
REFERENECES

- ▼ An Introduction to Role Play
- ▼ Crime Victims' Rights
- ▼ Texas Statutes
- ▼ People of Color
- ▼ Prostitution and Sex Work
- ▼ Pregnancy
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Section**11**

REFERENCES

An Introduction to Role Play

Most volunteers dread role playing and the mere mention of the words strikes terror in their hearts. However, role play enhances training by:

- providing time to practice new skills;
- providing an opportunity to get the feel of each role: survivor and advocate;
- helping you determine if you are ready to work with survivors; and
- allowing you to experience various situations.

Role play is a good mechanism for you to get to know some of the volunteers in your training class. It is also a good opportunity for the volunteer coordinator and trainers to offer you suggestions and answer your questions.

Do not worry, you can learn from bad role plays. You learn:

- What not to say.
- What not to do.
- How to express yourself.

Practice both hotline and face-to-face role plays. As you practice, ask yourself:

- What is the difference between face-to-face and hotline role plays?
- Which intervention requires more time for relationship building?
- Which intervention is easier to obtain personal information?
- During which kind of intervention is a survivor more likely to disclose more details about the sexual assault?
- Which intervention is less threatening for the survivor? For you?
- Which intervention requires more concentration from you, the listener?

ROLE PLAY EXERCISES (FACE-TO-FACE)

1. Ophelia, a 58-year old female, divorced for several years, lives alone. She is very close to her adult children (4 boys and 3 girls). She was raped vaginally & anally by her boyfriend of six years. She is in a lot of pain, does not wish her children to know, and is afraid to report the attack to the police because her boyfriend threatened to hurt her if she did. She is confused and does not understand the behavior of her boyfriend stating that he has never done this before. She tells you that the lock to her front door does not work, and she is afraid to return to her home.

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2. Steven, a 24-year old male is new to the community. He is a body builder and recently joined a local gym. At the gym, one of the personal trainers Bob, a 45-year old male, initiated a friendship with Steven. Last night, Steven was invited to Bob's house to help hang pictures. The evening resulted in Bob sexually assaulting Steven. Steven is angry and adamant about not speaking with the police about the incident, stating that he fears they will label him a fag and not offer any assistance. He adds that the only reason he came to the hospital was because of the pain he is experiencing. When asked if he would like someone from rape crisis services to speak with him, he declined at first. After thinking it through, he decided it might be helpful to talk to someone and requested that a female be contacted. He stated that this is the first time he has had sex with a male.

3. Donia and Todd, both 18-year old college students, were attacked by three males and tied up while walking through a park late in the evening. Todd was forced to watch the rape of Donia. Afterward, they were tied back to back in a sitting position, Donia was still nude and the rapists took her clothes. A park ranger discovered them and took them to the hospital. Both Donia & Todd have a strong religious background and state that they feel God did this to "test" them. They recognized the males as students who attend the same college they do. They do not feel it wise to press charges, since God will take care of them for what they did. While Donia is being examined and Todd is in the waiting room, she confides to you that she feels ashamed that Todd saw her nude, and secretly does not understand why God let this happen to her.

4. Kathy is a 28-year old unemployed bartender. She is currently living with her parents because recent surgery on both arms has left her unable to work. Last night, she visited her old place of work with a girlfriend and met three males who invited them to a party. At this point Kathy had had a lot to drink. She volunteered the use of her pick-up for transportation and allowed one of the males to drive while she rode in the back of the open bed. In route to the party Kathy passed out and her friend, who was also in the back of the truck, got out at a light. When Kathy woke, she was in a strange room and discovered her jewelry, money, and credit cards had been stolen, the stereo system in her truck was gone, and she was in a lot of pain from head to toe. In addition, one male who was in the room with her informed her that he and the other two males had their way with her. Kathy is angry that she allowed this to happen, and repeats over and over that she is a big girl and can take care of herself. She informs you that she lifts weights and has never allowed a male to take advantage of her. She feels her friend betrayed her by leaving her alone with the men. She blames her friend for the rape.

5. Jessica and her parents are in the hospital waiting area when you arrive. Jessica is sitting on one side of the room away from her parents. You learn from a SANE that Jessica is 13 years old. She had been allowed to attend a school football game for the first time without her parents being present. Instead of waiting for her father to pick her up at a pre-determined area, she accepted a ride home from an acquaintance of a friend. The driver took her to his home (a male in his early 20s), raped her and told her to leave. Jessica walked several miles to a phone to call her parents. She did not tell them right away why she was so far from the football stadium or that she had been raped. Her parents blame themselves for not protecting their daughter from the assault, which was reinforced by the detective who asked them what they were thinking by allowing a 13 year old out that late at night alone.

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6. Minnie is a 65-year old mildly mentally retarded adult female who has been assaulted. She has lived alone in a small house for the last two years. Minnie and her sister lived together until her sister died two years ago. She has one relative, a cousin, whom she is not particularly close to. The relative, a female police officer, arrives after the exam and expresses concern about her cousin continuing to live alone. Minnie's home has bars on the windows and doors, but she failed to close and lock a small window in the laundry room which the attacker used to enter the house. When the advocate arrives, Minnie is already in the examining room waiting for the doctor. She complains about her ribs hurting. She says she told a nurse, but the nurse did not seem to hear her. She repeats over and over what occurred and says that nothing like this has ever happened before.

7. Allison is a 15-year-old female who was raped at a church camp. The camp is several miles from her hometown. Her parents drove to the camp when they learned of the assault and brought her to their family doctor to be examined. She has not spoken to the police, and does not want to speak to an advocate. She clings to her mother the whole time and hides her face against her shoulder. Her parents appear to be upset, but very supportive of their daughter. She refuses to be examined.

ROLE-PLAY EXERCISES (HOTLINE)

1. Nadia explained that she was raped two years ago by her preacher. She stated she did not feel it was rape at the time since she did not think ministers would do something like that. She said she felt it was her fault that the incident occurred and excused the minister for his behavior thinking he was unable to help himself. After the rape she continued to attend the church, the only one of its denomination in the small town where she resides. She explained that she began to have bad dreams after the rape that were similar to the attack. Lately, the dreams changed and she began to think about the sexual abuse that occurred when she was a child. After disclosing the above to a close friend, the friend told her that she had been raped by the preacher, was depressed and should talk to someone.

2. Lydia states that her son, a 25-year-old male, was sexually assaulted as a child, and most recently, one week ago today. She is concerned that he may hurt himself. She explains that he is moody, depressed, and does not want to do anything with friends or family. His life partner has called her daily, frantic about his behavior. Lydia says that she has encouraged her son to report the attack, and to seek help, but he refuses. She wants to know what she can do to help him.

3. Tanya, a shy, quiet, 17-year-old female was sexually assaulted one month ago by her sister's boyfriend. She was afraid to tell her family, for fear they would blame her. Her parents are outraged and feel betrayed by the attacker. Her sister is upset with Tanya and blames her for the assault. She feels her plans to marry her boyfriend have been interrupted by her sister's behavior. In addition, her sister blames Tanya for creating a relationship problem between her parents and boyfriend. The sisters share a room.

4. A man's voice states that he is so horny and that he is afraid he is going to rape someone tonight. He says he has done it before. He informs you that he has been in therapy for this little problem and would normally call his therapist, but has been unable to reach him.

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5. A female who does not wish to identify herself tells you through tears that one of her regular john's just raped her. She says she has known him for several years and he often requests kinky sex, but nothing bizarre. This time, however, he asked her to engage in an act that would be painful (she is hesitant to describe). She refused and he forced her at knife point to do it anyway. As a result, she is injured, bleeding and in pain. After the attack, the john left the usual fee plus a hefty bonus. He told her she had no right to report him since she had been paid well. She is afraid to tell the police or go to the hospital.
6. Sarah, a 24-year-old has been married for three years. For the past year, her husband has been getting more and more physically violent toward her when he wants sex. It starts when he playfully slaps her butt, but the slapping gets harder—he begins to push and punch. Sarah fears for her life, but cannot afford to leave him because she does not have a job.
7. A male caller begins by saying his problem is embarrassing and he does not know if he can tell you what happened. After much silence and hesitation, he proceeds to explain how he was stripped and tied up by an older couple (husband and wife). He says this couple engaged in many bizarre sexual acts while he was forced to watch. He describes in detail the sexual acts, and says he is ashamed to admit that he was aroused by the scene and obtained an erection. Furthermore, he explains how painful the erection became since he was not allowed sexual gratification.

Texas Statutes

As an advocate, you do not have to be an expert on sexual assault law. However, you will want to be familiar in a general way with existing statutes related to sexual assault in Texas. It is helpful to know how to look up a statute or to help survivors figure out how to find a law if they are looking for one.

Your agency may have a notebook containing all the statutes pertaining to sexual assault in Texas. If not, all Texas statutes are available on the state of Texas's Constitution and Statutes website: <http://www.statutes.legis.state.tx.us/>.

You can use a search engine to look up a statute by bill number, subject, author, committee, or keyword at the Texas Legislature Online website, <http://www.capitol.state.tx.us/>. There is an advanced search available for more specific searches.

Below is a selection of some of the most relevant statutes related to sexual assault. Most sexual assault related statutes fall under Chapters 21, 22 and 43 of the Penal Code. All of the statutes quoted below were copied directly from <http://www.statutes.legis.state.tx.us>. This is not a complete list, so if there is something you are looking for and you do not see it here, be sure to check online.

TEXAS CODE OF CRIMINAL PROCEDURES

CHAPTER 7A. PROTECTIVE ORDER FOR VICTIM OF SEXUAL ASSAULT

Art. 7A.01. APPLICATION FOR PROTECTIVE ORDER

(a) A person who is the victim of an offense under Section 21.02, 21.11, 22.011, or 22.021, Penal Code, a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of such an offense, or a prosecuting attorney acting on behalf of the person may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender.

(b) An application for a protective order under this chapter may be filed in a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in:

- (1) the county in which the applicant resides; or
- (2) the county in which the alleged offender resides.

Art. 7A.02. TEMPORARY EX PARTE ORDER

If the court finds from the information contained in an application for a protective order that there is a clear and present danger of a sexual assault or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

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Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER

(a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of a sexual assault and:

- (1) is younger than 18 years of age; or
- (2) regardless of age, is the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender.

(b) If the court finds reasonable grounds to believe that the applicant is the victim of a sexual assault and is younger than 18 years of age, or regardless of age, the subject of a threat that reasonably places the applicant in fear of further harm from the alleged offender, the court shall issue a protective order that includes a statement of the required findings.

Art. 7A.04. APPLICATION OF OTHER LAW

To the extent applicable, except as otherwise provided by this chapter, Title 4, Family Code, applies to a protective order issued under this chapter.

Art. 7A.05. CONDITIONS SPECIFIED BY ORDER

(a) In a protective order issued under this chapter, the court may:

- (1) order the alleged offender to take action as specified by the court that the court determines is necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of the applicant's family or household; or
- (2) prohibit the alleged offender from:
 - (A) communicating directly or indirectly with the applicant or any member of the applicant's family or household in a threatening or harassing manner;
 - (B) going to or near the residence, place of employment or business, or child-care facility or school of the applicant or any member of the applicant's family or household;
 - (C) engaging in conduct directed specifically toward the applicant or any member of the applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; and
 - (D) possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

(b) In an order under Subsection (a)(2)(B), the court shall specifically describe each prohibited location and the minimum distance from the location, if any, that the alleged offender must maintain. This subsection does not apply to an order with respect to which the court has received a request to maintain confidentiality of information revealing the locations.

(c) In a protective order, the court may suspend a license to carry a concealed handgun issued under Section 411.177, Government Code, that is held by the alleged offender.

Art. 7A.06. WARNING ON PROTECTIVE ORDER

(a) Each protective order issued under this chapter, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, capital letters, or underlined:

"A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

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"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

"IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION."

(b) Each protective order issued under this chapter, except for a temporary ex parte order, must contain the following prominently displayed statement in boldfaced type, capital letters, or underlined:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER."

Art. 7A.07. DURATION OF PROTECTIVE ORDER

(a) A protective order issued under Article 7A.03 may be effective for the duration of the lives of the offender and victim as provided by Subsection (b), or for any shorter period stated in the order. If a period is not stated in the order, the order is effective until the second anniversary of the date the order was issued.

(b) A protective order issued under Article 7A.03 may be effective for the duration of the lives of the offender and victim only if the court finds reasonable cause to believe that the victim is the subject of a threat that reasonably places the victim in fear of further harm from the alleged offender.

(c) A victim who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age may file at any time an application with the court to rescind the protective order.

(d) If a person who is the subject of a protective order issued under Article 7A.03 is confined or imprisoned on the date the protective order is due to expire under Subsection (a), the period for which the order is effective is extended, and the order expires on the first anniversary of the date the person is released from confinement or imprisonment.

(e) To the extent of any conflict with Section 85.025, Family Code, this article prevails.

CHAPTER 12 – LIMITATION

Art. 12.01. FELONIES

Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

- (1) no limitation:
 - (A) murder and manslaughter;
 - (B) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or

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- (C) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;
- (2) ten years from the date of the commission of the offense:
 - (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
 - (B) theft by a public servant of government property over which he exercises control in his official capacity;
 - (C) forgery or the uttering, using or passing of forged instruments;
 - (D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
 - (E) sexual assault, except as provided by Subdivision (1) or (5); or
 - (F) arson;
- (3) seven years from the date of the commission of the offense:
 - (A) misapplication of fiduciary property or property of a financial institution;
 - (B) securing execution of document by deception; or
 - (C) a violation under Sections 162.403(22)-(39), Tax Code
- (4) five years from the date of the commission of the offense:
 - (A) theft, burglary, robbery;
 - (B) kidnapping;
 - (C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
 - (D) abandoning or endangering a child; or
 - (E) insurance fraud;
- (5) ten years from the 18th birthday of the victim of the offense:
 - (A) indecency with a child under Section 21.11(a)(1) or (2), Penal Code;
 - (B) except as provided by Subdivision (1), sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code; or
 - (C) injury to a child under Section 22.04, Penal Code; or
- (6) three years from the date of the commission of the offense: all other felonies.

Art. 12.02. MISDEMEANORS

An indictment or information for any misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward.

Chapter 15 – Arrest Under Warranty

Art. 15.051. REQUIRING POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED

- (a) A peace officer or an attorney representing the state may not require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.
- (b) If a peace officer or an attorney representing the state requests a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense listed in Subsection (a), the officer or attorney must inform the complainant that the examination is not required and that a complaint may not be dismissed solely:
 - (1) because a complainant did not take a polygraph examination; or
 - (2) on the basis of the results of a polygraph examination taken by the complainant.

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- (c) A peace officer or an attorney representing the state may not take a polygraph examination of a person who charges or seeks to charge the commission of an offense listed in Subsection (a) unless the officer or attorney provides the information in Subsection (b) to the person and the person signs a statement indicating the person understands the information.
- (d) A complaint may not be dismissed solely:
 - (1) because a complainant did not take a polygraph examination; or
 - (2) on the basis of the results of a polygraph examination taken by the complainant.

