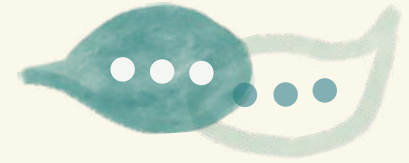
Preparing for Sharing

If you choose to share your experience here are some things that survivors have found helpful when telling friends and family.

 <p>Time</p> <p>It can take time and energy to share with loved ones.</p> <p><i>Consider:</i></p> <ul style="list-style-type: none"> › When is the best time of day for you? › Will you and who you plan to tell have plenty of time together? 	 <p>Place</p> <p>Finding a place where you feel safe sharing.</p> <p><i>Consider:</i></p> <ul style="list-style-type: none"> › Is it a private place? › Is it a place I go often? If so, will it trigger painful memories when I go back?
 <p>Wellness</p> <p>Sharing your experience is difficult.</p> <p><i>Consider:</i></p> <ul style="list-style-type: none"> › Is there anything you can plan for afterwards such as an activity that brings you peace or joy? A meal that brings you comfort? A friend that makes you laugh? 	
 <p>Support</p> <p>Think about what support looks like for you.</p> <p><i>Consider:</i></p> <ul style="list-style-type: none"> › Is there anything you need to feel supported by your friends and family? › What you need for support and how can friends and family best support you. 	 <p>Questions</p> <p>It's normal for family and friends to have questions.</p> <p><i>Consider:</i></p> <ul style="list-style-type: none"> › This is your story, you get to decide what you want to share. Let them know if you are open to answering questions or if you'd rather they just listen.

Sometimes our friends and family can respond in ways that do not feel supportive or may even feel harmful to us. Below we have listed some of the ways people may respond when you share your experience with them.

- › **View:** They may see sexual assault as a sex act rather than a crime of violence
- › **Intimacy:** A spouse or partner may avoid closeness with you.
- › **Judge:** They may mistakenly blame you or themselves for the assault.
- › **Fear:** Loved ones may become overprotective in trying to cope with their own feelings of fear, powerlessness, and helplessness.
- › **Dismiss:** They may believe that not talking about feelings will make the feelings go away.



After Sharing

When people react in ways that are not helpful, it may help us to think about ways to respond.

Responses we might need to prepare for	Possible options we could use to help us respond
<p>“Are you sure that’s what happened?”</p> <p>“Are you sure it wasn’t a misunderstanding and you don’t just regret having sex?”</p> <p><i>(or other responses that blame or doubt you or your experience)</i></p>	<p>“I am sure and this was not a misunderstanding.”</p> <p>“I didn’t choose this.”</p> <p><i>(In these situations it can feel really hurtful and we hope you remember that it is not your fault. Please do whatever feels safest for you at the moment, including walking away)</i></p>
<p>“You should tell your family, I’m sure they would understand.”</p> <p>“You should probably tell your partner.”</p>	<p>“I’d ask that you respect my choice to tell others and not share this with anyone else.”</p>
<p>“You really should report to the police so this doesn’t happen to someone else.”</p> <p>“You should just forget about what happened and move on with your life.”</p> <p><i>(or other responses that show a lack of understanding of what it was like for you)</i></p>	<p>“I am only responsible for my own actions.”</p> <p>“What I need from you is to just listen and support my choices.”</p> <p>“I’m not ready to make any decisions right now.”</p>
<p>“Why did you go out by yourself?”</p> <p>“Maybe you should consider drinking less?”</p> <p><i>(or other responses questions that try to judge or blame you for someone else’s action)</i></p>	<p>“When you ask questions like that it makes me feel like you are blaming me for someone else’s actions.”</p> <p>“What I need from you is to just listen and not ask any questions right now. “</p>
<p>“You should really see a counselor.”</p>	<p>“I don’t need you to offer advice.”</p> <p>“I just need someone to be with me right now.”</p>

A gentle reminder that there is no one way to share or respond to others’ reactions. We may find a moment that feels right and not need to prepare. We may also respond to friends and family members in ways that are different from what we listed above—and that is okay.

Where else can I find support?

At times we might feel like it would be easier to just forget about what happened or not reach out to anyone for support. Carrying the weight of trauma alone is hard and at times even feels heavier. While it is important to have a support system, you decide who you feel safe turning to.

There are other means of support we can receive without sharing with our friends or family members. The support of an “outside person” – an advocate, a therapist, a peer from a support group – could be helpful and important in moving forward. We can also tell someone we are struggling and need support without having to tell our story or share our experience. We have provided a few examples of options below.



Community-based agencies

These are organizations that can provide care and support to survivors of violence, including domestic violence, trafficking, and child abuse as well as sexual assault. These agencies often provide free services, which may include crisis intervention, advocacy, legal services, counseling and confidential support groups. When searching for your local agency, please consider searching for both local rape crisis center or domestic violence centers.

Anonymous hotlines

A telephone line answered 24 hours a day, 7 days a week by trained staff or volunteers. Most hotlines allow you to receive help without identifying yourself. There are different hotlines available based on your needs. For example, if there is not a rape crisis center in your area, you can reach out to a national hotline or if you are struggling with thoughts of suicide, you can contact the National Suicide and Crisis Lifeline by dialing 988.

Online or Chat-Based Supports

If in-person services don't feel right for you, you can speak to someone online or through text. Many rape crisis centers also offer virtual or telehealth appointments.

Support groups

For some of us connecting with others who have had similar experiences can help realize that we are not alone. Rape crisis centers may be able to assist in helping you get connected to a support group. You can also access support from other survivors through many anonymous online platforms.

Mental Health Agencies

Most areas have different agencies or professionals that can provide mental health services. Some agencies charge a fee, while others may provide services for free. If you aren't sure where to start you can find the mental health center for your community online or dial 211 for assistance.



I am
worthy of
respect.

SECTION 2



Time Sensitive Medical Care Options

While it may not always feel like it, options are available to you following a sexual assault. Some options related to medical care are time-sensitive or may not be available to you after a certain amount of time. There are no right or wrong choices. We will provide an overview of those options for you in this section.



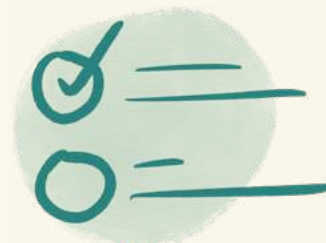
This section involves information about receiving medical care after the assault. You can use the table of contents for a list of topics we discuss here to decide whether or not this is something you are interested in reviewing.

Why does medical care matter?

Receiving medical attention following an assault can help address and ease certain concerns related to your overall health and wellbeing.

The following might be helpful to consider when deciding whether to seek medical care after a sexual assault:

- The brain and body respond in ways that can make it difficult to identify serious injuries after an assault. Seeking care can help you figure out if you need important treatment.
- There are medications that help prevent or treat certain sexually transmitted infections. These are usually more effective the sooner they are received.
- If you decide to report, receiving care as soon as possible can help increase the chances of saving and collecting evidence that might help the sexual assault investigation (if it's important to you, reporting and legal options are discussed on *page 25* later in this guide).



Medical Options Immediately After an Assault

In the state of Texas, if you report a sexual assault to law enforcement OR arrive at a medical facility/hospital within 120 hours (about 5 days) after a sexual assault happens, **you have the right to have a Sexual Assault Forensic Medical Examination.**

What is a Sexual Assault Forensic Medical Exam (SAFE)?

A sexual assault forensic medical examination (sometimes referred to as a SAFE or rape kit) is an option available to survivors of sexual assault who want to receive medical treatment and have their experience documented.

The exam typically includes asking about your health concerns, checking for injuries, documenting injuries in writing or with photos, collecting potential evidence, and other medical treatment.



Who can perform a SAFE?

A Sexual Assault Nurse Examiner, or SANE, is a nurse who understands trauma and specializes in providing sexual assault exams. Their training is different than the training other medical professionals receive because it also focuses on providing detailed and dedicated care to sexual assault survivors or people who think they may have been sexually assaulted. SANES are usually the best option for receiving a sexual assault exam.

In communities where a SANE is not available, a nurse or doctor who has received forensic evidence collection training can provide an exam.

Where can I receive a SAFE?

1. **You should be able to receive a SAFE at your local emergency room or hospital.** While Texas law requires all health care facilities with an emergency room to have staff that are able to perform sexual assault exams, not all hospitals have staff that **specialize** in providing care to sexual assault survivors and collecting forensic evidence.
2. **SAFE-Ready facilities** are hospitals, emergency rooms, or community-based sexual assault exam clinics that work with certified sexual assault nurse examiners (SANEs) or specially trained doctors to provide survivors of sexual assault with a SAFE.

What if I am at a facility that is not “SAFE-Ready”?

If you arrive at a hospital that is **not** a “SAFE-Ready” facility, **you have the option of receiving the exam at that facility or you can request an exam at a “SAFE-Ready” facility instead. The choice is yours.** By law, hospitals must allow you to have the exam there or help you locate the closest SAFE-Ready facility.

› Telehealth

In areas where medical care is limited, hospitals may use telehealth options to provide forensic exam services to survivors. This means that a SANE will virtually provide guidance and support to both the nurse and the survivor throughout the exam.



Do I have to report to law enforcement in order to receive a Sexual Assault Forensic Exam (SAFE)?

If you are between the ages of 18 and 64 and do not have disabilities, you can choose to receive a sexual assault exam without reporting.

Some hospitals have policies requiring notification of all sexual assaults to the police. If law enforcement is notified, you do not have to speak to them or provide them with any information.

If you are under the age of 18, 65 or above, or are a person with disabilities, reporting will be required. However, adults age 65 and above without disabilities may not be required to report to law enforcement, but a report to Adult Protective Services is still required.



What happens during a SAFE?

Generally, the medical forensic exam consists of a few different parts.



Since there may be times where an exam is not completed by a SANE, we use the word "provider" below to refer to the medical professional providing the exam.

What options do I have during an exam?

We recognize that the medical forensic exam process can seem overwhelming. We want to remind you that you have choices. Deciding to have an exam does not mean you do not have options throughout the process. **You are in control of the exam and have the right to decline any portion that you are uncomfortable with.** Advocates can assist you in understanding your options and help you navigate the process.

What is an advocate?

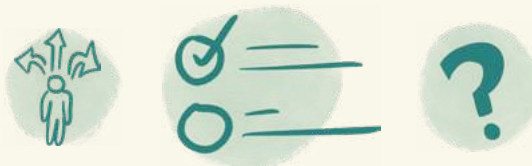
Texas law defines an advocate as an employee or volunteer of **sexual assault program who has completed a certified sexual assault training.**

Under Texas law, an advocate who meets these requirements is allowed to be with you during the sexual assault forensic exam. This means if you would like an advocate present, a provider cannot ask them to leave.

Advocate: Texas law requires that **providers** offer survivors of sexual assault the opportunity to have an advocate present during the exam. The advocate's role is to provide support and help you understand your rights and options.

If an advocate is not provided for you, you have the right to ask for one.

Informed Consent: The provider must share information with you and ask for your consent* or permission before beginning the exam. During this time, they should also explain to you their role, what the exam involves, and any other important information. **You have the right to ask questions at any time.**



General Medical History: During this portion of the exam, the provider asks questions about your medical history so that they are aware of factors that may impact your care or treatment. **You have the right to ask questions about why something is being asked before deciding to share your health information.**

History related to the sexual assault: During this part of the exam, the provider asks about the assault and any relevant medical information or injuries you may have experienced. Your description of the assault will be documented by the provider and used to help guide the medical assessment and evidence collection portions of the exam. **You have the right to ask for a break and ask questions.**



Since the exam involves collecting DNA, you will be asked about any recent sexual activity or information about current sexual partners. This is normal and is not meant to shame or judge you.

Assault Documentation: With your consent, the provider will document the details of the assault and take photographs of any injuries. **You have the right to say no to anything that you do not feel comfortable with.**

Medical Assessment: A “head to toe” physical exam is done to check for injuries. This portion typically includes an exam of your genitals and anus. **You have a choice every step of the way and can decline any part of this exam.**



Evidence collection: With permission, the provider will collect potential evidence in several different ways.

Clothing: the provider may ask you to provide your underwear and other clothing items. *Note: Most times, the hospital or advocacy program will provide clothing for you to wear after the exam.*

Swabs: the provider may use cotton swabs to collect potential evidence from different parts of your body. For example, they may swab your mouth or your hands.

Blood and urine: If there is a possibility that drugs or other substances were used in the assault, the provider will also ask you to provide blood and/or urine. **See the reporting section of this guide for more information.*



Blood and urine are only collected when an individual is reporting the assault to law enforcement. If you are not reporting and have concerns about drugs/substances that may have been used, consider speaking with the nurse about other testing options.

Treatment and follow-up care: During this time, the provider will discuss options related to your care and treatment, including treatment options for Sexually Transmitted Infections (STI), HIV prevention, pregnancy prevention, and recommendations for follow-up.

Can I have a support person in the room during the exam?

A support person is an individual who doesn't meet the legal requirements above, such as an advocate from a police department, friend, or family member. While there is no law **against** having a support person in the room during the exam, there is no law protecting it, either. Which means, they could be asked to leave or the facility may have policies against having them present. This may happen for the following reasons.

1. **Protecting your health and privacy:** Having a support person leave the room prior to the exam may help provide space for you to share your experiences as well as any other health concerns.
2. **Preventing negative case outcomes:** The exam involves evidence collection. Advocates are trained to be present during the exam and do not have to testify to what they see or hear. Anyone else in the room during the exam could accidentally impact the evidence being collected. They also may be asked to testify if the case moves forward in the criminal justice process.

If you would like to have a support person present, an advocate can assist in explaining your options further and advocate on your behalf.



Other questions you may have about medical care:

Do I have to get a SAFE (Sexual Assault Forensic Medical Exam) to receive medical care?

No, a SAFE is just one option. If you are a minor, a SANE or forensic examiner may still ask you questions related to the SAFE; however, you are still in control of the exam and can say "no" to any portion. If you are an adult and you want medical care, you can choose to have a SAFE or go to any medical provider for a regular medical exam that does not involve evidence collection.

Can I receive a SAFE if I am not a US citizen?

Yes, the hospital can't deny you medical care or a sexual assault forensic exam. Also, hospital staff should not ask you about your citizenship status. It's valid to have concerns related to citizenship status or fears about deportation. Below are a few things that may be helpful to consider:

- › The law requires that hospitals provide emergency medical treatment to all patients regardless of citizenship or immigration status.
- › You are not required to give hospital staff any information about your citizenship status
- › If you share your status, medical staff should not give that information to law enforcement without your consent
- › The medical information you give to the nurse and doctor is confidential and can't be shared with law enforcement or other government entities without your permission (unless mandatory reporting laws apply).
- › If you decide to report and participate in the criminal justice process, you may be eligible to apply for a U visa or T visa. For more information speak with an advocate or view the resource section at the end of this guide.

Can I receive a SAFE if I'm in a correctional facility/penal institution?

If you are in a correctional facility or a penal institution (which is any place a person who is arrested for, charged with, or convicted of an offense is taken to), you have the right to have a representative present with you during the exam. This person could be a sexual assault advocate (as defined above) or a psychologist, sociologist, chaplain, social worker, or case manager that has been approved by the penal institution.

What is the difference between a SAFE and a regular medical exam?

A **regular medical exam** is usually provided by a healthcare professional at a doctor's office or hospital. The purpose of these exams is only to address your health concerns. These exams can be done regardless of whether or not you share any information about the sexual assault. For example, you may tell your doctor you are having pelvic pain or are concerned about sexually transmitted infections and can receive care without providing information about the sexual assault.