Chapter 17 – Bail

Art. 17.292. MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

- (a) At a defendant's appearance before a magistrate after arrest for an offense involving family violence or an offense under Section 22.011, 22.021, or 42.072, Penal Code, the magistrate may issue an order for emergency protection on the magistrate's own motion or on the request of:
 - (1) the victim of the offense;
 - (2) the guardian of the victim;
 - (3) a peace officer; or
 - (4) the attorney representing the state.
- (b) At a defendant's appearance before a magistrate after arrest for an offense involving family violence, the magistrate shall issue an order for emergency protection if the arrest is for an offense that also involves:
 - (1) serious bodily injury to the victim; or
 - (2) the use or exhibition of a deadly weapon during the commission of an assault.
- (c) The magistrate in the order for emergency protection may prohibit the arrested party from:
 - (1) committing:
 - (A) family violence or an assault on the person protected under the order; or
 - (B) an act in furtherance of an offense under Section 42.072, Penal Code;
 - (2) communicating:
 - (A) directly with a member of the family or household or with the person protected under the order in a threatening or harassing manner; or
 - (B) a threat through any person to a member of the family or household or to the person protected under the order;
 - (3) going to or near:
 - (A) the residence, place of employment, or business of a member of the family or household or of the person protected under the order; or
 - (B) the residence, child care facility, or school where a child protected under the order resides or attends; or
 - (4) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.
- (d) The victim of the offense need not be present in court when the order for emergency protection is issued.
- (e) In the order for emergency protection the magistrate shall specifically describe the prohibited locations and the minimum distances, if any, that the party must maintain, unless the magistrate determines for the safety of the person or persons protected by the order that specific descriptions of the locations should be omitted.

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(f) To the extent that a condition imposed by an order for emergency protection issued under this article conflicts with an existing court order granting possession of or access to a child, the condition imposed under this article prevails for the duration of the order for emergency protection.

(f-1) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 85, Subtitle B, Title 4, Family Code, or under Title 1 or Title 5, Family Code, the condition imposed by the order issued under the Family Code prevails.

(f-2) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 83, Subtitle B, Title 4, Family Code, the condition imposed by the order issued under this article prevails unless the court issuing the order under Chapter 83, Family Code:

- (1) is informed of the existence of the order issued under this article; and
- (2) makes a finding in the order issued under Chapter 83, Family Code, that the court is superseding the order issued under this article.

(g) An order for emergency protection issued under this article must contain the following statements printed in bold-face type or in capital letters:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE OR A STALKING OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

(h) The magistrate issuing an order for emergency protection under this article shall send a copy of the order to the chief of police in the municipality where the member of the family or household or individual protected by the order resides, if the person resides in a municipality, or to the sheriff of the county where the person resides, if the person does not reside in a municipality. If the victim of the offense is not present when the order is issued, the magistrate issuing the order shall order an appropriate peace officer to make a good faith effort to notify, within 24 hours, the victim that the order has been issued by calling the victim's residence and place of employment. The clerk of the court shall send a copy of the order to the victim.

(i) If an order for emergency protection issued under this article prohibits a person from going to or near a child care facility or school, the magistrate shall send a copy of the order to the child care facility or school.

(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order in open court. An order for emergency protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 61st day but not less than 31 days after the date of issuance. An order for emergency protection issued under Subsection (b)(2) of this article remains in effect up to the 91st day but not less than 61 days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part of an order issued under this article if the court finds that:

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- (1) the order as originally issued is unworkable;
- (2) the modification will not place the victim of the offense at greater risk than did the original order; and
- (3) the modification will not in any way endanger a person protected under the order.

(k) To ensure that an officer responding to a call is aware of the existence and terms of an order for emergency protection issued under this article, each municipal police department and sheriff shall establish a procedure within the department or office to provide adequate information or access to information for peace officers of the names of persons protected by an order for emergency protection issued under this article and of persons to whom the order is directed. The police department or sheriff may enter an order for emergency protection issued under this article in the department's or office's record of outstanding warrants as notice that the order has been issued and is in effect.

(l) In the order for emergency protection, the magistrate may suspend a license to carry a concealed handgun issued under Section 411.177, Government Code, that is held by the defendant.

(m) In this article:

- (1) "Family," "family violence," and "household" have the meanings assigned by Chapter 71, Family Code.
- (2) "Firearm" has the meaning assigned by Chapter 46, Penal Code.

(n) On motion, notice, and hearing, or on agreement of the parties, an order for emergency protection issued under this article may be transferred to the court assuming jurisdiction over the criminal act giving rise to the issuance of the emergency order for protection. On transfer, the criminal court may modify all or part of an order issued under this subsection in the same manner and under the same standards as the issuing court under Subsection (j).

Chapter 21 – Indictment and Information

Art. 21.31. TESTING FOR AIDS AND CERTAIN OTHER DISEASES

(a) A person who is indicted for or who waives indictment for an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code, shall, at the direction of the court, undergo a medical procedure or test designed to show or help show whether the person has a sexually transmitted disease or has acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS. The court may direct the person to undergo the procedure or test on its own motion or on the request of the victim of the alleged offense. If the person refuses to submit voluntarily to the procedure or test, the court shall require the person to submit to the procedure or test. The court may require a defendant previously required under this article to undergo a medical procedure or test on indictment for an offense to undergo a subsequent medical procedure or test following conviction of the offense. The person performing the procedure or test shall make the test results available to the local health authority, and the local health authority shall be required to make the notification of the test result to the victim of the alleged offense and to the defendant.

(b) The court shall order a person who is charged with an offense under Section 22.11, Penal Code, to undergo in the manner provided by Subsection (a) a medical procedure or test designed to show or help show whether the person has HIV, hepatitis A, hepatitis B, tuberculosis, or any other disease designated as a reportable disease under Section 81.048, Health and Safety Code. The person charged with the offense shall pay the costs of testing under this subsection.

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(c) The state may not use the fact that a medical procedure or test was performed on a person under Subsection (a) or use the results of a procedure or test conducted under Subsection (a) in any criminal proceeding arising out of the alleged offense.

(d) Testing under this article shall be conducted in accordance with written infectious disease control protocols adopted by the Texas Board of Health that clearly establish procedural guidelines that provide criteria for testing and that respect the rights of the person accused and any victim of the alleged offense.

(e) This article does not permit a court to release a test result to anyone other than those authorized by law, and the provisions of Section 81.103(d), Health and Safety Code, may not be construed to allow that disclosure.

Chapter 56 – Rights of Crime Victims

Art. 56.01. DEFINITIONS

In this chapter:

(1) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.

(2) "Guardian of a victim" means a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.

(3) "Victim" means a person who is the victim of sexual assault, kidnapping, or aggravated robbery or who has suffered personal injury or death as a result of the criminal conduct of another.

Art. 56.02. CRIME VICTIMS' RIGHTS

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and

(B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;

(4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a pre-sentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

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- (7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
- (8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
- (9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
- (10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
- (11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;
- (12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;
- (13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:
 - (A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and
 - (B) by the Board of Pardons and Paroles before an inmate is released on parole;and
- (14) except as provided by Article 56.06(a), for a victim of a sexual assault, the right to a forensic medical examination if the sexual assault is reported to a law enforcement agency within 96 hours of the assault.

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

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Art. 56.03. VICTIM IMPACT STATEMENT

(a) The Texas Crime Victim Clearinghouse, with the participation of the Texas Adult Probation Commission and the Board of Pardons and Paroles, shall develop a form to be used by law enforcement agencies, prosecutors, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or a close relative of a deceased victim and to provide the agencies, prosecutors, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense. The Texas Crime Victim Clearinghouse, with the participation of the Texas Adult Probation Commission and the Board of Pardons and Paroles, shall also develop a victims' information booklet that provides a general explanation of the criminal justice system to victims of an offense, guardians of victims, and relatives of deceased victims.

(b) The victim impact statement must be in a form designed to inform a victim, guardian of a victim, or a close relative of a deceased victim with a clear statement of rights provided by Article 56.02 of this code and to collect the following information:

- (1) the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim;
- (2) the address and telephone number of the victim, guardian, or relative through which the victim, guardian of a victim, or a close relative of a deceased victim, may be contacted;
- (3) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;
- (4) a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, relative, or by a physician or counselor;
- (5) a statement of any psychological services requested as a result of the offense;
- (6) a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;
- (7) a statement as to whether or not the victim, guardian, or relative wishes to be notified in the future of any parole hearing for the defendant and an explanation as to the procedures by which the victim, guardian, or relative may obtain information concerning the release of the defendant from the Texas Department of Corrections; and
- (8) any other information, other than facts related to the commission of the offense, related to the impact of the offense on the victim, guardian, or relative.

(c) The victim assistance coordinator, designated in Article 56.04(a) of this code, shall send to a victim, guardian of a victim, or close relative of a deceased victim a victim impact statement, a victims' information booklet, and an application for compensation under Subchapter B, Chapter 56, along with an offer to assist in completing those forms on request. The victim assistance coordinator, on request, shall explain the possible use and consideration of the victim impact statement at sentencing and future parole hearing of the offender.

(d) If a victim, guardian of a victim, or close relative of a deceased victim states on the victim impact statement that he wishes to be notified of parole proceedings, the victim, guardian, or relative is responsible for notifying the Board of Pardons and Paroles of any change of address.

(e) Prior to the imposition of a sentence by the court in a criminal case, the court, if it has received a victim impact statement, shall consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or his counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. If the court sentences the defendant to a term of community supervision, the court shall forward any victim's impact statement received in the case to the community supervision and corrections department supervising the defendant, along with the papers in the case.

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(f) The court may not inspect a victim impact statement until after a finding of guilt or until deferred adjudication is ordered and the contents of the statement may not be disclosed to any person unless:

- (1) the defendant pleads guilty or nolo contendere or is convicted of the offense; or
- (2) the defendant in writing authorizes the court to inspect the statement.

(g) A victim impact statement is subject to discovery under Article 39.14 of this code before the testimony of the victim is taken only if the court determines that the statement contains exculpatory material.

(h) Not later than December 1 of each odd-numbered year, the Texas Crime Victim Clearinghouse, with the participation of the Texas Adult Probation Commission and the Board of Pardons and Paroles, shall update the victim impact statement form and any other information provided by the commission to victims, guardians of victims, and relatives of deceased victims, if necessary, to reflect changes in law relating to criminal justice and the rights of victims and guardians and relatives of victims.

(i) In addition to the information described by Subsections (b)(1)-(8), the victim impact statement must be in a form designed to collect information on whether, if the victim is a child, there is an existing court order granting to the defendant possession of or access to the victim. If information collected under this subsection indicates the defendant is granted access or possession under court order and the defendant is subsequently confined by the Texas Department of Criminal Justice as a result of the commission of the offense, the victim services office of the department shall contact the court issuing the order before the defendant is released from the department on parole or mandatory supervision.

Art. 56.04. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON

(a) The district attorney, criminal district attorney, or county attorney who prosecutes criminal cases shall designate a person to serve as victim assistance coordinator in that jurisdiction.

(b) The duty of the victim assistance coordinator is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians, and relatives by Article 56.02 of this code. The victim assistance coordinator shall work closely with appropriate law enforcement agencies, prosecuting attorneys, the Board of Pardons and Paroles, and the judiciary in carrying out that duty.

(c) Each local law enforcement agency shall designate one person to serve as the agency's crime victim liaison. Each agency shall consult with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the crime victim liaison can perform the duties imposed on the crime victim liaison under this article.

(d) The duty of the crime victim liaison is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians, or close relatives of deceased victims by Subdivisions (4), (6), and (9) of Article 56.02(a) of this code.

(e) The victim assistance coordinator shall send a copy of a victim impact statement to the court sentencing the defendant. If the court sentences the defendant to imprisonment in the Texas Department of Corrections, it shall attach the copy of the victim impact statement to the commitment papers.

(f) The commissioners court may approve a program in which the crime victim liaison or victim assistance coordinator may offer not more than 10 hours of posttrial psychological counseling for a person who serves as a juror or an alternate juror in the trial of an offense under Section 19.02, 19.03,

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21.11, 22.011, 22.021, 43.05, 43.25, or 43.251, Penal Code, involving graphic evidence or testimony and who requests the posttrial psychological counseling not later than the 180th day after the date on which the jury in the trial is dismissed. The crime victim liaison or victim assistance coordinator may provide the counseling using a provider that assists local criminal justice agencies in providing similar services to victims.

Art. 56.045. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION.

(a) Before conducting a forensic medical examination of a person who consents to such an examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the person the opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, who has completed a sexual assault training program described by Section 420.011(b), Government Code, present with the person during the examination, if the advocate is available at the time of the examination.

(b) The advocate may only provide the injured person with:

- (1) counseling and other support services; and
- (2) information regarding the rights of crime victims under Article 56.02.

(c) Notwithstanding Subsection (a), the advocate and the sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

(d) The sexual assault program providing the advocate shall pay all costs associated with providing the advocate.

(e) Any individual or entity, including a health care facility, that provides an advocate with access to a person consenting to an examination under Subsection (a) is not subject to civil or criminal liability for providing that access. In this subsection, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.

(f) If a person alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution, as defined by Section 1.07, Penal Code, at the time of the alleged assault, the penal institution shall provide, at the person's request, a representative to be present with the person at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative may only provide the injured person with counseling and other support services and with information regarding the rights of crime victims under Article 56.02 and may not delay or otherwise impede the screening or stabilization of an emergency medical condition. The representative must be approved by the penal institution and must be a:

- (1) psychologist;
- (2) sociologist;
- (3) chaplain;
- (4) social worker;
- (5) case manager; or
- (6) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.

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Art. 56.06. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM; COSTS

(a) If a sexual assault is reported to a law enforcement agency within 96 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault.

(b) If a sexual assault is not reported within the period described by Subsection (a), on receiving the consent described by that subsection the law enforcement agency may request a medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(c) A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

(d) A law enforcement agency or prosecuting attorney's office may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the medical examination or manner in which it was performed.

(e) This article does not require a law enforcement agency to pay any costs of treatment for injuries.

Art. 56.07. NOTIFICATION.

(a) At the initial contact or at the earliest possible time after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall provide the victim a written notice containing:

- (1) information about the availability of emergency and medical services, if applicable;
- (2) notice that the victim has the right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information about:
 - (A) the costs that may be compensated under that Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that Act;
 - (B) the payment for a medical examination for a victim of a sexual assault under Article 56.06 of this code; and
 - (C) referral to available social service agencies that may offer additional assistance;
- (3) the name, address, and phone number of the law enforcement agency's victim assistance liaison;
- (4) the address, phone number, and name of the crime victim assistance coordinator of the office of the attorney representing the state;
- (5) the following statement: "You may call the law enforcement agency's telephone number for the status of the case and information about victims' rights"; and
- (6) the rights of crime victims under Article 56.02 of this code.

(b) At the same time a law enforcement agency provides notice under Subsection (a), the agency shall provide, if the agency possesses the relevant information, a referral to a sexual assault program as defined by Section 420.003, Government Code, and a written description of the services provided by

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that program. A sexual assault program may provide a written description of its services to a law enforcement agency.

Art. 56.08. NOTIFICATION OF RIGHTS BY ATTORNEY REPRESENTING THE STATE

(a) Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the offense a written notice containing:

- (1) a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal;
- (2) notification of the rights and procedures under this chapter;
- (3) suggested steps the victim may take if the victim is subjected to threats or intimidation;
- (4) notification of the right to receive information regarding compensation to victims of crime as provided by Subchapter B of this chapter, including information about:
 - (A) the costs that may be compensated under Subchapter B of this chapter, eligibility for compensation, and procedures for application for compensation under Subchapter B of this chapter;
 - (B) the payment for a medical examination for a victim of a sexual assault under Article 56.06 of this code; and
 - (C) referral to available social service agencies that may offer additional assistance;
- (5) the name, address, and phone number of the local victim assistance coordinator;
- (6) the case number and assigned court for the case;
- (7) the right to file a victim impact statement with the office of the attorney representing the state and the pardons and paroles division of the Texas Department of Criminal Justice; and
- (8) notification of the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 508.117, Government Code, to appear in person before a member of the Board of Pardons and Paroles as provided by Section 508.153, Government Code.