A **SAFE (Sexual Assault Forensic Medical Exam)** is a medical forensic exam that is meant to address health concerns related to the sexual assault and to collect and preserve potential evidence. It usually can only be provided within 5 days of the assault*. To receive these types of exams, you must share that you have concerns related to a sexual assault.

Other questions you may have about medical costs:



How much does a SAFE cost?

Under Texas law, you have a right to a free sexual assault forensic exam. However, as we share below, you may be charged for other medical expenses related to the exam.

- **Sexual Assault Forensic Exam:** Regardless of whether you report, state and federal laws prohibit providers from billing you for the medical forensic exam.
- **Other Medical Expenses Related to receiving the exams:** Many times there are other medical expenses related to receiving care at an emergency room, such as having injuries looked at by a doctor, pain medication, or other emergency room fees. You may be billed for these items but in some situations can apply to the costs covered.

Am I responsible for paying the medical bill?

Yes, you are responsible for the “other” medical costs that are billed to you. However, the law allows for sexual assault survivors to apply for **Emergency Medical Care Compensation** through the Office of the Attorney General’s Crime Victims’ Compensation Program. This allows the attorney general to pay the bill directly on your behalf or to reimburse you for the costs. In most cases, this program can cover certain expenses as long as they are related to receiving the sexual assault forensic exam.

How do I apply for Emergency Medical Care Compensation?

The [Emergency Medical Care Compensation](#) application can be completed and submitted online or mailed in using the paper application. Advocates can help answer questions about the process and assist you with the application at a time that is convenient for you.

The Emergency Medical Care Compensation has different requirements from the main Crime Victims’ Compensation program.

To be eligible for Emergency Medical Care Compensation:

- You are applying for compensation for the emergency medical care you received during a sexual assault exam at a hospital
- You are the person who was assaulted or you are applying on behalf of someone who was assaulted and you are legally authorized to act on their behalf (guardian, caregiver, financial supporter)
- The crime occurred in Texas and you are a U.S. resident; or you are a Texas resident and the crime occurred in a country that doesn’t offer crime victims’ compensation
- You apply within 3 years from the date the crime took place (unless good cause can be shown)
 - You do not have to report to law enforcement to receive Emergency Medical Care Compensation.

*Community organizations may be able to assist you with different options if you do not want to apply for Emergency Medical Care Compensation, but still need assistance with paying medical bills.

Pregnancy, Sexually Transmitted Infections & Prevention

What if I am concerned about Pregnancy?

It's normal to be worried about becoming pregnant as a result of the assault. According to the Center for Disease Control, emergency contraception can be taken up to 72 hours after your assault; the sooner emergency contraception is taken, the more likely it is to be effective.

The hospital may or may not provide emergency contraception. If they don't, they may provide you with a prescription that can be filled at a local pharmacy. Emergency contraception can also be purchased without a prescription.

You can learn more about emergency contraception by calling 2-1-1.

What If I am worried about STIs?

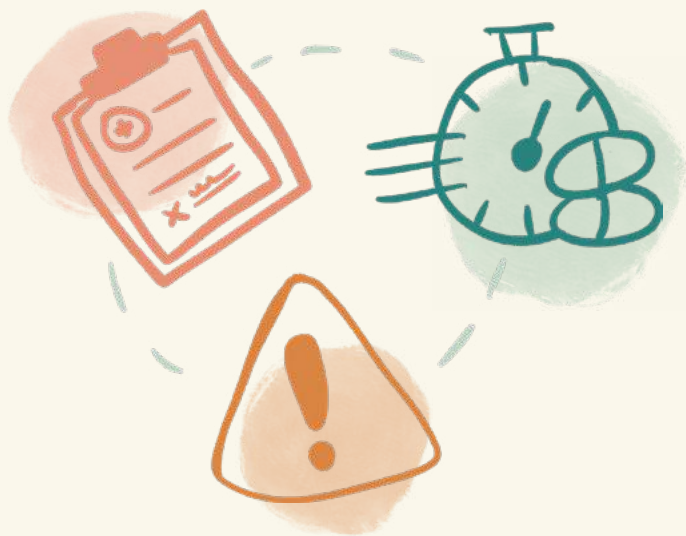
Concerns about exposure are normal, real, and healthy. While it can be difficult to handle the unknowns, the risk for infection from a one-time exposure is typically low. However, follow-up testing is still important because the majority of STIs do not show symptoms and most STIs are curable if diagnosed and treated early.

Will I be tested for STIs during the sexual assault exam?

Testing is typically not offered at the hospital because the majority of STIs do not immediately appear and may not be detected through testing.

Instead of testing, medications are given after the exam to help prevent possible STIs. This may include different antibiotics that prevent common STIs (gonorrhea, chlamydia, and trichomoniasis). Your discharge paperwork should have information on medications you are given or prescribed.

Even if you were given medication, it is recommended that you get tested for STIs. If you have any concerns or questions, you can reach out to the medical provider or hospital that assisted you.



Medical Care After 120 hours



Can I still receive a medical forensic exam after 120 hours (5 days)?

1. There are some situations where you can receive a medical forensic exam after the 120-hour timeline has passed.
2. If you are a person under the age of 18, the law requires that law enforcement refer you to a forensic medical exam, even if the report is made after 120 hours.

If you are a person who is 18 or older and have reported the assault after 120 hours, you may be able to receive a medical forensic :

- a. if law enforcement believes that the exam could help with the investigation OR
- b. if a sexual assault nurse examiner or doctor tells law enforcement that there are reasons why an exam should still occur.

Reasons why a medical forensic exam may be done after 120 hours may include not showering or changing clothes since the assault, extensive injuries, and obtaining information about what occurred during the assault.

Follow-up Testing

A follow-up appointment can be made with your personal doctor or any clinic that offers sexual health services. You may share what happened to you if you would like, **however you do not need to disclose the assault to receive care.**

If you do not know where to go for follow-up care, your local rape crisis center may be able to assist you.