(b) If requested by the victim, the attorney representing the state, as far as reasonably practical, shall give to the victim notice of any scheduled court proceedings, changes in that schedule, the filing of a request for continuance of a trial setting, and any plea agreements to be presented to the court.

(c) A victim who receives a notice under Subsection (a) of this article and who chooses to receive other notice under law about the same case must keep the following persons informed of the victim's current address and phone number:

- (1) the attorney representing the state; and
- (2) the pardons and paroles division of the Texas Department of Criminal Justice if after sentencing the defendant is confined in the institutional division.

(d) An attorney representing the state who receives information concerning a victim's current address and phone number shall immediately provide that information to the community supervision and corrections department supervising the defendant, if the defendant is placed on community supervision.

(e) The brief general statement describing the plea bargaining stage in a criminal trial required by Subsection (a)(1) shall include a statement that:

- (1) the victim impact statement provided by the victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into the plea bargain agreement; and
- (2) the judge before accepting the plea bargain is required under Section 26.13(e) to ask:
 - (A) whether a victim impact statement has been returned to the attorney; and
 - (B) if a statement has been returned, for a copy of the statement.

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Chapter 56, Subchapter C – Address Confidentiality Program for Victims of Family Violence, Sexual Assault, or Stalking

Art. 56.81. DEFINITIONS. In this subchapter:

- (1) "Applicant" means a person who applies to participate in the program.
- (2) "Family violence" has the meaning assigned by Section 71.004, Family Code.
- (3) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.
- (4) "Mail" means first class mail and any mail sent by a government agency. The term does not include a package, regardless of size or type of mailing.
- (5) "Participant" means an applicant who is certified for participation in the program.
- (6) "Program" means the address confidentiality program created under this subchapter.

Art. 56.82. ADDRESS CONFIDENTIALITY PROGRAM

- (a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in maintaining a confidential address.
- (b) The attorney general shall:
 - (1) designate a substitute post office box address that a participant may use in place of the participant's true residential, business, or school address;
 - (2) act as agent to receive service of process and mail on behalf of the participant; and
 - (3) forward to the participant mail received by the office of the attorney general on behalf of the participant.
- (c) A summons, writ, notice, demand, or process may be served on the attorney general on behalf of the participant by delivery of two copies of the document to the office of the attorney general. The attorney general shall retain a copy of the summons, writ, notice, demand, or process and forward the original to the participant not later than the third day after the date of service on the attorney general.
- (d) The attorney general shall make and retain a copy of the envelope in which certified mail is received on behalf of the participant.

Art. 56.83. ELIGIBILITY TO PARTICIPATE IN PROGRAM

- (a) To be eligible to participate in the program, an applicant must:
 - (1) meet with a victim's assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit that is identified by the attorney general as an entity that provides counseling and shelter services to victims of family violence;
 - (2) file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);
 - (3) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and
 - (4) live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code.
- (b) An application under Subsection (a)(2) must contain:

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- (1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code;
 - (2) the applicant's true residential address and, if applicable, the applicant's business and school addresses; and
 - (3) a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant and, if so, the name and address of:
 - (A) the legal counsel of record; and
 - (B) each parent involved in the court order or pending case.
- (c) An application under Subsection (a)(2) must be completed by the applicant in person at the state or local agency or other entity with which the application is filed. An applicant who knowingly or intentionally makes a false statement in an application under Subsection (a)(2) is subject to prosecution under Chapter 37, Penal Code.
- (d) A state or local agency or other entity with which an application is filed under Subsection (a)(2) shall forward the application to the office of the attorney general.
- (e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 56.82(a). The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in the form of:
- (1) an active or recently issued protective order;
 - (2) an incident report or other record maintained by a law enforcement agency or official;
 - (3) a statement of a physician or other health care provider regarding the applicant's medical condition as a result of the family violence or offense; or
 - (4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant in addressing the effects of the family violence or offense.
- (f) Any assistance or counseling provided by the attorney general or an employee or agent of the attorney general to an applicant does not constitute legal advice.

Art. 56.84. CERTIFICATION; EXPIRATION

- (a) The attorney general shall certify for participation in the program an applicant who satisfies the eligibility requirements under Article 56.83.
- (b) A certification under this article expires on the third anniversary of the date of certification.

Art. 56.85. RENEWAL

To renew a certification under Article 56.84, a participant must satisfy the eligibility requirements under Article 56.83 as if the participant were originally applying for participation in the program.

Art. 56.86. INELIGIBILITY AND CANCELLATION

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- (a) An applicant is ineligible for, and a participant may be excluded from, participation in the program if the applicant or participant knowingly makes a false statement on an application filed under Article 56.83(a)(2).
- (b) A participant may be excluded from participation in the program if:
 - (1) mail forwarded to the participant by the attorney general is returned undeliverable on at least four occasions;
 - (2) the participant changes the participant's true residential address as provided in the application filed under Article 56.83(a)(2) and does not notify the attorney general of the change at least 10 days before the date of the change; or
 - (3) the participant changes the participant's name.

Art. 56.87. WITHDRAWAL

A participant may withdraw from the program by notifying the attorney general in writing of the withdrawal.

Added by Acts 2007, 80th Leg., R.S., Ch. 1295, Sec. 1, eff. June 15, 2007.

Art. 56.88. CONFIDENTIALITY; DESTRUCTION OF INFORMATION

- (a) Information relating to a participant:
 - (1) is confidential, except as provided by Article 56.90; and
 - (2) may not be disclosed under Chapter 552, Government Code.
- (b) Except as provided by Article 56.82(d), the attorney general may not make a copy of any mail received by the office of the attorney general on behalf of the participant.
- (c) The attorney general shall destroy all information relating to a participant on the third anniversary of the date participation in the program ends.

Art. 56.89. ACCEPTANCE OF SUBSTITUTE ADDRESS; EXEMPTIONS

- (a) Except as provided by Subsection (b), a state or local agency must accept the substitute post office box address designated by the attorney general if the substitute address is presented to the agency by a participant in place of the participant's true residential, business, or school address.
- (b) The attorney general by rule may permit an agency to require a participant to provide the participant's true residential, business, or school address, if necessary for the agency to perform a duty or function that is imposed by law or administrative requirement.

Art. 56.90. EXCEPTIONS

- (a) The attorney general:
 - (1) shall disclose a participant's true residential, business, or school address if:
 - (A) requested by:
 - (i) a law enforcement agency;
 - (ii) the Department of Family and Protective Services for the purpose of conducting a child protective services investigation under Chapter 261, Family Code; or

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- (iii) the Department of State Health Services or a local health authority for the purpose of making a notification described by Article 21.31, Section 54.033, Family Code, or Section 81.051, Health and Safety Code; or
- (B) required by court order; and
- (2) may disclose a participant's true residential, business, or school address if:
 - (A) the participant consents to the disclosure; and
 - (B) the disclosure is necessary to administer the program.

(b) A person to whom a participant's true residential, business, or school address is disclosed under this section shall maintain the requested information in a manner that protects the confidentiality of the participant's true residential, business, or school address.

Art. 56.91. LIABILITY

- (a) The attorney general or an agent or employee of the attorney general is immune from liability for any act or omission by the agent or employee in administering the program if the agent or employee was acting in good faith and in the course and scope of assigned responsibilities and duties.
- (b) An agent or employee of the attorney general who does not act in good faith and in the course and scope of assigned responsibilities and duties in disclosing a participant's true residential, business, or school address is subject to prosecution under Chapter 39, Penal Code.

Art. 56.92 PROGRAM INFORMATION AND APPLICATION MATERIALS

The attorney general shall make program information and application materials available online.

Art. 56.93. RULES

The attorney general shall adopt rules to administer the program.

Chapter 57 – Confidentiality of Identifying Information of Sex Offense Victims

Art. 57.01. DEFINITIONS. In this chapter:

- (1) "Name" means the legal name of a person.
- (2) "Pseudonym" means a set of initials or a fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings.
- (3) "Public servant" has the meaning assigned by Subsection (a), Section 1.07, Penal Code.
- (4) "Victim" means a person who was the subject of:
 - (A) an offense the commission of which leads to a reportable conviction or adjudication under Chapter 62; or
 - (B) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Paragraph (A).

Art. 57.02. CONFIDENTIALITY OF FILES AND RECORDS

- (a) The Sexual Assault Prevention and Crisis Services Program of the office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.
- (b) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this article must complete a

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pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.

(c) A victim who completes and returns a pseudonym form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

(d) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court of competent jurisdiction. The court finding required by Subsection (g) of this article is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(e) If a victim completes and returns a pseudonym form to a law enforcement agency under this article, the law enforcement agency receiving the form shall:

- (1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;
- (2) notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and
- (3) maintain the form in a manner that protects the confidentiality of the information contained on the form.

(f) An attorney for the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

(g) A court of competent jurisdiction may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

(h) Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This subsection does not apply to the release or disclosure of a victim's identifying information by:

- (1) the victim; or
- (2) the victim's parent, conservator, or guardian, unless the parent, conservator, or guardian is a defendant in the case.

Art. 57.03. OFFENSE

(a) A public servant with access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this chapter commits an offense if the public servant knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or the person specified in the order of a court of competent jurisdiction.

(b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:

- (1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and

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(2) knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order of a court of competent jurisdiction.

- (c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:
- (1) the victim; or
 - (2) the victim's parent, conservator, or guardian, unless the actor is a defendant in the case.

Texas Penal Code

Chapter 21 – Sexual Offenses

Sec. 21.01. DEFINITIONS.

In this chapter:

- (1) "Deviate sexual intercourse" means:
 - (A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
 - (B) the penetration of the genitals or the anus of another person with an object.
- (2) "Sexual contact" means, except as provided by Section 21.11, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (3) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (4) "Spouse" means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR CHILDREN.

- (a) In this section, "child" has the meaning assigned by Section 22.011(c).
- (b) A person commits an offense if:
 - (1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
 - (2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.
- (c) For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:
 - (1) aggravated kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;
 - (2) indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;
 - (3) sexual assault under Section 22.011;
 - (4) aggravated sexual assault under Section 22.021;
 - (5) burglary under Section 30.02, if the offense is punishable under Subsection (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4); and
 - (6) sexual performance by a child under Section 43.25.
- (d) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse.

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- (e) A defendant may not be convicted in the same criminal action of an offense listed under Subsection (c) the victim of which is the same victim as a victim of the offense alleged under Subsection (b) unless the offense listed in Subsection (c):
 - (1) is charged in the alternative;
 - (2) occurred outside the period in which the offense alleged under Subsection (b) was committed; or
 - (3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (b).
- (f) A defendant may not be charged with more than one count under Subsection (b) if all of the specific acts of sexual abuse that are alleged to have been committed are alleged to have been committed against a single victim.
- (g) It is an affirmative defense to prosecution under this section that the actor:
 - (1) was not more than five years older than:
 - (A) the victim of the offense, if the offense is alleged to have been committed against only one victim; or
 - (B) the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;
 - (2) did not use duress, force, or a threat against a victim at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense; and
 - (3) at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense:
 - (A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
 - (B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or an act of sexual abuse as described by Subsection (c).
- (h) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

Section 21.06 was declared unconstitutional by *Lawrence v. Texas*, 123 S.Ct. 2472.

Sec. 21.06. HOMOSEXUAL CONDUCT.

- (a) A person commits an offense if he engages in deviate sexual intercourse with another individual of the same sex.
- (b) An offense under this section is a Class C misdemeanor.

Sec. 21.07. PUBLIC LEWDNESS.

- (a) A person commits an offense if he knowingly engages in any of the following acts in a public place or, if not in a public place, he is reckless about whether another is present who will be offended or alarmed by his:
 - (1) act of sexual intercourse;
 - (2) act of deviate sexual intercourse;
 - (3) act of sexual contact; or
 - (4) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 21.08. INDECENT EXPOSURE.

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(a) A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended or alarmed by his act.

(b) An offense under this section is a Class B misdemeanor.

Sec. 21.11. INDECENCY WITH A CHILD.

(a) A person commits an offense if, with a child younger than 17 years and not the person's spouse, whether the child is of the same or opposite sex, the person:

- (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or
- (2) with intent to arouse or gratify the sexual desire of any person:
 - (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or
 - (B) causes the child to expose the child's anus or any part of the child's genitals.

(b) It is an affirmative defense to prosecution under this section that the actor:

- (1) was not more than three years older than the victim and of the opposite sex;
- (2) did not use duress, force, or a threat against the victim at the time of the offense; and
- (3) at the time of the offense:
 - (A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or
 - (B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.

(c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

- (1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or
- (2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

(d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT.

(a) An employee of a public or private primary or secondary school commits an offense if the employee engages in:

- (1) sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works and who is not the employee's spouse; or
- (2) conduct described by Section 33.021, with a person described by Subdivision (1), regardless of the age of that person.

(b) An offense under this section is a felony of the second degree.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

(d) The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Subsection (a) may not be released to the public and is not public information under Chapter 552, Government Code.

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Sec. 21.15. IMPROPER PHOTOGRAPHY OR VISUAL RECORDING.

- (a) In this section, "promote" has the meaning assigned by Section 43.21.
- (b) A person commits an offense if the person:
- (1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is not a bathroom or private dressing room:
 - (A) without the other person's consent; and
 - (B) with intent to arouse or gratify the sexual desire of any person;
 - (2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is a bathroom or private dressing room:
 - (A) without the other person's consent; and
 - (B) with intent to:
 - (i) invade the privacy of the other person; or
 - (ii) arouse or gratify the sexual desire of any person; or
 - (3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described by Subdivision (1) or (2).
- (c) An offense under this section is a state jail felony.
- (d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.
- (e) For purposes of Subsection (b)(2), a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's consent under that subdivision.

Chapter 25 – Offenses Against the Family

Sec. 25.02. PROHIBITED SEXUAL CONDUCT.

- (a) A person commits an offense if the person engages in sexual intercourse or deviate sexual intercourse with another person the actor knows to be, without regard to legitimacy:
- (1) the actor's ancestor or descendant by blood or adoption;
 - (2) the actor's current or former stepchild or stepparent;
 - (3) the actor's parent's brother or sister of the whole or half blood;
 - (4) the actor's brother or sister of the whole or half blood or by adoption;
 - (5) the children of the actor's brother or sister of the whole or half blood or by adoption; or
 - (6) the son or daughter of the actor's aunt or uncle of the whole or half blood or by adoption.
- (b) For purposes of this section:
- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person with intent to arouse or gratify the sexual desire of any person.
 - (2) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.
- (c) An offense under this section is a felony of the third degree, unless the offense is committed under Subsection (a)(6), in which event the offense is a felony of the second degree.

Sec. 25.07. VIOLATION OF PROTECTIVE ORDER OR MAGISTRATE'S ORDER.

Text of subsection as amended by Acts 2007, 80th Leg., R.S., Ch. 66, Sec. 2

- (a) A person commits an offense if, in violation of an order issued under Section 6.504 or Chapter 85, Family Code, under Article 17.292, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

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- (1) commits family violence or an act in furtherance of an offense under Section 22.011, 22.021, or 42.072;
 - (2) communicates:
 - (A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;
 - (B) a threat through any person to a protected individual or a member of the family or household; or
 - (C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the order prohibits any communication with a protected individual or a member of the family or household;
 - (3) goes to or near any of the following places as specifically described in the order:
 - (A) the residence or place of employment or business of a protected individual or a member of the family or household; or
 - (B) any child care facility, residence, or school where a child protected by the order normally resides or attends; or
 - (4) possesses a firearm.
- (b) For the purposes of this section:
- (1) "Family violence," " family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.
 - (2) "Firearm" has the meaning assigned by Chapter 46.
- (c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.
- (d) Reconciliatory actions or agreements made by persons affected by an order do not affect the validity of the order or the duty of a peace officer to enforce this section.
- (e) A peace officer investigating conduct that may constitute an offense under this section for a violation of an order may not arrest a person protected by that order for a violation of that order.
- (f) It is not a defense to prosecution under this section that certain information has been excluded, as provided by Section 85.007, Family Code, or Article 17.292, Code of Criminal Procedure, from an order to which this section applies.