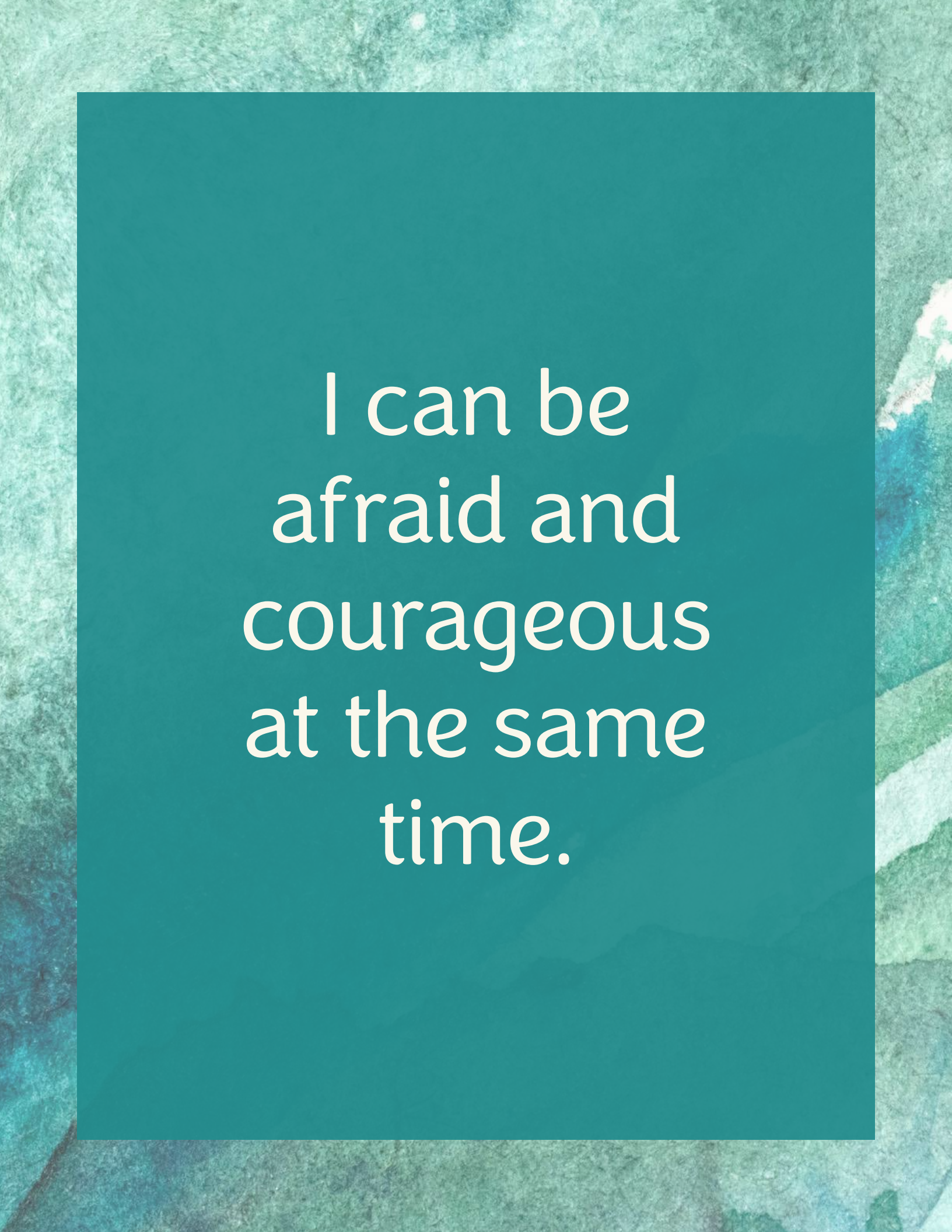
After Receiving Medical Care

In the first days and weeks following a traumatic event, you may experience a wide variety of responses including physical pain, trouble sleeping, or loss of appetite. This is because trauma impacts our bodies on multiple levels. If possible, you may want to consider taking time to recover. Give yourself time to get back to your routine.

Survivors may also experience thoughts of self-harm or strong feelings of fear, sadness, paranoia, guilt, anger, or grief. Some of us may feel numb or try to ignore what we experienced and move on as though it didn't happen. As we begin to make sense of what happened to us, these feelings may either begin to build or subside. During this time remember that there is no one way to heal.

If your symptoms or feelings become more intense and keep you from completing your regular daily activities, you might consider following up with your primary care provider or your local sexual assault program for further support.

To learn more about healing and trauma you can read the Section 1: Understanding Sexual Violence, Trauma and Healing on page 6.



I can be
afraid and
courageous
at the same
time.

SECTION 3



Victim Rights, Reporting & Other Legal Options

While it may not always feel like it, options are available following an assault. We will provide an overview of rights and reporting options for you in this section. Many of the options we'll discuss involve participating in the criminal justice process. However, certain options may still be available to you without reporting. We hope you know that regardless of whether or not you report, there are no right or wrong choices.

What are Crime Victims Rights?

Victims of crime are afforded certain rights. A right entitles you to a certain level of treatment or protection when reporting a crime or participating within the criminal justice system.

We've included some crime victims rights and options for you in this section. For more information about your rights and options we encourage you to visit the resource section at the end of this guide to identify a sexual assault program or legal organization for assistance.



Scan the QR code to learn more about more rights that may be available to you.

Link: gov.texas.gov/organization/cjd/sastf-resources

What happens if my rights are not provided to me?

Unfortunately there are few consequences for the criminal justice system if they do not provide you with your rights. If you feel your rights have been violated, organizations like Legal Aid for Survivors of Sexual Assault (LASSA) may be able to assist. To learn more about your rights and options you can contact their Statewide Hotline at 844.303.SAFE (7233), Option 1. You can also reach out to your local program for additional resources and support.



This section is not intended to cover all rights that may be available to you, but to provide general information that may be helpful as you decide what options feel right for you.



Right to Receive a Sexual Assault Forensic Exam (SAFE)



In the state of Texas, you have the right to receive a sexual assault forensic exam if you:

- Arrive at a medical facility/hospital within 120 hours (about 5 days) or
- Report a sexual assault to law enforcement within 120 hours (about 5 days)

This means that if you ask for a sexual assault exam, you shouldn't be denied one.



Can I still receive a medical forensic exam after 120 hours (5 days)?

There are some situations where you can receive a medical forensic exam after the 120-hour timeline has passed.

1. If you are a person under the age of 18, the law requires that law enforcement refer you to a forensic medical exam, even if the report is made after 120 hours.
2. If you are a person who is 18 or older and have reported the assault after 120 hours, you may be able to receive a medical forensic:
 - a. if law enforcement believes that the exam could help with the investigation OR
 - b. if a sexual assault nurse examiner or doctor tells law enforcement that there are reasons why an exam should still occur.

Reasons why a medical forensic exam may be done after 120 hours may include not showering or changing clothes since the assault, extensive injuries, and obtaining information about what occurred during the assault.



Right to Have an Advocate



An advocate can assist in explaining your options and provide support on your behalf throughout the criminal justice process.

While advocates may be able to assist in many situations, there are two specific circumstances where the law states you must be offered the opportunity to have an advocate present.

- The officer should offer you an advocate before beginning a law enforcement interview
- A medical provider should offer an advocate before beginning a Sexual Assault Forensic Exam



Rights with this icon are available to you even if you do not report what happened to law enforcement.



Right to Receive a Sexual Assault Forensic Exam (SAFE) Without Reporting to Law Enforcement



If you are between the ages of 18 and 64 and don't have a disability, you can choose to receive a sexual assault exam without reporting. This means you can receive an exam without talking with law enforcement.

Some hospitals have policies requiring notification of all sexual assaults to the police. If law enforcement is notified, you do not have to speak to them or provide them with any information.

If you choose to exercise this right, there are a few differences in the exam. The chart below lists a comparison between receiving the exam when reporting and not reporting.

Reporting	Non-Reporting
You have the right to an exam within 120 hours of the sexual assault*	You have the right to an exam within 120 hours of the sexual assault*
<i>*unless law enforcement or a medical professional determines evidence may still be present after 120 hours.</i>	<i>*unless law enforcement or a medical professional determines evidence may still be present after 120 hours.</i>
Law enforcement is required to offer you an exam if you report within 120 hours of your assault. You cannot be denied the opportunity to have an exam.	The healthcare facility providing care to a sexual assault survivor is required to offer you a sexual assault exam if the assault occurred within 120 hours.
The evidence gets sent to a crime lab for testing and analysis.	The evidence kit gets stored and is not tested unless you decide to report.
The Kit can be stored for an indefinite number of years and is based on the circumstances of the case.	The Kit is stored for up to 5 years, which gives you time to decide if you want to report.
Blood and urine are typically collected and tested.	No blood, urine, or liquid evidence can be collected or stored with the kit. The hospital may choose to still collect and test blood or urine (if requested or needed).
You may be eligible for additional reimbursement of costs related to the sexual assault (medical care, counseling, etc).	You are only eligible to receive Crime Victims' Compensation to assist with the emergency medical portion of the exam.
You have the right to an advocate present during the exam.	You have the right to an advocate present during the exam.



Reminder: You do not have to report a sexual assault in order to receive services and support from advocates and follow-up services from a sexual assault program.



Healthcare rights available to children (a person under the age of 18)

While children can't receive an exam without reporting to law enforcement, we have highlighted other important rights they may be helpful to know when seeking care.

Children of any age may:

- › File a police report without parental consent.
- › Apply for a sexual assault, dating violence, or stalking protective order.
- › Consent to services such as counseling for suicide prevention, chemical addiction or dependency, or sexual, physical, or emotional abuse.
- › Consent to pregnancy-related medical treatments (except abortion), and to the diagnosis and treatment of an infectious, contagious, or communicable disease.