Text of subsection effective until approval by the voters of H.J.R. 6, 80th Leg., R.S.

- (g) An offense under this section is a Class A misdemeanor unless it is shown on the trial of the offense that the defendant has previously been convicted under this section two or more times or has violated the protective order by committing an assault or the offense of stalking, in which event the offense is a third degree felony.

Chapter 38 – Obstructing Governmental Operation

Sec. 38.01. DEFINITIONS. In this chapter:

- (1) "Custody" means:
 - (A) under arrest by a peace officer or under restraint by a public servant pursuant to an order of a court of this state or another state of the United States; or
 - (B) under restraint by an agent or employee of a facility that is operated by or under contract with the United States and that confines persons arrested for, charged with, or convicted of criminal offenses.

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- (2) "Escape" means unauthorized departure from custody or failure to return to custody following temporary leave for a specific purpose or limited period or leave that is part of an intermittent sentence, but does not include a violation of conditions of community supervision or parole other than conditions that impose a period of confinement in a secure correctional facility.
- (3) "Economic benefit" means anything reasonably regarded as an economic gain or advantage, including accepting or offering to accept employment for a fee, accepting or offering to accept a fee, entering into a fee contract, or accepting or agreeing to accept money or anything of value.
- (4) "Finance" means to provide funds or capital or to furnish with necessary funds.
- (5) "Fugitive from justice" means a person for whom a valid arrest warrant has been issued.
- (6) "Governmental function" includes any activity that a public servant is lawfully authorized to undertake on behalf of government.
- (7) "Invest funds" means to commit money to earn a financial return.
- (8) "Member of the family" means anyone related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code.
- (9) "Qualified nonprofit organization" means a nonprofit organization that meets the following conditions:
- (A) the primary purposes of the organization do not include the rendition of legal services or education regarding legal services;
 - (B) the recommending, furnishing, paying for, or educating persons regarding legal services is incidental and reasonably related to the primary purposes of the organization;
 - (C) the organization does not derive a financial benefit from the rendition of legal services by a lawyer; and
 - (D) the person for whom the legal services are rendered, and not the organization, is recognized as the client of a lawyer.
- (10) "Public media" means a telephone directory or legal directory, newspaper or other periodical, billboard or other sign, radio or television broadcast, recorded message the public may access by dialing a telephone number, or a written communication not prohibited by Section 38.12(d).
- (11) "Solicit employment" means to communicate in person or by telephone with a prospective client or a member of the prospective client's family concerning professional employment within the scope of a professional's license, registration, or certification arising out of a particular occurrence or event, or series of occurrences or events, or concerning an existing problem of the prospective client within the scope of the professional's license, registration, or certification, for the purpose of providing professional services to the prospective client, when neither the person receiving the communication nor anyone acting on that person's behalf has requested the communication. The term does not include a communication initiated by a family member of the person receiving a communication, a communication by a professional who has a prior or existing professional-client relationship with the person receiving the communication, or communication by an attorney for a qualified nonprofit organization with the organization's members for the purpose of educating the organization's members to understand the law, to recognize legal problems, to make intelligent selection of legal counsel, or to use available legal services. The term does not include an advertisement by a professional through public media.
- (12) "Professional" means an attorney, chiropractor, physician, surgeon, private investigator, or any other person licensed, certified, or registered by a state agency that regulates a health care profession.

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Sec. 38.17. FAILURE TO STOP OR REPORT AGGRAVATED SEXUAL ASSAULT OF CHILD.

(a) A person, other than a person who has a relationship with a child described by Section 22.04(b), commits an offense if:

- (1) the actor observes the commission or attempted commission of an offense prohibited by Section 21.02 or 22.021(a)(2)(B) under circumstances in which a reasonable person would believe that an offense of a sexual or assaultive nature was being committed or was about to be committed against the child;
- (2) the actor fails to assist the child or immediately report the commission of the offense to a peace officer or law enforcement agency; and
- (3) the actor could assist the child or immediately report the commission of the offense without placing the actor in danger of suffering serious bodily injury or death.

(b) An offense under this section is a Class A misdemeanor.

Chapter 39 – Abuse of Office

Sec. 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY.

(a) An official of a correctional facility, an employee of a correctional facility, a person other than an employee who works for compensation at a correctional facility, a volunteer at a correctional facility, or a peace officer commits an offense if the person intentionally:

- (1) denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful; or
- (2) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual in custody or, in the case of an individual in the custody of the Texas Youth Commission, employs, authorizes, or induces the individual to engage in sexual conduct or a sexual performance.

Text of subsection as amended by Acts 2007, 80th Leg., R.S., Ch. 263, Sec. 62

(b) An offense under Subsection (a)(1) is a Class A misdemeanor. An offense under Subsection (a)(2) is a state jail felony, except that an offense under Subsection (a)(2) is a felony of the second degree if the individual is in the custody of the Texas Youth Commission.

Text of subsection as amended by Acts 2007, 80th Leg., R.S., Ch. 378, Sec. 3

(b) An offense under Subsection (a)(1) is a Class A misdemeanor. An offense under Subsection (a)(2) is a state jail felony, except that the offense is a felony of the second degree if the offense is committed against a juvenile offender detained in or committed to a correctional facility the operation of which is financed primarily with state funds.

(c) This section shall not preclude prosecution for any other offense set out in this code.

(d) The Attorney General of Texas shall have concurrent jurisdiction with law enforcement agencies to investigate violations of this statute involving serious bodily injury or death.

(e) In this section:

- (1) "Correctional facility" means:
 - (A) any place described by Section 1.07(a)(14); or
 - (B) a "secure correctional facility" or "secure detention facility" as defined by Section 51.02, Family Code.
- (2) "Custody" means the detention, arrest, or confinement of an adult offender or the detention or the commitment of a juvenile offender to a facility operated by or under a contract with the Texas Youth Commission or a facility operated by or under contract with a juvenile board.

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- (3) "Sexual contact," "sexual intercourse," and "deviate sexual intercourse" have the meanings assigned by Section 21.01.
- (4) "Sexual conduct" and "performance" have the meanings assigned by Section 43.25.
- (5) "Sexual performance" means any performance or part thereof that includes sexual conduct by an individual.

(f) An employee of the Texas Department of Criminal Justice, the Texas Youth Commission, or a local juvenile probation department commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual who is not the employee's spouse and who the employee knows is under the supervision of the department, commission, or probation department but not in the custody of the department, commission, or probation department.

(g) An offense under Subsection (f) is a state jail felony.

Chapter 42 – Disorderly Conduct and Related Offenses

Sec. 42.01. DISORDERLY CONDUCT.

- (a) A person commits an offense if he intentionally or knowingly:
 - (1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;
 - (2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;
 - (3) creates, by chemical means, a noxious and unreasonable odor in a public place;
 - (4) abuses or threatens a person in a public place in an obviously offensive manner;
 - (5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;
 - (6) fights with another in a public place;
 - (7) discharges a firearm in a public place other than a public road or a sport shooting range, as defined by Section 250.001, Local Government Code;
 - (8) displays a firearm or other deadly weapon in a public place in a manner calculated to alarm;
 - (9) discharges a firearm on or across a public road;
 - (10) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or
 - (11) for a lewd or unlawful purpose:
 - (A) enters on the property of another and looks into a dwelling on the property through any window or other opening in the dwelling;
 - (B) while on the premises of a hotel or comparable establishment, looks into a guest room not the person's own through a window or other opening in the room; or
 - (C) while on the premises of a public place, looks into an area such as a restroom or shower stall or changing or dressing room that is designed to provide privacy to a person using the area.
- (b) It is a defense to prosecution under Subsection (a)(4) that the actor had significant provocation for his abusive or threatening conduct.
- (c) For purposes of this section:
 - (1) an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and
 - (2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

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(d) An offense under this section is a Class C misdemeanor unless committed under Subsection (a)(7) or (a)(8), in which event it is a Class B misdemeanor.

(e) It is a defense to prosecution for an offense under Subsection (a)(7) or (9) that the person who discharged the firearm had a reasonable fear of bodily injury to the person or to another by a dangerous wild animal as defined by Section 822.101, Health and Safety Code.

Sec. 42.062. INTERFERENCE WITH EMERGENCY TELEPHONE CALL.

(a) An individual commits an offense if the individual knowingly prevents or interferes with another individual's ability to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

(b) An individual commits an offense if the individual recklessly renders unusable a telephone that would otherwise be used by another individual to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.

(c) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the actor has previously been convicted under this section.

(d) In this section, "emergency" means a condition or circumstance in which any individual is or is reasonably believed by the individual making a telephone call to be in fear of imminent assault or in which property is or is reasonably believed by the individual making the telephone call to be in imminent danger of damage or destruction.

Sec. 42.07. HARASSMENT.

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, he:

- (1) initiates communication by telephone, in writing, or by electronic communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
- (2) threatens, by telephone, in writing, or by electronic communication, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of his family or household, or his property;
- (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
- (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or
- (7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

- (1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:
 - (A) a communication initiated by electronic mail, instant message, network call, or facsimile machine; and

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- (B) a communication made to a pager.
 - (2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.
 - (3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or anilingus, or a description of an excretory function.
- (c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

Sec. 42.072. STALKING.

- (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct, including following the other person, that:
- (1) the actor knows or reasonably believes the other person will regard as threatening:
 - (A) bodily injury or death for the other person;
 - (B) bodily injury or death for a member of the other person's family or household; or
 - (C) that an offense will be committed against the other person's property;
 - (2) causes the other person or a member of the other person's family or household to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; and
 - (3) would cause a reasonable person to fear:
 - (A) bodily injury or death for himself or herself;
 - (B) bodily injury or death for a member of the person's family or household; or
 - (C) that an offense will be committed against the person's property.
- (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted under this section.
- (c) In this section, "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

Chapter 43 – Public Indecency

Sec. 43.01. DEFINITIONS. In this subchapter:

- (1) "Deviate sexual intercourse" means any contact between the genitals of one person and the mouth or anus of another person.
- (2) "Prostitution" means the offense defined in Section 43.02.
- (3) "Sexual contact" means any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
- (4) "Sexual conduct" includes deviate sexual intercourse, sexual contact, and sexual intercourse.
- (5) "Sexual intercourse" means any penetration of the female sex organ by the male sex organ.

Sec. 43.02. PROSTITUTION.

- (a) A person commits an offense if he knowingly:
- (1) offers to engage, agrees to engage, or engages in sexual conduct for a fee; or
 - (2) solicits another in a public place to engage with him in sexual conduct for hire.
- (b) An offense is established under Subsection (a)(1) whether the actor is to receive or pay a fee. An offense is established under Subsection (a)(2) whether the actor solicits a person to hire him or offers to hire the person solicited.

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(c) An offense under this section is a Class B misdemeanor, unless the actor has previously been convicted one or two times of an offense under this section, in which event it is a Class A misdemeanor. If the actor has previously been convicted three or more times of an offense under this section, the offense is a state jail felony.

Sec. 43.03. PROMOTION OF PROSTITUTION.

- (a) A person commits an offense if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she knowingly:
- (1) receives money or other property pursuant to an agreement to participate in the proceeds of prostitution; or
 - (2) solicits another to engage in sexual conduct with another person for compensation.
- (b) An offense under this section is a Class A misdemeanor.

Sec. 43.23. OBSCENITY.

- (a) A person commits an offense if, knowing its content and character, he wholesale promotes or possesses with intent to wholesale promote any obscene material or obscene device.
- (b) Except as provided by Subsection (h), an offense under Subsection (a) is a state jail felony.
- (c) A person commits an offense if, knowing its content and character, he:
- (1) promotes or possesses with intent to promote any obscene material or obscene device; or
 - (2) produces, presents, or directs an obscene performance or participates in a portion thereof that is obscene or that contributes to its obscenity.
- (d) Except as provided by Subsection (h), an offense under Subsection (c) is a Class A misdemeanor.
- (e) A person who promotes or wholesale promotes obscene material or an obscene device or possesses the same with intent to promote or wholesale promote it in the course of his business is presumed to do so with knowledge of its content and character.
- (f) A person who possesses six or more obscene devices or identical or similar obscene articles is presumed to possess them with intent to promote the same.
- (g) It is an affirmative defense to prosecution under this section that the person who possesses or promotes material or a device proscribed by this section does so for a bona fide medical, psychiatric, judicial, legislative, or law enforcement purpose.
- (h) The punishment for an offense under Subsection (a) is increased to the punishment for a felony of the third degree and the punishment for an offense under Subsection (c) is increased to the punishment for a state jail felony if it is shown on the trial of the offense that obscene material that is the subject of the offense visually depicts activities described by Section 43.21(a)(1)(B) engaged in by:
- (1) a child younger than 18 years of age at the time the image of the child was made;
 - (2) an image that to a reasonable person would be virtually indistinguishable from the image of a child younger than 18 years of age; or
 - (3) an image created, adapted, or modified to be the image of an identifiable child.
- (i) In this section, "identifiable child" means a person, recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature:
- (1) who was younger than 18 years of age at the time the visual depiction was created, adapted, or modified; or
 - (2) whose image as a person younger than 18 years of age was used in creating, adapting, or modifying the visual depiction.
- (j) An attorney representing the state who seeks an increase in punishment under Subsection (h)(3) is not required to prove the actual identity of an identifiable child.

Sec. 43.24. SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR.

- (a) For purposes of this section:
- (1) "Minor" means an individual younger than 18 years.
 - (2) "Harmful material" means material whose dominant theme taken as a whole:
 - (A) appeals to the prurient interest of a minor, in sex, nudity, or excretion;

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- (B) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
- (C) is utterly without redeeming social value for minors.

- (b) A person commits an offense if, knowing that the material is harmful:
 - (1) and knowing the person is a minor, he sells, distributes, exhibits, or possesses for sale, distribution, or exhibition to a minor harmful material;
 - (2) he displays harmful material and is reckless about whether a minor is present who will be offended or alarmed by the display; or
 - (3) he hires, employs, or uses a minor to do or accomplish or assist in doing or accomplishing any of the acts prohibited in Subsection (b)(1) or (b)(2).
- (c) It is a defense to prosecution under this section that:
 - (1) the sale, distribution, or exhibition was by a person having scientific, educational, governmental, or other similar justification; or
 - (2) the sale, distribution, or exhibition was to a minor who was accompanied by a consenting parent, guardian, or spouse.
- (d) An offense under this section is a Class A misdemeanor unless it is committed under Subsection (b)(3) in which event it is a felony of the third degree.

Sec. 43.25. SEXUAL PERFORMANCE BY A CHILD.

- (a) In this section:
 - (1) "Sexual performance" means any performance or part thereof that includes sexual conduct by a child younger than 18 years of age.
 - (2) "Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.
 - (3) "Performance" means any play, motion picture, photograph, dance, or other visual representation that can be exhibited before an audience of one or more persons.
 - (4) "Produce" with respect to a sexual performance includes any conduct that directly contributes to the creation or manufacture of the sexual performance.
 - (5) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above.
 - (6) "Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the breasts, genitals, or buttocks.
 - (7) "Deviate sexual intercourse" and "sexual contact" have the meanings assigned by Section 43.01.
- (b) A person commits an offense if, knowing the character and content thereof, he employs, authorizes, or induces a child younger than 18 years of age to engage in sexual conduct or a sexual performance. A parent or legal guardian or custodian of a child younger than 18 years of age commits an offense if he consents to the participation by the child in a sexual performance.
- (c) An offense under Subsection (b) is a felony of the second degree, except that the offense is a felony of the first degree if the victim is younger than 14 years of age at the time the offense is committed.
- (d) A person commits an offense if, knowing the character and content of the material, he produces,

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directs, or promotes a performance that includes sexual conduct by a child younger than 18 years of age.

- (e) An offense under Subsection (d) is a felony of the third degree, except that the offense is a felony of the second degree if the victim is younger than 14 years of age at the time the offense is committed.
- (f) It is an affirmative defense to a prosecution under this section that:
 - (1) the defendant was the spouse of the child at the time of the offense;
 - (2) the conduct was for a bona fide educational, medical, psychological, psychiatric, judicial, law enforcement, or legislative purpose; or
 - (3) the defendant is not more than two years older than the child.
- (g) When it becomes necessary for the purposes of this section or Section 43.26 to determine whether a child who participated in sexual conduct was younger than 18 years of age, the court or jury may make this determination by any of the following methods:
 - (1) personal inspection of the child;
 - (2) inspection of the photograph or motion picture that shows the child engaging in the sexual performance;
 - (3) oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the time;
 - (4) expert medical testimony based on the appearance of the child engaging in the sexual performance;
 - or
 - (5) any other method authorized by law or by the rules of evidence at common law.

Sec. 43.251. EMPLOYMENT HARMFUL TO CHILDREN.

- (a) In this section:
 - (1) "Child" means a person younger than 18 years of age.
 - (2) "Massage" has the meaning assigned to the term "massage therapy" by Section 455.001, Occupations Code.
 - (3) "Massage establishment" has the meaning assigned by Section 455.001, Occupations Code.
 - (4) "Nude" means a child who is:
 - (A) entirely unclothed; or
 - (B) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts, if the child is female, or any portion of the genitals or buttocks.
 - (5) "Sexually oriented commercial activity" means a massage establishment, nude studio, modeling studio, love parlor, or other similar commercial enterprise the primary business of which is the offering of a service that is intended to provide sexual stimulation or sexual gratification to the customer.
 - (6) "Topless" means a female child clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of her breasts below the top of the areola.
- (b) A person commits an offense if the person employs, authorizes, or induces a child to work:
 - (1) in a sexually oriented commercial activity; or
 - (2) in any place of business permitting, requesting, or requiring a child to work nude or topless.
- (c) An offense under this section is a Class A misdemeanor.

Sec. 43.26. POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY.

- (a) A person commits an offense if:
 - (1) the person knowingly or intentionally possesses visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct; and
 - (2) the person knows that the material depicts the child as described by Subdivision (1).

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- (b) In this section:
 - (1) "Promote" has the meaning assigned by Section 43.25.
 - (2) "Sexual conduct" has the meaning assigned by Section 43.25.
 - (3) "Visual material" means:
 - (A) any film, photograph, videotape, negative, or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or
 - (B) any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.
- (c) The affirmative defenses provided by Section 43.25(f) also apply to a prosecution under this section.
- (d) An offense under Subsection (a) is a felony of the third degree.
- (e) A person commits an offense if:
 - (1) the person knowingly or intentionally promotes or possesses with intent to promote material described by Subsection (a)(1); and
 - (2) the person knows that the material depicts the child as described by Subsection (a)(1).
- (f) A person who possesses visual material that contains six or more identical visual depictions of a child as described by Subsection (a)(1) is presumed to possess the material with the intent to promote the material.
- (g) An offense under Subsection (e) is a felony of the second degree.

Texas property code

92.016. Right to vacate and avoid liability following family violence

Sec. 92.016. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING FAMILY VIOLENCE.

- (a) For purposes of this section:
 - (1) "Family violence" has the meaning assigned by Section 71.004, Family Code.
 - (2) "Occupant" means a person who has the landlord's consent to occupy a dwelling but has no obligation to pay the rent for the dwelling.
- (b) A tenant may terminate the tenant's rights and obligations under a lease and may vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term if the tenant complies with Subsection (c) and obtains and provides the landlord or the landlord's agent a copy of one or more of the following orders protecting the tenant or an occupant from family violence committed by a cotenant or occupant of the dwelling:
 - (1) a temporary injunction issued under Subchapter F, Chapter 6, Family Code; or
 - (2) a protective order issued under Chapter 85, Family Code.
- (c) A tenant may exercise the rights to terminate the lease under Subsection (b), vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred:
 - (1) a judge signs an order described by Subsection (b);
 - (2) the tenant has delivered a copy of the order to the landlord; and
 - (3) the tenant has vacated the dwelling.

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- (d) Except as provided by Subsection (f), this section does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the lease was terminated by the tenant under this section.
- (e) A landlord who violates this section is liable to the tenant for actual damages, a civil penalty equal in amount to the amount of one month's rent plus \$500, and attorney's fees.
- (f) A tenant who terminates a lease under Subsection (b) is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination if the lease does not contain language substantially equivalent to the following: "Tenants may have special statutory rights to terminate the lease early in certain situations involving family violence or a military deployment or transfer."
- (g) A tenant's right to terminate a lease before the end of the lease term, vacate the dwelling, and avoid liability under this section may not be waived by a tenant.

Texas Family Code

Chapter 261 – Investigation of Report of Child Abuse or Neglect

Sec. 261.001. DEFINITIONS.

In this chapter:

- (1) "Abuse" includes the following acts or omissions by a person:
- (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
 - (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
 - (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
 - (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
 - (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
 - (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
 - (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;
 - (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
 - (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
 - (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code; or

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- (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.
- (2) "Department" means the Department of Family and Protective Services.
- (3) "Designated agency" means the agency designated by the court as responsible for the protection of children.
- (4) "Neglect" includes:
- (A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
 - (B) the following acts or omissions by a person:
 - (i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - (ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - (iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - (iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - (v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or
 - (C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.
- (5) "Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:
- (A) a parent, guardian, managing or possessory conservator, or foster parent of the child;
 - (B) a member of the child's family or household as defined by Chapter 71;
 - (C) a person with whom the child's parent cohabits;
 - (D) school personnel or a volunteer at the child's school; or
 - (E) personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides.
- (6) "Report" means a report that alleged or suspected abuse or neglect of a child has occurred or may occur.
- (7) "Board" means the Board of Protective and Regulatory Services.
- (8) "Born addicted to alcohol or a controlled substance" means a child:
- (A) who is born to a mother who during the pregnancy used a controlled substance, as defined by Chapter 481, Health and Safety Code, other than a controlled substance legally obtained by prescription, or alcohol; and

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- (B) who, after birth as a result of the mother's use of the controlled substance or alcohol:
 - (i) experiences observable withdrawal from the alcohol or controlled substance;
 - (ii) exhibits observable or harmful effects in the child's physical appearance or functioning; or
 - (iii) exhibits the demonstrable presence of alcohol or a controlled substance in the child's bodily fluids.

Sec. 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT.

(a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has cause to believe that the child has been abused as defined by Section 261.001 or 261.401, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, and an employee of a clinic or health care facility that provides reproductive services.

(d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only:

- (1) as provided by Section 261.201; or
- (2) to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

Sec. 261.102. MATTERS TO BE REPORTED.

A report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect.

Sec. 261.103. REPORT MADE TO APPROPRIATE AGENCY.

(a) Except as provided by Subsections (b) and (c) and Section 261.405, a report shall be made to:

- (1) any local or state law enforcement agency;
- (2) the department;
- (3) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
- (4) the agency designated by the court to be responsible for the protection of children.

(b) A report may be made to the Texas Youth Commission instead of the entities listed under Subsection (a) if the report is based on information provided by a child while under the supervision of the commission concerning the child's alleged abuse of another child.

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(c) Notwithstanding Subsection (a), a report, other than a report under Subsection (a)(3) or Section 261.405, must be made to the department if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

Sec. 261.104. CONTENTS OF REPORT.

The person making a report shall identify, if known:

- (1) the name and address of the child;
- (2) the name and address of the person responsible for the care, custody, or welfare of the child; and
- (3) any other pertinent information concerning the alleged or suspected abuse or neglect.

Sec. 261.105. REFERRAL OF REPORT BY DEPARTMENT OR LAW ENFORCEMENT.

(a) All reports received by a local or state law enforcement agency that allege abuse or neglect by a person responsible for a child's care, custody, or welfare shall be referred immediately to the department or the designated agency.

(b) The department or designated agency shall immediately notify the appropriate state or local law enforcement agency of any report it receives, other than a report from a law enforcement agency, that concerns the suspected abuse or neglect of a child or death of a child from abuse or neglect.

(c) In addition to notifying a law enforcement agency, if the report relates to a child in a facility operated, licensed, certified, or registered by a state agency, the department shall refer the report to the agency for investigation.

(d) If the department initiates an investigation and determines that the abuse or neglect does not involve a person responsible for the child's care, custody, or welfare, the department shall refer the report to a law enforcement agency for further investigation. If the department determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the school district in which the employee is employed about the investigation.

(e) In cooperation with the department, the Texas Youth Commission by rule shall adopt guidelines for identifying a report made to the commission under Section 261.103(b) that is appropriate to refer to the department or a law enforcement agency for investigation. Guidelines adopted under this subsection must require the commission to consider the severity and immediacy of the alleged abuse or neglect of the child victim.

Sec. 261.109. FAILURE TO REPORT; PENALTY.

(a) A person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report as provided in this chapter.

(b) An offense under this section is a Class B misdemeanor.

Sec. 261.110. EMPLOYER RETALIATION PROHIBITED.

(a) In this section, "professional" has the meaning assigned by Section 261.101(b).

(b) An employer may not suspend or terminate the employment of, or otherwise discriminate against, a person who is a professional and who in good faith:

- (1) reports child abuse or neglect to:

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- (A) the person's supervisor;
 - (B) an administrator of the facility where the person is employed;
 - (C) a state regulatory agency; or
 - (D) a law enforcement agency; or
- (2) initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.
- (c) A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of this section may sue for injunctive relief, damages, or both.
- (d) A plaintiff who prevails in a suit under this section may recover:
- (1) actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;
 - (2) exemplary damages under Chapter 41, Civil Practice and Remedies Code, if the employer is a private employer;
 - (3) court costs; and
 - (4) reasonable attorney's fees.
- (e) In addition to amounts recovered under Subsection (d), a plaintiff who prevails in a suit under this section is entitled to:
- (1) reinstatement to the person's former position or a position that is comparable in terms of compensation, benefits, and other conditions of employment;
 - (2) reinstatement of any fringe benefits and seniority rights lost because of the suspension, termination, or discrimination; and
 - (3) compensation for wages lost during the period of suspension or termination.
- (f) A public employee who alleges a violation of this section may sue the employing state or local governmental entity for the relief provided for by this section. Sovereign immunity is waived and abolished to the extent of liability created by this section. A person having a claim under this section may sue a governmental unit for damages allowed by this section.
- (g) In a suit under this section against an employing state or local governmental entity, a plaintiff may not recover compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses in an amount that exceeds:
- (1) \$50,000, if the employing state or local governmental entity has fewer than 101 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year;
 - (2) \$100,000, if the employing state or local governmental entity has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year;
 - (3) \$200,000, if the employing state or local governmental entity has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year; and
 - (4) \$250,000, if the employing state or local governmental entity has more than 500 employees in each of 20 or more calendar weeks in the calendar year in which the suit is filed or in the preceding year.
- (h) If more than one subdivision of Subsection (g) applies to an employing state or local governmental entity, the amount of monetary damages that may be recovered from the entity in a suit brought under this section is governed by the applicable provision that provides the highest damage award.
- (i) A plaintiff suing under this section has the burden of proof, except that there is a rebuttable presumption that the plaintiff's employment was suspended or terminated or that the plaintiff was otherwise discriminated against for reporting abuse or neglect if the suspension, termination, or discrimination occurs before the 61st day after the date on which the person made a report in good faith.

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- (j) A suit under this section may be brought in a district or county court of the county in which:
 - (1) the plaintiff was employed by the defendant; or
 - (2) the defendant conducts business.
- (k) It is an affirmative defense to a suit under Subsection (b) that an employer would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee reported child abuse or neglect or initiated or cooperated with an investigation or proceeding relating to an allegation of child abuse or neglect.
- (l) A public employee who has a cause of action under Chapter 554, Government Code, based on conduct described by Subsection (b) may not bring an action based on that conduct under this section.
- (m) This section does not apply to a person who reports the person's own abuse or neglect of a child or who initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of the person's own abuse or neglect of a child.

Texas Education Code

Sec. 37.0831. DATING VIOLENCE POLICIES.

- (a) Each school district shall adopt and implement a dating violence policy to be included in the district improvement plan under Section 11.252.
- (b) A dating violence policy must:
 - (1) include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code; and
 - (2) address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Sec. 37.217. COMMUNITY EDUCATION RELATING TO INTERNET SAFETY.

- (a) The center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to:
 - (1) the potential dangers of allowing personal information to appear on an Internet website;
 - (2) the manner in which to report an inappropriate online solicitation; and
 - (3) the prevention, detection, and reporting of bullying or threats occurring over the Internet.
- (b) In developing the program, the center shall:
 - (1) solicit input from interested stakeholders; and
 - (2) to the extent practicable, draw from existing resources and programs.
- (c) The center shall make the program available to public schools.

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Government code

Chapter 420. Sexual assault prevention and crisis services

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 420.001. SHORT TITLE.

This chapter may be cited as the Sexual Assault Prevention and Crisis Services Act.

Sec. 420.002. PURPOSE.

The purpose of this chapter is to promote the development throughout the state of locally based and supported nonprofit programs for the survivors of sexual assault and to standardize the quality of services provided.

Sec. 420.003. DEFINITIONS.

In this chapter:

- (1) "Advocate" means a person who provides advocacy services as an employee or volunteer of a sexual assault program.
- (2) "Program" means a sexual assault program.
- (3) "Service" means the Sexual Assault Prevention and Crisis Service.
- (4) "Sexual assault" means any act or attempted act as described by Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.
- (5) "Sexual assault examiner" means a person who uses a service-approved evidence collection kit and protocol to collect and preserve evidence of a sexual assault or other sex offense.
- (6) "Sexual assault nurse examiner" means a registered nurse who has completed a service-approved examiner training course.
- (7) "Sexual assault program" means any local public or private nonprofit corporation, independent of a law enforcement agency or prosecutor's office, that is operated as an independent program or as part of a municipal, county, or state agency and that provides the minimum services established by this chapter.
- (8) "Survivor" means an individual who is a victim of a sexual assault, regardless of whether a report or conviction is made in the incident.

Sec. 420.004. SERVICE.

- (a) The Sexual Assault Prevention and Crisis Service is a division in the office of the attorney general.
- (b) The attorney general may adopt rules relating to assigning service areas, monitoring services, distributing funds, and collecting information from programs in accordance with this chapter.

Sec. 420.005. GRANTS.

- (a) The attorney general may award grants to programs described by Section 420.008. A grant may not result in the reduction of the financial support a program receives from another source.
- (b) The attorney general may by rule require that to be eligible for a grant, certain programs must provide at a minimum:
 - (1) a 24-hour crisis hotline;
 - (2) crisis intervention;
 - (3) public education;
 - (4) advocacy and accompaniment to hospitals, law enforcement offices, prosecutors' offices, and courts for survivors and their family members; and
 - (5) crisis intervention volunteer training.
- (c) The attorney general by rule shall require a program receiving a grant to:
 - (1) submit quarterly and annual financial reports to the attorney general;
 - (2) submit to an annual independent financial audit;
 - (3) cooperate with the attorney general during site-monitoring visits; and
 - (4) offer the minimum services described by Subsection (b) for at least nine months before receiving a grant.