Children of any age can be examined by a physician, dentist, or psychologist who has reasonable grounds to believe that the child's physical or mental condition has been adversely affected by abuse or neglect, (to include X-rays, photographs, blood tests, and penetration of tissues) unless prohibited by a court order.

Children have the right:

- › At 14 years old to consent to the release of their evidence collection kit to police.
- › At 17 years old to consent to sexual activity.

Why is reporting required for certain individuals?

Texas has mandatory reporting laws to help protect and provide support to certain individuals. This means that hospital staff and medical professionals must report any incidents or suspicion of abuse, neglect, or exploitation suspected of a child (a person under the age of 18), elderly adult (65 years or older), or person with disabilities to the Department of Family and Protective Services or Law Enforcement.



Even if a report is made, you still have control over what information you feel safe sharing with others.



Right to Fairness and Respect for Your Dignity and Privacy

The Texas Constitution states that a crime victim has **"the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process."**

While this right may be difficult to exercise, we want you to know you have the right to express if and when you do not feel respected.

In addition, there are different options that may be able to help you exercise this right. We have outlined a few of them below.

Privacy and Confidentiality Protections

> Pseudonym

You can protect your privacy by asking for a pseudonym, or a fake name, when reporting a sexual assault.

✓ **What it does:** You or the law enforcement agency can choose a name or set of initials to replace your real name in all public files and records **related to the crime**, such as the police report and criminal court records. While those involved in investigating your case must have your real name on file, it provides a layer of privacy protection by preventing your real name from being released to the general public.

✗ **What it does not do:** It does not mean you are reporting the crime anonymously. Law enforcement must have your real name in order for you to apply for a pseudonym and may have to use your real name when interviewing potential suspects and/or witnesses.



> Healthcare Privacy

Laws such as HIPAA (Health Insurance Portability and Accountability Act) are in place to protect your healthcare information. HIPAA provides you with the right to a copy of your medical information and a certain degree of control over who has access to that information. (See confidentiality and privacy exceptions.)

> Address and Phone Number Protection

If you choose to participate in the criminal justice process, you have the right to have your address and phone number kept private and removed from court files related to the case. The only exception is if the place where the assault took place cannot be identified without using your address.



Address Confidentiality Program: If you have relocated and/or the person who harmed you does not know where you live, the address confidentiality program can help protect your address from being released in state government documents or records. This is an option for sexual assault, stalking, family violence, and human trafficking victims and does not require making a police report to apply. *Speak to an advocate from your local program for more information.*



Rights with this icon are available to you even if you do not report what happened to law enforcement.



Right to Fairness and Respect for Your Dignity and Privacy Continued



Confidential Communication

In Texas, the law protects communication between survivors and Sexual Assault Programs, which provide survivors with a level of privacy protection that many other organizations or advocates cannot offer.

What does this mean?

- The law requires that any communication (whether written or spoken) between an advocate from a sexual assault program and a survivor remain confidential.
- The survivor and advocate relationship is privileged, meaning that if you are a survivor, you have the privilege (power) to prevent information from being disclosed without your permission **unless the following exceptions apply:**



You provided written consent that specifically describes the information you give permission to be released.



State Mandatory Reporting laws that require reporting of any incidents or suspicions of abuse, neglect, or exploitation suspected of a child (a person under the age of 18), elderly person (65 years or older), or person with disabilities.



You pose an immediate physical danger to another person (seriously threatening to harm another person). This may result in notifying police or another party to ensure the safety of the other person



You pose an immediate threat to yourself (example: threatening suicide). In these situations, the program may reach out to a friend, family member, mental health provider, or other professional/agency equipped to help ensure your safety.



Court ordered –If you are participating in the criminal justice process, the court can order the program to release **certain** information if they decide it could prove the innocence of the defendant in the criminal trial.



You bring a lawsuit against the sexual assault program or advocate and the records or communication is related to the defense of an advocate or sexual assault program.



If communication with other staff members at the sexual assault program is necessary for providing services to you.



Right to Protection from Harm and Threats

You have the right to receive adequate protection from harm and threats that occur as a result of your cooperation with the investigation or prosecution of the sexual assault. This can be done by communicating your safety concerns to law enforcement and developing a plan to help enhance your safety.

Below are some of the additional rights and options available to help you exercise the right to protection from harm and threats.



Protective Orders (PO) are court orders that are designed to keep a person safe from the individual who assaulted them. Protective orders can help some of us regain a sense of safety because if the offender violates the order they can be arrested.

Some of the ways a PO can offer protection are by ordering that the offender:

- › Not hurt, threaten, or harass you
- › Stay away from your home, work, and school
- › Not carry a gun, even if they have a license to carry

When can you apply for a protective order?

The law provides for different types of protective orders depending on the circumstances. Protective orders can be granted for sexual assault, stalking, family violence and other crimes.

You or an attorney acting on your behalf, can apply for a protective order whether or not a report is made. Additionally, parents/guardians can apply on behalf of minors.



Protective orders involve an application and a legal process. While you have the right to apply for a protective order, this doesn't guarantee that you will automatically receive one. Contact your local advocacy organization or connect with an attorney to learn more.



Right to be Informed

There are many laws that provide you with the right to receive information during the criminal justice process. These rights are not automatically active. They **MUST** be requested (in writing if possible) to ensure you receive the information you are entitled to.

Examples of these types of rights include:

- › Right to information and explanation of your rights
- › Right to be informed about the defendant's right to bail
- › Right to be informed about relevant court proceedings
- › Right to be notified of plea agreement before it is accepted by the court
- › Right to receive information about the status of evidence collected during a sexual assault forensic exam, which includes being notified about testing of evidence
 - › You can anonymously track the status and location of your kit by utilizing the "Track-It" information provided to you by the medical provider who conducted your exam. See the resource section on *page 48* for instructions.
- › The right to information regarding compensation to victims of crime and referral to available social service agencies that may offer additional assistance



Right to Seek Financial Assistance



You may have a variety of financial concerns following an assault. One possible resource for assistance is the **Crime Victims' Compensation Program (CVC)**.

CVC was created to assist certain survivors and their family members with the financial costs that occur **as a result of the crime**.

CVC is managed by the Office of the Attorney General and has two main goals:

1. To encourage greater participation in the criminal justice process
2. To reimburse crime victims for certain out-of-pocket expenses that are **not covered by other sources**.

Who is Eligible for CVC?

Below are the general requirements to apply for CVC. It is important to know that applying for CVC **does not mean** that you will be approved for reimbursement.

- › Individuals who can apply include a victim, family member of a victim, or other individual who has agreed to pay for crime-related costs for the victim.
- › The crime occurred in Texas against a Texas resident or to a Texas resident in a country that doesn't offer CVC
- › The crime was reported within a reasonable amount of time
- › The individual must apply within 3 years of the crime, unless good cause is shown
- › The victim was not incarcerated at the time of the crime
- › The victim is fully participating in the criminal justice process*

* The only exception is if reimbursement is being requested for emergency medical care related to the sexual assault exam. In this circumstance, you would not have to report or participate in the criminal justice process to receive reimbursement.

What type of costs does CVC reimburse?

Depending on the circumstance, CVC can reimburse for many different crime-related expenses, including: medical care, counseling, travel to hearings, lost wages, child care, relocation expenses, and crime scene clean up.

*If CVC approves your application, you may be asked to send additional documentation for each expense before receiving reimbursement.

What happens if my CVC application is denied?

If your request for reimbursement is denied, you have a right to appeal.

Can an advocate assist with CVC?

Yes, trained advocates can assist you with the application process, follow-up, and appeals.



Rights with this icon are available to you even if you do not report what happened to law enforcement.

What happens during the criminal justice process?

We know the criminal justice process can seem confusing and overwhelming. We've provided a simple overview of the main stages below and described each stage further on the following pages.



Reporting a Sexual Assault

What are common ways to make a report?