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- (d) This section does not prohibit a program from offering any additional service, including a service for sexual assault offenders.
- (e) A grant is governed by Chapter 783 and rules adopted under that chapter.
- (f) The receipt of grant money by a program may be suspended in case of a dispute about the eligibility of the program to receive the money under this chapter. A hearing on the dispute must be held within a reasonable time, as established by rule by the attorney general.

Sec. 420.006. SPECIAL PROJECTS.

The attorney general may consult and contract with or award grants to local and statewide programs for special projects to prevent sexual assault and improve services to survivors.

Sec. 420.007. FUNDING.

- (a) The attorney general may receive grants, gifts, or appropriations of money from the federal government, the state legislature, or private sources to finance the grant program created by this chapter.
- (b) The attorney general may not use more than 15 percent of the annual legislative appropriation to the service for the administration of this chapter.
- (c) The sexual assault prevention and crisis services fund is a special account in the general revenue fund. Money deposited to the credit of the fund may be used only as provided by this subchapter and is not available for any other purpose.

Sec. 420.008. SEXUAL ASSAULT PROGRAM FUND.

- (a) The sexual assault program fund is a special account in the general revenue fund.
- (b) The fund consists of fees collected under:
 - (1) Section 19(e), Article 42.12, Code of Criminal Procedure;
 - (2) Section 508.189, Government Code; and
 - (3) Subchapter B, Chapter 47, Business & Commerce Code, and deposited under Section 47.054.
- (c) The legislature may appropriate money deposited to the credit of the fund only to:
 - (1) the attorney general, for:
 - (A) sexual violence awareness and prevention campaigns;
 - (B) grants to faith-based groups, independent school districts, and community action organizations for programs for the prevention of sexual assault and programs for victims of human trafficking;
 - (C) grants for equipment for sexual assault nurse examiner programs, to support the preceptorship of future sexual assault nurse examiners, and for the continuing education of sexual assault nurse examiners;
 - (D) grants to increase the level of sexual assault services in this state;
 - (E) grants to support victim assistance coordinators;
 - (F) grants to support technology in rape crisis centers;
 - (G) grants to and contracts with a statewide nonprofit organization exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code of 1986, having as a primary purpose ending sexual violence in this state, for programs for the prevention of sexual violence, outreach programs, and technical assistance to and support of youth and rape crisis centers working to prevent sexual violence; and
 - (H) grants to regional nonprofit providers of civil legal services to provide legal assistance for sexual assault victims;
 - (2) the Department of State Health Services, to measure the prevalence of sexual assault in this state and for grants to support programs assisting victims of human trafficking;
 - (3) the Institute on Domestic Violence and Sexual Assault at The University of Texas at Austin, to conduct research on all aspects of sexual assault and domestic violence;
 - (4) Texas State University, for training and technical assistance to independent school districts for campus safety;

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- (5) the office of the governor, for grants to support sexual assault and human trafficking prosecution projects;
- (6) the Department of Public Safety, to support sexual assault training for commissioned officers;
- (7) the comptroller's judiciary section, for increasing the capacity of the sex offender civil commitment program;
- (8) the Texas Department of Criminal Justice:
 - (A) for pilot projects for monitoring sex offenders on parole; and
 - (B) for increasing the number of adult incarcerated sex offenders receiving treatment;
- (9) the Texas Youth Commission, for increasing the number of incarcerated juvenile sex offenders receiving treatment;
- (10) the comptroller, for the administration of the fee imposed on sexually oriented businesses under Section 47.052, Business & Commerce Code; and
- (11) the supreme court, to be transferred to the Texas Equal Access to Justice Foundation, or a similar entity, to provide victim-related legal services to sexual assault victims, including legal assistance with protective orders, relocation-related matters, victim compensation, and actions to secure privacy protections available to victims under law.

Sec. 420.009. REPORT.

The attorney general shall publish a report on the service not later than December 10 of each even-numbered year. The report must summarize reports from programs receiving grants from the attorney general, analyze the effectiveness of the grants, and include information on the expenditure of funds authorized by this chapter, the services provided, the number of persons receiving services, and any other information relating to the provision of sexual assault services. A copy of the report shall be submitted to the governor, lieutenant governor, speaker of the house of representatives, Legislative Budget Board, Senate Committee on Health and Human Services or its successor committee, and House Committee on Human Services or its successor committee.

Sec. 420.010. CONFIDENTIALITY.

The attorney general may not disclose any information received from reports, collected case information, or site-monitoring visits that would identify a person working at or receiving services from a program.

Sec. 420.011. CERTIFICATION AND RULES.

- (a) The attorney general may adopt rules necessary to implement this chapter. A proposed rule must be provided to programs receiving grants at least 60 days before the date of adoption.
- (b) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault training program. The certification is valid for two years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a training program that violates this chapter.
- (c) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault nurse examiner, including standards for examiner training courses and for the interstate reciprocity of sexual assault nurse examiners. The certification is valid for two years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a sexual assault nurse examiner who violates this chapter.

Sec. 420.012. CONSULTATIONS.

In implementing this chapter, the attorney general shall consult persons and organizations having knowledge and experience relating to sexual assault.

Sec. 420.013. DEPOSIT BY COMPTROLLER; AUDIT.

- (a) The comptroller shall deposit any money received under this subchapter and any money credited to the program by another law in the sexual assault prevention and crisis services fund.

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(b) The sexual assault prevention and crisis services fund is subject to audit by the comptroller. Money expended from the fund is subject to audit by the state auditor.

Sec. 420.014. ATTORNEY GENERAL SUPERVISION OF COLLECTION OF COSTS; FAILURE TO COMPLY.

(a) If the attorney general reasonably believes that a court or a community supervision office has not properly assessed or made a reasonable effort to collect costs due under Article 42.12 or 42.18, Code of Criminal Procedure, the attorney general shall send a warning letter to the court or the governing body of the governmental unit in which the court is located.

(b) Not later than the 60th day after the receipt of a warning letter, the court or governing body shall respond in writing to the attorney general specifically addressing the charges in the warning letter.

(c) If the court or governing body does not respond or if the attorney general considers the response inadequate, the attorney general may request the comptroller to audit the records of:

- (1) the court;
- (2) the community supervision office;
- (3) the officer charged with collecting the costs; or
- (4) the treasury of the governmental unit in which the court is located.

(d) The comptroller shall provide the attorney general with the results of the audit.

(e) If the attorney general finds from available evidence that a court or a community supervision office has not properly assessed or made a reasonable effort to collect costs due under Article 42.12 or 42.18, Code of Criminal Procedure, the attorney general may:

- (1) refuse to award grants under this subchapter to residents of the jurisdiction served by the court or community supervision office; or
- (2) in the case of a court, notify the State Commission on Judicial Conduct of the findings.

(f) The failure, refusal, or neglect of a judicial officer to comply with a requirement of this subchapter constitutes official misconduct and is grounds for removal from office.

Sec. 420.015. ASSESSMENT OF SEXUALLY ORIENTED BUSINESS REGULATIONS.

The legislature may appropriate funds for a third-party assessment of the sexually oriented business industry in this state and provide recommendations to the legislature on how to further regulate the growth of the sexually oriented business industry in this state.

SUBCHAPTER B. COLLECTION AND PRESERVATION OF EVIDENCE OF SEX OFFENSE

Sec. 420.031. EVIDENCE COLLECTION PROTOCOL; KITS.

(a) The service shall develop and distribute to law enforcement agencies and proper medical personnel an evidence collection protocol that shall include collection procedures and a list of requirements for the contents of an evidence collection kit for use in the collection and preservation of evidence of a sexual assault or other sex offense. Medical or law enforcement personnel collecting evidence of a sexual assault or other sex offense shall use a service-approved evidence collection kit and protocol.

(b) An evidence collection kit must contain the following items:

- (1) items to collect and preserve evidence of a sexual assault or other sex offense; and
- (2) other items recommended by the Evidence Collection Protocol Advisory Committee of the attorney general and determined necessary for the kit by the attorney general.

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- (c) In developing evidence collection procedures and requirements, the service shall consult with individuals and organizations having knowledge and experience in the issues of sexual assault and other sex offenses.
- (d) A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault or other sex offense for use in the investigation or prosecution of the offense shall pay the costs of the evidence collection kit. This subsection does not require a law enforcement agency to pay any costs of treatment for injuries.
- (e) Evidence collected under this section may not be released unless the survivor of the offense or a legal representative of the survivor signs a written consent to release the evidence.
- (f) Failure to comply with evidence collection procedures or requirements adopted under this section does not affect the admissibility of the evidence in a trial of the offense.

Sec. 420.032. PHOTO DOCUMENTATION REQUIRED FOR CHILD VICTIMS IN CERTAIN COUNTIES.

- (a) In this section:
 - (1) "Child" has the meaning assigned by Section 101.003, Family Code.
 - (2) "Medical professional" has the meaning assigned by Section 91.001, Family Code.
 - (3) "Photo documentation" means video or photographs of a child alleged to be the victim of a sexual assault that are taken with a colposcope or other magnifying camera during the forensic portion of a medical examination of the child.
- (b) In a county with a population of three million or more, the forensic portion of a medical examination of a child alleged to be the victim of a sexual assault must include the production of photo documentation unless the medical professional examining the child determines that good cause for refraining from producing photo documentation exists.
- (c) The photo documentation must include images of the child's anogenital area and any signs of injury apparent on the body of the child.
- (d) If photo documentation is not produced, the medical professional conducting the forensic portion of the medical examination shall document in the child's medical records the reason photo documentation was not produced.
- (e) The fact that the medical professional examining the child did not produce photo documentation in the forensic portion of a medical examination of a child alleged to be the victim of a sexual assault and the reasons behind the lack of photo documentation are admissible at the trial of the alleged sexual assault, but the lack of photo documentation will not affect the admissibility of other evidence in the case.

SUBCHAPTER C. ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT

Sec. 420.051. ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT.

An individual may act as an advocate for survivors of sexual assault if the individual has completed a sexual assault training program certified by the department and:

- (1) is employed by a sexual assault program; or
- (2) provides services through a sexual assault program as a volunteer under the supervision of an advocate.

SUBCHAPTER D. CONFIDENTIAL COMMUNICATIONS

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Sec. 420.071. CONFIDENTIAL COMMUNICATIONS.

- (a) A communication between an advocate and a survivor, or a person claiming to be a survivor, that is made in the course of providing sexual assault advocacy services to the survivor is confidential and may not be disclosed except as provided by this subchapter.
- (b) A record of the identity, personal history, or background information of a survivor or information concerning the victimization of a survivor that is created by or provided to an advocate or maintained by a sexual assault program is confidential and may not be disclosed except as provided by this subchapter.
- (c) A person who receives information from a confidential communication or record as described by this subchapter may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the information was obtained.
- (d) This subchapter governs a confidential communication or record concerning a survivor regardless of when the survivor received the services of an advocate or sexual assault program.

Sec. 420.072. EXCEPTIONS.

- (a) A communication or record that is confidential under this subchapter may be disclosed in court or in an administrative proceeding if:
 - (1) the proceeding is brought by the survivor against an advocate or a sexual assault program or is a criminal proceeding or a certification revocation proceeding in which disclosure is relevant to the claims or defense of the advocate or sexual assault program; or
 - (2) the survivor or a person authorized to act on behalf of the survivor consents in writing to the release of the confidential information as provided by Section 420.073.
- (b) A communication or record that is confidential under this subchapter may be disclosed only to:
 - (1) medical or law enforcement personnel if the advocate determines that there is a probability of imminent physical danger to any person for whom the communication or record is relevant or if there is a probability of immediate mental or emotional injury to the survivor;
 - (2) a governmental agency if the disclosure is required or authorized by law;
 - (3) a qualified person to the extent necessary for a management audit, financial audit, program evaluation, or research, except that a report of the research, audit, or evaluation may not directly or indirectly identify a survivor;
 - (4) a person who has the written consent of the survivor or of a person authorized to act on the survivor's behalf as provided by Section 420.073; or
 - (5) an advocate or a person under the supervision of a counseling supervisor who is participating in the evaluation or counseling of or advocacy for the survivor.
- (c) A communication or record that is confidential under this subchapter may not be disclosed to a parent or legal guardian of a survivor who is a minor if an advocate or a sexual assault program knows or has reason to believe that the parent or legal guardian of the survivor is a suspect in the sexual assault of the survivor.

Sec. 420.073. CONSENT.

- (a) Consent for the release of confidential information must be in writing and signed by the survivor, a parent or legal guardian if the survivor is a minor, a legal guardian if the survivor has been adjudicated incompetent to manage the survivor's personal affairs, an attorney ad litem appointed for the survivor, or a personal representative if the survivor is deceased. The written consent must specify:
 - (1) the information or records covered by the release;
 - (2) the reason or purpose for the release; and
 - (3) the person to whom the information is to be released.

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(b) A survivor or other person authorized to consent may withdraw consent to the release of information by submitting a written notice of withdrawal to the person or program to which consent was provided. Withdrawal of consent does not affect information disclosed before the date written notice of the withdrawal was received.

(c) A person who receives information made confidential by this chapter may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the person obtained the information.

Sec. 420.074. CRIMINAL SUBPOENA.

Notwithstanding any other provision of this chapter, a person shall disclose a communication or record that is confidential under this chapter for use in a criminal investigation or proceeding in response to a subpoena issued in accordance with law.

Sec. 420.075. OFFENSE.

A person commits an offense if the person intentionally or knowingly discloses a communication or record that is confidential under this chapter, except as provided by this chapter. An offense under this section is a Class C misdemeanor.

Health and Safety Code

Sec. 250.006. CONVICTIONS BARRING EMPLOYMENT.

(a) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in this subsection:

- (1) an offense under Chapter 19, Penal Code (criminal homicide);
- (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
- (3) an offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecent exposure with a child);
- (4) an offense under Section 22.011, Penal Code (sexual assault);
- (5) an offense under Section 22.02, Penal Code (aggravated assault);
- (6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
- (7) an offense under Section 22.041, Penal Code (abandoning or endangering child);
- (8) an offense under Section 22.08, Penal Code (aiding suicide);
- (9) an offense under Section 25.031, Penal Code (agreement to abduct from custody);
- (10) an offense under Section 25.08, Penal Code (sale or purchase of a child);
- (11) an offense under Section 28.02, Penal Code (arson);
- (12) an offense under Section 29.02, Penal Code (robbery);
- (13) an offense under Section 29.03, Penal Code (aggravated robbery);
- (14) an offense under Section 21.08, Penal Code (indecent exposure);
- (15) an offense under Section 21.12, Penal Code (improper relationship between educator and student);
- (16) an offense under Section 21.15, Penal Code (improper photography or visual recording);
- (17) an offense under Section 22.05, Penal Code (deadly conduct);
- (18) an offense under Section 22.021, Penal Code (aggravated sexual assault);
- (19) an offense under Section 22.07, Penal Code (terroristic threat);
- (20) an offense under Section 33.021, Penal Code (online solicitation of a minor);
- (21) an offense under Section 34.02, Penal Code (money laundering);
- (22) an offense under Section 35A.02, Penal Code (Medicaid fraud);
- (23) an offense under Section 42.09, Penal Code (cruelty to animals); or

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(24) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection.

- (b) A person may not be employed in a position the duties of which involve direct contact with a consumer in a facility before the fifth anniversary of the date the person is convicted of:
- (1) an offense under Section 22.01, Penal Code (assault), that is punishable as a Class A misdemeanor or as a felony;
 - (2) an offense under Section 30.02, Penal Code (burglary);
 - (3) an offense under Chapter 31, Penal Code (theft), that is punishable as a felony;
 - (4) an offense under Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor or a felony;
 - (5) an offense under Section 32.46, Penal Code (securing execution of a document by deception), that is punishable as a Class A misdemeanor or a felony;
 - (6) an offense under Section 37.12, Penal Code (false identification as peace officer); or
 - (7) an offense under Section 42.01(a)(7), (8), or (9), Penal Code (disorderly conduct).