- You can contact the police directly by dialing 9-1-1 or going to the police department in person
- If you go to a hospital or a facility that provides sexual assault exams; medical personnel can contact the police to respond to the hospital and take an initial report



Should I report?

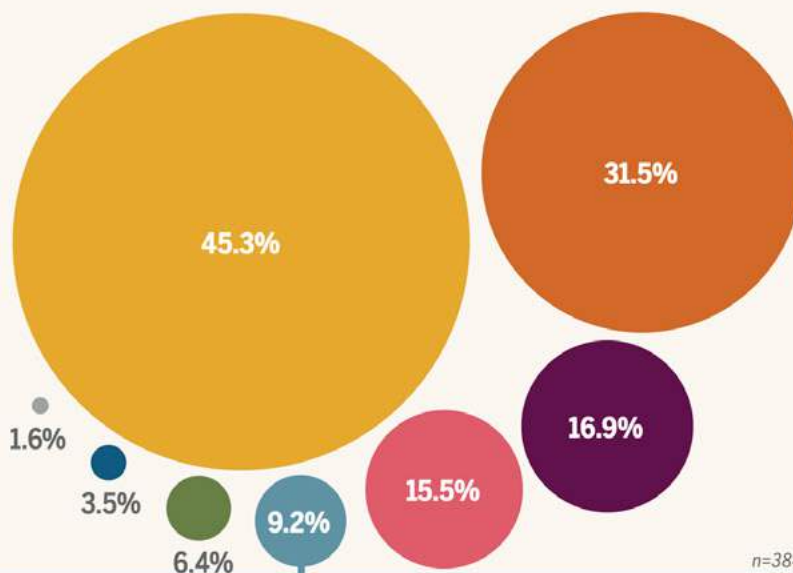
Unless reporting is required by law, you have the right to decide if you want to report to the police and participate in the criminal justice process. There are many reasons why we may choose to not report or why we might feel that reporting is not the best option for our safety. The chart below depicts reporting patterns in Texas and includes some of the reasons many survivors have shared for not reporting to law enforcement.

There is no right or wrong decision, and services and resources to help you heal are available no matter what you choose.

SEEKING HELP AFTER SEXUAL ASSAULT⁺

ASSAULT REPORTING PATTERNS

- FRIEND
- FAMILY MEMBER
- INTIMATE PARTNER
- SOCIAL WORKER/
HELPING PROFESSIONAL
- LAW ENFORCEMENT
- MEDICAL CARE
- SEXUAL ASSAULT
NURSE EXAMINER
- CRISIS HOTLINE



TOP REASONS VICTIMS DID NOT REPORT TO LAW ENFORCEMENT

- Did not define their experience as a crime.
- Were too young to report their victimization to law enforcement.
- Were too scared to report.
- Chose to deal with the sexual assault themselves or ask friends or family for help.
- Felt "stupid," ashamed, or embarrassed about what had happened to them.

OTHER REASONS GIVEN

- Wanted to forget about it and move on with their lives.
- Did not think they would be believed.
- Were prevented from reporting it.
- Thought that reporting it might jeopardize their employment.
- Blamed themselves.
- Worried about jeopardizing their immigration status.


Busch-Armendariz, N.B., Olaya-Rodriguez, D., Kammer-Kerwick, M., Wachter, K. & Sulley C. (2015). Health and well-being: Texas statewide sexual assault prevalence. Austin, TX: Institute on Domestic Violence & Sexual Assault, The University of Texas at Austin.

If you are considering whether or not to report, an advocate may be able to help you understand your options. We have outlined some of the points that might be helpful as you consider your next steps on the next page.

Potential Benefits	Potential Disadvantages
The legal process can help some of us regain a sense of safety.	The legal process can involve answering questions that may be difficult or uncomfortable to share.
Police reports, witness statements and other types of information can help document what we experienced.	Reports, statements and other information given by suspects or witnesses may contradict what we know we've experienced.
The criminal justice process may involve choices that help us feel like the person who harmed us was held responsible.	The criminal justice process may end in a way that doesn't hold the person responsible for what they did.
Criminal justice professionals may give us choices and ask for our input throughout the process.	Criminal justice professionals have the power to make choices about how the case moves forward, without our approval or permission.
Crime Victims' Compensation may be able to help pay you back for certain crime-related costs, like counseling, follow-up care, and lost wages.	Crime Victims' Compensation is not guaranteed and involves paperwork that can make the process feel overwhelming.

We know it can be difficult to decide whether or not to report to law enforcement. There are a lot of different things that can inform our decisions. You have the right to make the choice that is best for you.

Feel free to use the space below to think through your pros and cons about reporting.



Remember: you do not need to navigate this process alone. Advocates can help discuss your options and connect you with resources.

Can I have a support person with me when reporting?

You have the right to have an advocate present during a law enforcement interview. You can also contact a sexual assault program or advocacy agency to request an advocate prior to making a report. Below are a few ways you can do this:

- **Over the phone:** Advocates may be able to stay on the phone and support you while you call law enforcement.
- **In-person:** Some agencies provide advocacy support in-person but may need to be contacted a few days prior to making the report.

What might law enforcement ask me?

Officers may ask certain questions about the circumstances surrounding your assault (ex. what you were doing, what you were wearing) to determine whether criminal charges may apply to your case. If you are unsure **why** a question is being asked, you can ask the officer to clarify or seek support from an advocate.



It is normal to have difficulty remembering details about what occurred. It is okay to let law enforcement know if you can't remember.

If you remember additional details, consider writing them down and sharing them with the detective during a follow-up interview.

Investigation Process: Information Gathering and Evidence Collection



Law enforcement is responsible for gathering information and evidence related to the sexual assault. Depending on the circumstances, law enforcement may begin collecting evidence right after you make a report, but this is also an on-going process that may continue in the days, weeks, and even months following your report.

This can include:

- › Offering you the option to receive a sexual assault forensic exam (SAFE)
- › Photographs/videos/text messages/social media
- › Identifying and collecting other types of evidence (ex. clothing or other items at the scene)
- › Interviewing you, witnesses, or suspect/s



Remember: Law enforcement should offer you an advocate before beginning an interview. If law enforcement does not offer you an advocate, consider contacting a program near you to request an advocate prior to answering questions.

What else could I expect during the investigation?

- › Law enforcement protocols for investigation can differ from community to community.
- › Typically there is one officer whose main responsibility will be to investigate your case.
- › Depending on the agency, that person may be the same officer who took the report or a different officer such as a detective.
- › It can sometimes take days, weeks, or longer before law enforcement contacts you or provides follow-up information.
- › If you have not heard from anyone, you can contact the police department and provide your name or case number to request updates at any time.



You don't have to do this alone, advocates can be available for support.

What happens to the evidence and information law enforcement collect?

Once information and evidence has been collected law enforcement must:

- › Submit evidence to be tested and analyzed
 - › If you had a sexual assault exam, the law enforcement agency is **required** to send the kit to the crime lab to be analyzed within **30 days**. You have the right to anonymously track the status and location of your kit by utilizing the "Track-It" information provided to you by the medical provider who conducted your exam. See *page 48* the end of this guide for instructions.
- › Review the evidence and decide how to move forward with the case.



Advocates can assist you in obtaining updates from law enforcement.

Investigative Outcomes:

Arrest, Grand Jury Referral, or No Arrest



After a case has been investigated there are typically three possible next steps in the criminal justice system—**Arrest, No Arrest, or Grand Jury Referral.**

Arrest

- When law enforcement doesn't see a crime take place, they have to be able to gather enough evidence to request an arrest warrant from a judge before they can make an arrest.
- Many times, detectives will work with the District Attorney's office to determine whether an arrest can be made.

No Arrest

- If the case does not meet legal standards for an arrest and/or the District Attorney doesn't accept the case, then a case will either be closed or suspended unless new evidence becomes available.



If you have questions about how or why your case was closed, you can reach out to an advocate for assistance.

The majority of sexual assault cases do not lead to an arrest.