(c) In addition to the prohibitions on employment prescribed by Subsections (a) and (b), a person for whom a facility licensed under Chapter 242 or 247 is entitled to obtain criminal history record information may not be employed in a facility licensed under Chapter 242 or 247 if the person has been convicted:

- (1) of an offense under Section 30.02, Penal Code (burglary); or
- (2) under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense under Section 30.02, Penal Code.

(d) For purposes of this section, a person who is placed on deferred adjudication community supervision for an offense listed in this section, successfully completes the period of deferred adjudication community supervision, and receives a dismissal and discharge in accordance with Section 5(c), Article 42.12, Code of Criminal Procedure, is not considered convicted of the offense for which the person received deferred adjudication community supervision.

Chapter 323. Emergency Services For Survivors Of Sexual Assault

Sec. 323.001. DEFINITIONS.

In this chapter:

- (1) "Community-wide plan" means an agreement entered into between one or more health care facilities, entities administering a sexual assault program, district attorney's offices, or law enforcement agencies that designates one or more health care facilities in the community as a primary health care facility to furnish emergency medical services and evidence collection to sexual assault survivors on a community or area-wide basis.
- (2) "Department" means the Department of State Health Services.
- (3) "Health care facility" means a general or special hospital licensed under Chapter 241 or a general or special hospital owned by this state.
- (4) "Sexual assault" means any act as described by Section 22.011 or 22.021, Penal Code.
- (5) "Sexual assault survivor" means an individual who is a victim of a sexual assault, regardless of whether a report is made or a conviction is obtained in the incident.

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Sec. 323.002. PLAN FOR EMERGENCY SERVICES.

- (a) At the request of the department, a health care facility shall submit to the department for approval a plan for providing the services required by Section 323.004 to sexual assault survivors who arrive for treatment at the emergency department of the health care facility.
- (b) The department shall adopt procedures for submission, approval, and modification of a plan required under this section.
- (c) A health care facility shall submit the plan required by this section not later than the 60th day after the date the department requests the plan.
- (d) The department shall approve or reject the plan not later than the 120th day after the date the plan is submitted.

Sec. 323.003. REJECTION OF PLAN.

- (a) If a plan required under Section 323.002 is not approved, the department shall:
 - (1) return the plan to the health care facility; and
 - (2) identify the specific provisions under Section 323.004 with which the plan conflicts or does not comply.
- (b) Not later than the 90th day after the date the department returns a plan to a health care facility under Subsection (a), the facility shall correct and resubmit the plan to the department for approval.

Sec. 323.004. MINIMUM STANDARDS FOR EMERGENCY SERVICES.

- (a) After a sexual assault survivor arrives at a health care facility following an alleged sexual assault, the facility shall:
 - (1) provide care to the survivor in accordance with Subsection (b); or
 - (2) stabilize and transfer the survivor to a health care facility designated in a community-wide plan as the primary health care facility in the community for treating sexual assault survivors, which shall provide care to the survivor in accordance with Subsection (b).
- (b) A health care facility providing care to a sexual assault survivor shall provide the survivor with:
 - (1) a forensic medical examination in accordance with Subchapter B, Chapter 420, Government Code, if the examination has been approved by a law enforcement agency;
 - (2) a private area, if available, to wait or speak with the appropriate medical, legal, or sexual assault crisis center staff or volunteer until a physician, nurse, or physician assistant is able to treat the survivor;
 - (3) access to a sexual assault program advocate, if available, as provided by Article 56.045, Code of Criminal Procedure;
 - (4) the information form required by Section 323.005;
 - (5) a private treatment room, if available;
 - (6) if indicated by the history of contact, access to appropriate prophylaxis for exposure to sexually transmitted infections; and
 - (7) the name and telephone number of the nearest sexual assault crisis center.
- (c) A health care facility must obtain documented consent before providing the forensic medical examination and treatment.

Sec. 323.005. INFORMATION FORM.

- (a) The department shall develop a standard information form for sexual assault survivors that must include:
 - (1) a detailed explanation of the forensic medical examination required to be provided by law, including a statement that photographs may be taken of the genitalia;
 - (2) information regarding treatment of sexually transmitted infections and pregnancy, including:
 - (A) generally accepted medical procedures;
 - (B) appropriate medications; and

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- (C) any contraindications of the medications prescribed for treating sexually transmitted infections and preventing pregnancy;
- (3) information regarding drug-facilitated sexual assault, including the necessity for an immediate urine test for sexual assault survivors who may have been involuntarily drugged;
- (4) information regarding crime victims compensation, including:
 - (A) a statement that a law enforcement agency will pay for the forensic portion of the examination; and
 - (B) reimbursement information for the medical portion of the examination;
- (5) an explanation that consent for the forensic medical examination may be withdrawn at any time during the examination;
- (6) the name and telephone number of sexual assault crisis centers statewide; and
- (7) information regarding postexposure prophylaxis for HIV infection.

(b) A health care facility shall use the standard form developed under this section.

(c) An individual employed by or under contract with a health care facility may refuse to provide the information form required by this section for ethical or religious reasons. If an individual employed by or under contract with a health care facility refuses to provide the survivor with the information form, the health care facility must ensure that the information form is provided without delay to the survivor by another individual employed by or under contract with the facility.

Sec. 323.006. INSPECTION.

The department may conduct an inspection of a health care facility to ensure compliance with this chapter.

Human Resources Code

Sec. 61.0386. ADVOCACY AND SUPPORT GROUPS.

(a) The commission shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, and victims of sexual assault to provide on-site information, support, and other services for children confined in commission facilities.

(b) The commission shall adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services under this section. The security and privacy procedures may not be designed to deny an advocacy or support group access to children confined in commission facilities.

(c) The commission shall adopt standards consistent with standards adopted by the Texas Department of Criminal Justice regarding the confidential correspondence of children confined in commission facilities with external entities, including advocacy and support groups.

Special Populations: People of Color

AFRICAN AMERICANS

HISTORICAL PERSPECTIVE OF RAPE IN THE AFRICAN-AMERICAN COMMUNITY

Rape has been an integral part of African-American women's history in the United States. Historically, rape was used during slavery to control those enslaved. Africans were viewed by white slave owners as property which could be handled however the owner desired. The women were property of the slave owners and therefore the white men had free access to African American women's bodies. Slavery relied as much on routine sexual abuse as it relied on the whip and the lash, thereby virtually institutionalizing rape.

When the rape of an African slave by the slave owner resulted in the birth of a child and that woman and the child lived in the slave owner's house with his white family, there was often further turmoil. The myth that African-American women were more sexually desirable than white women was prevalent. Many white slave owners' wives believed the enslaved women were sexual temptresses and their husbands innocent victims of lust. This myth may have allowed white women to perceive the enslaved African woman as a threat to her white womanhood (Hooks, 36). It may be at this point in history that a dissonance between white women and African women began; hence the first part of a stereotype of "the bad black woman" designed to promote and facilitate the continued exploitation of African-Americans (Lerner, 93).

The right claimed by slave owners and their agents over the bodies of female slaves was a direct expression of their presumed property rights over black people as a whole (Davis, 175).

Burning, lynching and terrorizing African Americans have all been part of creating fear to maintain white supremacy (Lerner, 194). As African-Americans continued to fight for economic equality and freedom, lynchings were increased as a way to control African American rebellions.

Sexual stereotyping of the African-American community, as well as other people of color, persists today. Women of color are more hesitant to file rape charges and less likely to be believed in court.

That black women have not joined the anti-rape movement en masse does not, therefore, mean that they oppose anti-rape measures in general. Before the end of the nineteenth century, pioneering black women conducted one of the very first organized public protests against sexual abuse. Their eighty-year-old tradition of organized struggle against rape reflects the extensive and exaggerated ways black women have suffered the threat of sexual violence (Davis, 175).

African-American women have evidence confirming their suspicions that the anti-rape movement was largely oblivious to their special concerns. The belief that the criminal justice system is objective and fair simply does not hold true when the statistics of rape trials are

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observed. Many more African-American men will be sentenced for longer periods of time than white men for the same crime. There is the illusion that white women are more desired by African American men. Young African-American men are still stereotyped as the typical rapist today (Davis, 179). These stereotypes only impede an end to sexual violence. Rapists come from of all social and economic classes, ethnic groups and age groups. Most rapes occur within the same class and cultural ethnic group. Regardless of culture, ethnicity, class or appearance, no one deserves to be raped.

Men of color, especially African-American men, have often been the scapegoat for sex crimes. Statistics show that most rapes are intra-racial. Over 85 percent of rapes occur between people of the same ethnic group. Perpetuation of the myth of the black rapist (the next part of the stereotype), allows white women to believe they are safer with white men, when in fact they have a greater probability of being raped by a man of their same group. This racist attitude increases a separation between whites and African-Americans when discussing sexual assault. To help end violence against all women, an open dialogue must begin between different cultures to help dispel racist myths and stereotypes.

MYTHS AND STEREOPTYPES

Here are nine racist myths about black women that service providers must dispel. They are not:

- Too strong and lacking of feeling to be hurt by battering or assault;
- More angry, aggressive and violent than white women;
- Abusive/unloving to their children;
- Carrying hatred and/or are jealousy toward white women;
- Unwilling to leave abusive relationships;
- Distant and unapproachable, loud and rude;
- Needful or desirous of comfort, kindness and support;
- Manipulative the system and know their way around welfare or public assistance programs; or
- Harder to work with than other women.

APPROACHING RAPE FROM AN AFRICENTRIC PERSPECTIVE

Wade Nobles, in his article “Extended Self, Rethinking the So-Called Negro Self Concept,” discusses the notion of world views. He believes that the way people perceive their relationships to the world (other people, nature, institutions, etc.) will influence the way individuals behave. Nobles describes two world views: one European, the other African.

The European world view has a different life ideology than the world view held by Africans in their homeland. Where Europeans are more oriented towards individuality and uniqueness, the African world view thrives on groupness and sameness. From an African world view, community and cooperation are important, and there is a sense of interdependence among all community members. The competitive European nature encourages separation and independence. The African world view contains the strong belief that people must be in harmony with nature and must learn to survive and adapt in nature. There is no need to control or conquer nature and the universe.

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The African perspective is a part of the African-American heritage. It is not eliminated simply because they were moved to the United States. The African perspective is important to understand when trying to assist rape survivors in their recovery. These two different world views must be acknowledged if you wish to provide effective and more culturally appropriate services to African Americans. The African world view may dictate how the rape survivor will seek help and react to services offered.

Sexual assault may include familial, stranger, marital, acquaintance or date rape. The clients who use your services may not necessarily identify themselves as rape victims. This is especially true when the perpetrator is someone known to the victim or there was no overt brutality. Since African-American women have been socialized to internalize racism and sexism, they especially may believe the many myths about rape (e.g., their blame for the rape because of their lifestyles, clothing, or activities. blamed for the rape because of their lifestyles, their clothing, and their activities.)

When an African-American woman experiences sexual assault, she may be more concerned about how African Americans, not how she, will be perceived. How the rape will reflect upon her family, extended family and her community may be of more concern than her own suffering, frustration and anger. If the woman holds an African world view, her family, friends, and church can provide a large amount of support and validation for her. What affects her will affect her entire support network.

This may explain an African-American woman's decision to use social services (if she chooses to use them at all) for only a short period of time. The interdependence and collective responsibility she feels towards her community may be more important to her recovery than the individual counseling and assistance that service providers offer.

Source: Surviving, Columbus Urban League, 1994.

THE AFRICAN-AMERICAN COMMUNITY'S RESPONSE TO SEXUAL ASSAULT

African-Americans have been blocked from forming a constructive group identity. As a racial minority in the United States, African-Americans have been pressured to trust whites more so than themselves. They have had a value system imposed on them that forcefully undermines their self-esteem and very existence.

“The image of African-American women as long-suffering victims may help keep African-American women passive and confused about the assaults in our lives (White, 19).”

Many contradictory messages may discourage women from seeking outside help when they are raped. African-American women have had to fight throughout history. They are survivors in the true sense of the word. As Evelyn White states:

- We are considered evil, but self-sacrificing; stupid, but conniving; domineering while at the same time obedient to our men; and sexually inhibited, yet promiscuous. Covered by what is considered our seductively rich, but repulsive brown skin, Black

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women are perceived as inviting but armored. Society finds it difficult to believe that we really need physical or emotional support like all women of all races (White, 20).

White men and women historically have denied African-American women the status of even being a woman. Therefore, the African-American rape victim may feel a similar but greater level of helplessness, shame, guilt, failure, devaluing and unworthiness. As service providers, it is important to be culturally and ethnically aware, not prejudiced, but genuine in your desire to help and support African American women. Service providers are also ethically responsible for assessing their own racist attitude. It must become important for us to document the number of incidents of sexual assaults in the African- American community. Advocates must be willing to read literature, participate in events and accept theories from culturally diverse populations.

ADVOCACY ISSUES

White advocates conducting intervention with black survivors will need to overcome distrust by blacks of the white community and white authorities. Sexual assault programs are usually not considered part of the black community. Black women may be hesitant to report sexual assaults to police, or to use available social services, because they suspect they will not be believed or taken seriously. They fear a lack of concern for their needs, and wonder if they will be accused of provoking the assault. Because authorities have traditionally ignored the needs of black women, they believe reporting will have no effect and no action will be taken to arrest the offender. Evelyn C. White states, "...we (black women) know that we cannot depend on the police, social workers or the criminal justice system to protect us from abuse or intervene on our behalf. They have, in fact, been some of the worst offenders in perpetuating and blatantly ignoring the violence in lack communities.

If the assailant is white, the survivor may expect a lack of concern, or even retribution against her, by a primarily white criminal justice system. If the assailant is black, she may be reluctant to expose another black to the racist system, and she will be worried that the black community will view her as disloyal.

According to White, "The traditional response of the black community to violence committed against its most vulnerable members—women and children -- has been silence. This silence does not stem from acceptance of violence as a Black cultural norm ... but rather from shame, fear and an understandable, but nonetheless detrimental, sense of racial loyalty.

For the black woman, feelings of powerlessness that come from being assaulted are greatly intensified because she may feel she lacks power in her everyday life. She may want to get past the emotional distress quickly and revert to her routine without giving herself adequate time for recovery. There may be a need to deny long-term effects of sexual assault.

Many black women have access to a strong support system that includes family and the black community. To gain the trust of black women, sexual assault advocates may want to gain assistance from ministers or other service providers within the black community. Although black women often find support from their families and the community, the advocate should not automatically assume that these provide all the emotional support a black survivor needs when coping with a crisis such as sexual assault. Every survivor may not have access to these safety nets.

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A woman of color may fear that revealing sexual assault to an advocate and/or the authorities will bring about a break-up of her family. The advocate has to be sensitive to these fears, and careful not to push the sexual assault survivor into taking actions that she might not be ready to handle.

To avoid interacting based on stereotypes of blacks, white advocates should examine their own feelings and attitudes about black women. White advocates should become aware of feelings that come from not belonging to a privileged class: feelings such as alienation, low self-esteem, anger, impotence, isolation, frustration and inferiority. White advocates must admit racism exists, and must allow black women to discuss the problem openly. Advocates must confront racism in their own attitudes.

White sexual assault advocates must work to gain the confidence of black women survivors. Trust must be established, and strict confidentiality maintained.