Grand Jury Referral

- Before a sexual assault (or any other felony) can move forward in the criminal justice process, it must go to the grand jury to decide whether there is enough evidence to support criminal charges.
 - Law enforcement may choose to send the case to the District Attorney's office by doing a grand jury referral with or without making an arrest.

Prosecutor Declines Referral: *In some circumstances the District Attorney's Office may decide there is not enough information to move forward with the grand jury process and decide to decline or not accept the referral, which means the case would not move forward to the grand jury.*

Grand Jury Process

Who is the grand jury?

- A grand jury is a group of twelve citizens that are selected to review felony cases in each county.
- The grand jury decides if a case is **True billed** and indicted or **No billed**
 - ✓ If the grand jury returns a "true bill" or **indictment**, this means the District Attorney's office may move forward with the case.
 - ✗ If the case is "no-billed" then the case does not move forward in the criminal justice process and the case is closed unless new evidence comes forward.

Will I be involved in the grand jury process?

You may or may not be asked by the prosecutor to testify before the grand jury. If this occurs an advocate can wait with you before you testify, but no outside parties are allowed into the grand jury room.



Indictment means the criminal justice system has formally charged a person with a crime; This does not mean they are guilty of a crime, it is a step that is required before a case can move forward within the criminal justice system.

Prosecution

If the case is true billed, or indicted, a Prosecutor from the District Attorney's Office will be assigned to the case.

The prosecutor is responsible for how the case moves forward. While the prosecutor is an attorney, it is important to remember that their role is to represent the interest of the State. This means they are allowed to make decisions about the case without your permission or approval. There are also laws that **require** the prosecutor to share any information you provide them with the defense.



Can I be involved during this process?

You have rights during this process that the prosecutor must consider (see victim rights section on *page 25*).

The District Attorney's office may also assign a victim assistance counselor or advocate to your case. While these advocates can be helpful in providing support, they may not be able to offer you confidential assistance in the same way as advocates from a rape crisis center or other community program.



This process can take time and it is normal to go long periods of time without hearing from the prosecutor. You can reach out to your advocates or prosecutor at any time during the process.



Criminal Justice Outcomes

Prosecutors decide how a case moves forward. A case may have many possible outcomes.



What are the possible outcomes?

We have outlined three common outcomes here.

Plea Agreement

An agreement between the prosecutor and the defendant (or their attorney). This agreement may or may not involve pleading guilty to the crime they are being prosecuted for and can involve many different outcomes, such as community service or probation.



Due to the large number of cases in the criminal justice system, the majority of cases end in a plea. You have the right to be notified about plea agreements and share questions or concerns with the prosecutor.

Trial

In Texas, trials involve 2 parts. The first part of the trial is about proving if someone is guilty and the second part is about deciding punishment.

What can I expect during the first part of the trial?

You will most likely have to testify and answer questions about the sexual assault. When you testify you will usually be asked questions by the prosecutor and the defense attorney.

- The prosecutor's job is to convince the jury or a judge that the person accused committed the crime.
- The defense attorney's job during a trial is to try and prove that the sexual assault didn't happen. This part of the process can be challenging for many of us because they may say or do things to try and prove that the sexual assault didn't happen.

If the defendant is found guilty, the trial moves to deciding punishment.



If this happens, remember you are telling the truth and what they say does not change what you experienced.

What possible punishments could happen during the sentencing part of the trial?

Types of punishments the court could decide can vary depending on the case. Some examples include: prison time, probation, parole, house arrest, and fines. For a sexual assault offense, this also could involve the sex offender registry program. Some of these options could also be offered as part of a plea agreement even if a trial does not take place.

If the person is found not guilty, or innocent, the case is closed, meaning there will be no other criminal consequences.

Dismissal or Acquittal

There are typically two ways a case is closed during the criminal justice process.

> Dismissal

Unfortunately, there are many reasons why a criminal case may be dismissed during the criminal justice process. Meaning it would not move forward and the case would be closed, unless new evidence comes forward.

> Acquittal

This generally occurs when the court finds that the defendant is not guilty. This can happen for many reasons, but usually because there isn't enough evidence. If this happens, the case is closed and can't be reopened.



The unfortunate reality is the criminal justice system involves many barriers. We want you to know that regardless of the outcome of the criminal justice system what you experienced was real.



If you need personal legal advice, please consider speaking with an attorney. To learn more about your rights and options or for assistance locating an attorney, contact your local program for legal resources and support.



A Note to Consider:

We know this information can feel confusing, overwhelming, or even bring up more questions for many of us. We want to remind you that advocates are available to assist you in navigating this process.

This guide was written and informed by survivors and advocates who want you to know that **you are not alone and support is available.**



My feelings
are valid.

Words of Hope and Healing

Below are some words of hope and healing we want to share with you.

Content warning: The quotes below briefly describe experiences with sexual violence that may be triggering. Please take care. Remember, you are not alone and advocates are available to support you.

I was so overwhelmed and I felt so alone. I wasn't sure if how I was reacting was the way I should. But however you feel, react, and heal, is completely valid and fair and there is no right way or one way. You are brave and you deserve to heal in whatever way works for you.

I was sexually assaulted by my spouse and I didn't understand that what happened to me was rape until several years later. Talking with people who have had similar experiences has helped me feel less alone.

I want you to know that there are days where things feel impossible but there are also days where things feel a little easier. It takes time...but you won't feel this way forever.

I want you to know that however you are dealing with what happened to you, is the right way for you to deal with it; there is no one right way to survive, and nobody gets to own your story, and your walk, but you. There are people out there who will believe you, walk with you; seek them out, and trust yourself.

We hung around the same group from 6th grade through high school. I had no idea he would assault me our senior year. Because of this long standing relationship, I said nothing, putting the blame on myself for so long. The shame wasn't mine to carry. No matter the circumstances he had no right to do what he did. It was not my fault and what happened to you is not your fault.

I'm a male survivor and I want you to know that your strength, appearance, age, sexuality, and any other part of you, does not give someone the right to violate or control your body. No one deserves to have that right taken away from them and there is nothing you did wrong. There are a lot of men who have gone through this, you are not alone.

I was raped when I was 13. My friends didn't believe me and my parents didn't support me. I want you to know that I still found healing through art and was able to find people who helped me feel seen and supported. Don't give up.

I was drinking and doing drugs when I was raped. I blamed myself for a long time but after talking with an advocate I realized that nothing gives another person the right to do that. It took me a long time to forgive myself and believe that. I hope you know that you are not alone and it is not your fault.

When I found out what a family member did to my child, it brought up old feelings. I felt like I failed my daughter, just like my parents failed me. The support I received helped me let go of the anger and shame I carried for so long, and my daughter and I are healing in our own ways. I hope you remember that what happened to you doesn't define you; healing is a lifelong journey.

Additional Resources and Support

This guide was written and informed by survivors and advocates who want you to know that we believe in your power and resilience. We believe there is strength in vulnerability and that it is ok not to feel ok. Lastly, we want you to know that you are not alone and support is available. The resources below are available to you.

Helplines:

The following agencies provide 24/7 free and confidential support and assistance.

Rape, Abuse, & Incest National Network (RAINN)

The National Sexual Assault Hotline can assist in connecting you to a trained advocate from a sexual assault program in your community.

Call: 1-800-656-HOPE (4673)
Online Chat Support: hotline.rainn.org/online

Crisis Text Line

The Crisis Text Line provides 24/7 mental health support and crisis intervention by trained staff and volunteers.

Text 741741 from anywhere in the U.S. to be matched with a volunteer.
Website: www.crisistextline.org

National Child Abuse Hotline

The National child abuse hotline offers crisis intervention, information, and referrals related to child abuse.

Call or text: 1-800-422-4453
Website: www.childhelpline.org

National Suicide and Crisis Lifeline

The Lifeline provides support for people in considering suicide and provides prevention and crisis resources for individuals and their loved ones.

Call or Text: 988
Online Chat Website: 988lifeline.org/chat/

National Human Trafficking National Hotline

Provides advocacy support, safety planning, and referrals to local resources to Human Trafficking survivors.

Call: 1-888-373-7888 or Text: "BeFree" to 233733
Website: humantraffickinghotline.org/

The Trevor Project

Provides information and support to LGBTQ+ young people.

Call: 1-866-488-7386 or Text: START to 678-678
Website: www.thetrevorproject.org/get-help/

Trans Lifeline

Trans Lifeline provides a hotline offering direct emotional and financial support and resources to trans people in crisis or in need of support.

Call: (877) 565-8860
Website: www.translifeline.org

Strong Hearts Helpline

StrongHearts Native is a National Helpline focused on providing American Indian and Alaska Native survivors of domestic and sexual violence with culturally-specific support and resources.

Call or text: 1-844-7NATIVE (762-8483)
Online assistance is also available through: strongheartshelpline.org/

Additional Support Resources:

These resources are not available 24/7, but still provide support that you may find helpful.

1in6

1in6 provides free information and support to men and boys who have experienced sexual violence. Services include free confidential online support groups.

Website: supportgroup.1in6.org/

RAICES

RAICES is a nonprofit agency that provides free and low-cost legal services to immigrant children, families, and refugees.

Call or Text: 1-800-437-3071

Website: www.raicetexas.org/need-help/

HIV and STI Clinic Locations in Texas

dshs.texas.gov/hivstd/testing/

Information about Telehealth partnerships for Sexual Assault Exams

You, your advocate, or medical provider can call:

1-833-TEX-TRAC (1-833-839-8722) or visit:

forensic-nursing.tamu.edu/tex-trac/index.html

To locate a local crisis center:

taasa.org/crisis-center locator

Resources Related to Victim Rights

Texas Sexual Assault Evidence Tracking System

tx.track-kit.us/

Legal Aid for Survivors of Sexual Assault (LASSA)

LAASA provides free legal assistance to sexual assault survivors who qualify for their services.

Call: 844-303-SAFE (7233), Option 1

Website: lassatexas.org/

Crime Victim's Compensation

Toll Free: (800) 983-9933

Application Portal: cvs.texasattorneygeneral.gov/portal/

Tips for Finding a Counselor and Navigating Options for Therapy

Content adapted from : *The Callisto Survivor's Guide*.

There are many different ways to seek healing and support and one of those is through therapy or counseling. Counselors can be useful as we process through difficult times of our lives, learn about how we are affected by trauma, and develop coping skills. Sometimes starting counseling can feel hard because we may not know where to start or how to find a therapist that meets our needs. We've provided some information below to help support you as you think about your options.



Who provides therapy?

Therapy or counseling, is usually provided by a person who is licensed and holds a degree in counseling, social work, or psychology. When searching for a therapist, it can be helpful to search for someone who specializes in trauma. Trauma-informed therapist, as they specialize in treating survivors.

Where to Find Therapists?

Sexual Assault Programs: These agencies usually provide free counseling and confidential support by counselors who may receive specific training around sexual trauma. When looking for your local agency, please consider searching for both local rape crisis center or domestic violence centers.

To locate a program, you can: call RAINN: 1-800-656-HOPE (4673) or use TAASA's online locator for programs in Texas: taasa.org/crisis-center-locator/

Websites for Locating Therapists:

Finding the right therapist or counselor can feel overwhelming. [Inclusivetherapists.com](https://inclusivetherapists.com) and [PsychologyToday.com](https://psychologytoday.com) are examples of two websites that may be able to help you in locating someone. These websites are specific to therapy and include the ability to search for counselors by selecting what criteria is important for you. For instance you can search by location and select specialty (trauma), kind of treatments offered, settings (such as in-person or virtual), cost (such as providing payment options based on a sliding scale), and insurance.

Once you find several therapists that meet your needs, you can call to set up an initial consultation. This will allow you to figure out which therapist you work well with. It is okay if it takes a while to find the therapist or counselor that you feel like is a good fit for you.



Online or Text-Based Therapy:

Meeting in-person may not work for everyone and while some counselors provide virtual therapy options, there are now ways for you to receive counseling by texting someone or connecting with them online. You can call a counselor directly to ask about these options or use websites to search for counselors that provide online support.

What types of treatment could be helpful?

Types of Therapy: Most counselors provide therapy that involves talking, but some counselors also get training to provide other types of treatment during therapy sessions. Some examples of treatments that have been found to be helpful for trauma survivors are: EMDR (eye movement desensitization and reprocessing), PE (prolonged exposure), Trauma-focused CBT (cognitive behavioral therapy), Dialectical behavior therapy (DBT), and art therapy. It may help ask if these treatment options are offered by the counselor you are considering. If they do not, that is okay. If you are interested in one of these methods, you can search for therapists that are trained and able to provide them.

Psychiatry: Psychiatrists are trained medical doctors who specialize in mental health and have the ability to prescribe medications. Psychiatrists can also provide talk therapy and other forms of treatment. A therapist might refer you to a psychiatrist if they believe that psychiatric medication could help you feel better, but you can also choose to receive treatment from a psychiatrist on your own.

You can choose to see both a therapist and a psychiatrist or just one, depending on what feels best for you.



Important Information & Notes

Sexual Assault Program Information

Hotline Number: _____ Main Office Number: _____

Email: _____

Advocate Name: _____

Information for those who received a sexual assault exam or medical care...

Name of Facility where exam took place: _____

Nurse: _____ Doctor: _____

Phone Number: _____

Date First Seen: _____

If you decided to receive follow-up care...

First follow-up exam date: _____ Second follow-up exam on: _____

Track-Kit ID Username (Barcode) and login information: _____

Track-Kit ID Login Information

Username (Barcode): _____ Password: _____

Note: Track-Kit allows you to track the location of the sexual assault kit after your exam and receive updates related to testing (Reminder: if you did not report, your kit will not be tested, see *page 27* for more info).

Instructions for setting up your Track-Kit account:

1. **Locate the card with your Track-Kit information.** This should have been provided to you by the nurse or medical facility.
2. **Go to the following website:**
<https://tx.track-kit.us>
Once you are on the website, there will be a section to "Sign-in".
3. **Enter your username (barcode) exactly as it is written on the card.**
Ex: username (barcode): EX: TX183920
4. **Type in the temporary password provided exactly as it is written on the card.**
Ex. Password: XYmAV%jfn
Once you're logged in, you will be able to see the location and status of the kit. You will also have instructions on deleting your browser history if you are worried about privacy.

If you receive a login error message, your kit may have not been entered into the system yet. If you continue to receive an error the next day, contact the medical provider or an advocate for assistance.

Information for those who report....

Name of Police Department: _____

Name of police officer that took the initial report: _____

Name of assigned detective: _____

Case Number: _____

Phone Number: _____ Email: _____

Pseudonym (if applicable): _____

Other Important Information**If you applied for Crime Victims Compensation...**

Date of filing application: _____

Crime Victims Compensation Claim number: _____

Name and Contact information for Police Department Victim Advocate
or Crime Victim Liaison: _____

Additional Notes:

Acknowledgements

We would like to thank our content curators and contributors: Shelli Collins, Haleh Hekmat, Deepika Modali, and Virginia Rueda.

Content editors: Courtney Kawa, Maya Pilgrim, Karen Limón, and Rose Luna

Content supporters: TAASA Survivor Advisory Board

Graphic Design by: Maddie George

This guide was created and informed by survivors, advocates, and the Texas Association Against Sexual Assault, and may be adapted for use in other states with permission. Please visit www.taasa.org, email us at advocacy@taasa.org, or call us at 512-474-7190.

If you use information from this guide in your own work, please cite as follows:

TAASA. (2023). *What's Next? A Resource for Survivors of Sexual Assault In Texas*. [Austin, TX].

© 2023 Texas Association Against Sexual Assault. All rights reserved.

Up to date as of January 2024.