When advocating for child victims and their families, it is important to be sensitive to the role of men in the family structure. In communities of color, men are regarded as the head of the family.

If the father or stepfather is the perpetrator of the sexual assault, child protection authorities will probably remove the child from the home or remove the father from the home, thereby breaking up the family. If the mother does not force the perpetrator to leave the home, authorities may perceive her as not protecting her children. Many families of color are unwilling or unable to choose between the welfare of the children and the father or stepfather, especially when reporting the assault will lead to the division of the family. This is one reason cases of child sexual abuse often go unreported by members of the black community.

When the sexual assault advocate attempts to persuade the black woman to force the perpetrator from the home, it reinforces an attitude by many blacks that the women's movement is anti-family and anti-male. According to Fern Y. Ferguson of Volunteers of America, this promotes mistrust of the social service system, including rape crisis centers. Women fear disclosing child sexual assault, because they suspect that the white advocate will betray them by bringing about the break-up of the black family. Frequently, in black communities, the image of the family is more important than the recovery of the victim.

BLACK WOMEN IN THE ANTI-RAPE MOVEMENT

There has been, traditionally, a lack of involvement by black women in the anti-rape movement. Fern Y. Ferguson offers reasons why this is so, and ways that the problem should be confronted:

- Accusations of rape have been used to kill and incarcerate black men since slavery. Figures provided by Angela Davis show that the rape charge is still indiscriminately aimed at black males. Of 455 people executed for rape from 1930 to 1967, 405 of these were black men. Blacks are naturally cautious about working in a movement that concerns a problem historically linked with racism.

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- The rape crisis movement is linked to the women's movement. Many black women see the women's movement as anti-family, and as a leisure activity for bored white women. White women are perceived as not being grateful for their many social advantages. Black women suspect they would not be accepted as equals in the movement if they became involved. Feminism is not perceived as an important issue by blacks, since the community does not consider the roles of men and women in the family of equal importance.
- Black women in the rape crisis movement often feel isolated and ostracized by both feminists and the black community. Support and network systems for black women in the movement need to be established and maintained.
- Black women should be hired at centers because of their talents, not their skin color. If they are unprepared to do a job, hiring them only propagates myths about women of color, and frustrates the individual. Women of color should be expected to discuss and understand feminist issues. They should not be treated differently than other staff.
- Black advocates should not be expected to work with only black clients.
- Black advocates should not be expected to conduct all public education in communities of color. Women of color should be allowed a workspace that reflects cultural diversity. Clients also feel more welcome when they see artwork and artifacts that reflect their tradition.
- Differences between Anglo, African-American, Latino and Asian cultures need to be acknowledged. Differences also exist between individuals, national origins, and rural and urban living conditions. To ignore these differences is to strip people of their cultural and individual identities.

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LATINOS

The term Latino identifies the large groups of people whose national and cultural origins, or those of their ancestors, are from Mexico, Central America, or Latin American. The term "Latina" is used for women of descent from these regions.

As well as individual differences, there is great diversity among Latinos in the wide variety of traditions from their original countries. While many Latinas may speak Spanish, there will be

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some language variation from country to country. There will be class and political differences, and varying degrees of assimilation into mainstream American culture.

When working with Latina survivors of sexual assault, it is important to be aware of stereotypes about persons of Latin or Spanish heritage. Typical misconceptions about them include: inherent laziness, lack of education, lack of intelligence, lack of sophistication, dependency, passivity, machismo, and sexual promiscuity. Recognizing and dispelling these racist attitudes are essential for the advocate.

LATINA SURVIVORS

The diversity of Latinos is reflected in such factors as income and education levels, lifestyles, family patterns, residency status length of time in this country, and languages spoken. Latinos range from those who maintain their traditional cultural values to those who have assimilated Anglo-American values and customs.

Despite great diversity, some general beliefs within the Latino culture may influence the Latina after a sexual assault. In the cultural and religious perspective of the Latina, human sexuality is generally confined to marriage and is considered a very private matter. The emphasis on virginity for a single woman and on monogamy in marriage is significant, and thus plays an important role in the Latina's foundation of self-respect and respect from others. A Latina survivor may react to an assault with additional shame, dishonor and loss of respect.

Within the Latino culture is a traditional view of female/male roles. This can contribute to the feelings of shame and loss of respect. Traditionally, Latinas have been seen in extremes, either as madonna or whore. The sexually active Latina is traditionally viewed as responsible if a sexual assault occurs. If the Latina is young and a virgin, she is considered less responsible but her prospects or chances to marry and reputation are at risk. In addition, the Latino culture is heavily influenced by the Catholic Church's teachings which emphasize a woman's virginity and purity of mind and body. Sometimes sexual assault is equated with the sexual act and may be seen as God's punishment for previous sin.

Social mores concerning sexuality make it difficult for a woman who has been assaulted to readily talk about the experience or to be assured and supported. In addition, Latinas may not readily seek help because many professionals do not offer bilingual/bicultural services. If the victim is an illegal alien, there is the added fear of deportation. Thus, for the Latina, seeking assistance for a sexual assault may jeopardize her residency status, her job, her relationships with family and her community.

Guidelines that may be useful in working with Latina victims:

- Try not to stereotype Latina survivors. Understand that some elements of the traditional culture may lead to victimize the survivor further, as do Anglo-American societal myths and attitudes about Latinas. Anglo stereotypes abound concerning Latinas as uneducated, intellectually inferior, unsophisticated, overly dependent, and eager for sex.

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- If at all possible, provide bilingual services. Fear of stereotypes may cause a Latina victim to claim to be bilingual, when in fact, she may be limited in the expression of feelings in her second language, English. Expressing feelings is always easier and more complete in a person's native language.
- Be sensitive to a Latina's residence status. It should not block the victim from obtaining sensitive assistance, or from holding an assailant accountable for a crime.
- Because of sexual mores concerning sexuality, it may be difficult for the Latina victim to discuss the specifics of the assault. In addition, words that adequately describe such acts and body parts may not be part of the routine vocabulary of the Latina whose primary language is not English. Professionals who understand the Latino language and culture are particularly helpful.
- Because of cultural and religious beliefs, the Latina victim is particularly prone to feeling self-blame and violated. It is important to help the victim and her family to understand rape as an act of violence.
- Latina survivors who do not believe in artificial birth control or abortion may have particular concerns about dealing with pregnancy resulting from assault.
- Professionals should be aware of referral resources, particularly bilingual/bicultural resources for the victim's different needs. These resources should be sensitive to the general needs of a sexual assault survivor and to the specific concerns resulting from traditional cultural values and language differences.

ADVOCATING FOR THE LATINO FAMILY

Family life is highly important to Latinos. "As in other traditional agricultural societies, family solidarity, subordination of women and respect for elders created a structure where large and extended families lived under patriarchal authority" write Angela Ginorio and Jane Reno. The family structure is hierarchical, with special respect given to the father. The mother is supposed to be obedient to her husband, and she receives respect from her children. "Older family members order the younger and the men the women. This establishes interpersonal patterns in the family around the dimensions of respect and obedience to elders and male dominance" (Ginorio and Reno, 1986). Extended families often exist, which include the nuclear family, relatives, long-standing friends, and relatives such as godparents.

Strict role identification is generally maintained in the Latino family. Boys are taught to respect and obey their parents but are allowed a high degree of freedom in lifestyle. "While the male role was defined in secular terms, the female role was closely tied to the values and traditions of the Catholic Church," write Ginorio and Reno (1986). "As females, the models presented to us were accepting, silent and constantly responsive to others' needs. We were told we were morally superior to and spiritually stronger than the male. Thus we must be mediators for him and represent him by our presence in the church and by our exemplary behavior. Any misbehavior by any family members reflects on the honor, pride and prestige of the male."

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Girls are closely supervised by their families, who wish to protect the girls' innocence and virginity. Sex for Latina women, especially those who are Catholic, is discouraged, except for childbearing. Latina women often suffer extreme shame and guilt if they are raped. If she is an unmarried woman, she will be punished because she is no longer a virgin; if she is married, she will be humiliated because she has been abused by a man who is not her husband.

Because of the close family ties in Latino culture, the survivor's recovery process will be affected by her family's reactions to the sexual assault. The survivor may not gain the support of family members and the Latino community. It could be believed that she provoked the rape by not acting properly, or that she is being punished by God for some past impropriety. She may hesitate to tell her family or authorities. There may be fear that disclosing the abuse will be more harmful than the abuse itself, or that the family may seek retribution by attacking the assailant. It is important to respect the survivor's reluctance to disclose the rape. If the family does become involved, the advocate should try to understand its' reactions, even if the attitudes seem negative or old-fashioned.

If the survivor felt comfortable enough to disclose the rape to her family, the family should be included in any advocacy sessions. The survivor should be able to decide which family members she wants to include. Working with the entire family can help them understand the survivor's lack of complicity in the assault and the need for medical and emotional treatment.

COUNSELING AND RELIGIOUS ISSUES

Latinas are raised with the concept that sex outside marriage is wrong. The religion of the vast majority of Spanish-speaking people is Catholicism, which defines sex as sin, unless for the purpose of conception. "Because for so many women the (Catholic) Church has been the only avenue for participation and expression outside of the family, we have looked to the Church for leadership and support to help in establishing our identity as women...Sexism in the Church has often reinforced passivity and acceptance of male domination. The religious stance on sexuality, rape, abortion and birth control has not made it possible to openly and frankly confront these issues so central to women's lives, neither in the privacy of the family nor in the public forum of society" (Ginorio and Reno, 1986). The advocate should stress the violence of the assault and minimize the sexual aspects.

If the survivor becomes pregnant, there may be particularly great concern because of the Catholic sanction against abortion. The advocate must respect the victim's religious beliefs and should never pressure the survivor to have an abortion. Advocates must respect the victim's religious beliefs.

The Catholic survivor may exhibit a fatalistic attitude about the assault, with an unwillingness to work at recovery. She may feel the rape was God's will, part of her own inalterable fate. The counselor should encourage the survivor to take responsibility for helping herself.

There may also be a high level of self-criticism and guilt because of the victim's religious beliefs. The advocate should determine whether consulting a sympathetic priest will help the Latina woman.

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OTHER ADVOCACY ISSUES

If the survivor does not speak English well, and the advocate is not bilingual, there will be a language barrier. Even when the Latina woman speaks English, she may have difficulty with the English language. People tend to revert to their native language during periods of crisis, and a Spanish-speaking advocate should be provided to give more effective services. Even a Spanish speaking advocate may have difficulty communicating with a woman from a cultural background different from the advocate's own. The introduction of an interpreter into a session may also cause the survivor additional discomfort when revealing humiliating details of the rape. The advocate will have to be particularly sensitive at such times.

Latina survivors may not have the words to describe the sexual assault. Words used to describe sexual offenses might not exist in their language, or will be seen as too obscene to speak. Confusion may result as to the meanings of American expressions for sexual activity.

Some Latinas will not feel comfortable with the intimate, explicit questions asked by advocates. This discomfort may prevent them from reporting the assault.

If a Latina is not a naturalized citizen of the United States, she will probably have strong concerns about deportation and the problem of maintaining economic survival. This may discourage the survivor from reporting the rape to authorities. The perpetrator may be an individual who maintains power over the woman and her family directly because of her non-resident status (such as an employer). It is essential that the advocate provide support, even when charges against the assailant cannot be pursued.

Latinas, especially those classified as non-residents, may be particularly vulnerable to gang rape. Gang rape will also bring concern that disclosure will cause further, possibly more severe violence from gang members. The resulting fear can be especially disabling.

Expressing anger should be encouraged in Latinas as a legitimate reaction to sexual assault. Culturally, Latina women have been raised to contain their rage. Part of a survivor's recovery will hinge on her ability to express and cope with anger.

Referral to other community resources should show awareness of cultural differences. Bilingual services sensitive to issues of sexual assault, as well as to Latino culture, are critical and necessary.

Because of a history of racism and discrimination, advocates must work to gain the trust of Latina survivors. The advocate may be viewed as another representative of an oppressive system. Assure the survivor that everything discussed will be confidential.

Advocates should respect the Latina woman's religious views and cultural heritage, which stresses concepts such as honor and close family interaction. Respect and validation of cultural differences will assist in recovery. It is essential to remain nonjudgmental at all times.

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ASIANS

There are wide cultural and language differences among people of Asian descent. The largest Asian population in the United States is Chinese.

"Asian-Pacific" refers to a variety of Asian ethnic groups such as Japanese, Chinese, Filipino, Korean, Thai, Vietnamese and Samoan. Others of Asian background include Burmese, Kampuchean, East Indian, Malaysian, Laotian and Pacific Island people. These groups have different native languages, religions, and cultural patterns, they are linked by this term only for Western convenience.

Asian women suffer from racist beliefs that define them as passive and subservient. U.S. intervention in Asian countries has brought about an attitude of superiority toward Asians. Some people, accustomed to viewing Asians as enemies or prostitutes, perpetuate hatred toward Asian people in the U.S. Domination, both military and sexual, is basic to stereotypes.

Most Asian women will probably be Buddhist, Confucian or Catholic. Religious traditions have a direct influence on a woman's response to sexual assault. The Confucian religion dictates that women are subservient to men. A Buddhist or Catholic woman who becomes pregnant as a result of rape will probably choose not to have an abortion.

Passivity and a sense of fatality may be a part of an Asian woman's personality. According to Tracy A. Lai (1986),

- Traditional Asian Pacific values tend to socialize women into secondary roles to men. Their identities are defined mainly in terms of their husbands and family responsibilities. As a consequence, there is often a pattern of behavior characterized by deference to authority (males, elders), non-assertiveness, and self-effacementthese behaviors create a vulnerability which invites exploitation and manipulation. Assertive behaviors for women may seem threatening if presented in opposition to traditional responses.

Because of the differing cultures, as well as the differences between recent immigrants and second or third generation citizens, plus the differences in personality and circumstances, once again, generalizations are impossible. However, awareness of the common myths about Asian women and understanding some common cultural patterns may help in working with Asian women who have been sexually assaulted.

Common myths include the belief that Asian-Pacific women are rarely sexually assaulted. Other myths state Asian women rarely use social service agencies or that they have adequate service resources within their own communities. In reality, language, cultural barriers, lack of knowledge about resources, and reluctance to bring attention to themselves contribute to the low reporting rate and under utilization of established services.

In Asian cultures, sexual assault is often seen as primarily sexual, and sexuality is not easily discussed. In addition, the woman is often seen as responsible for the assault. A woman's self-worth is often based on chastity, virginity and ability to marry. Sexual assault not only

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decreases self-worth, but also brings shame to the whole family. In some traditional cultures, only marriage to the perpetrator of sexual assault removes the stigma for the woman.

Western stereotypes can add to the vulnerability of Asian women. Asian women are often seen as geisha dolls who are fragile, defer to authority, and who cannot take care of themselves. When working with Asian women, it is imperative to assure confidentiality if the woman is to express her feelings openly. While a professional of a different ethnic group may be viewed with suspicion and have language or cultural barriers, a professional of the same ethnic group may also be viewed with suspicion because of fear of gossip. The following guidelines might be helpful when working with Asian women:

- Asian-Pacific women must be educated about sexual assault as an act of violence that is not the victim's fault. It is helpful to emphasize the susceptibility of all women and the reasons men assault.
- While the Asian woman experiences the same emotional crisis as almost all other victims, she may be more likely to deny the assault. She may be unwilling to discuss the attack. In addition, her family may share her denial. Asian women may be more likely to put family ahead of individual interests and less willing to discuss sexual incidents (Ohio Coalition 1991; "Cross Cultural Service Delivery," 1992; United States Commission on Civil Rights, 1992; Hamilton, 1989).
- Because of cultural mores, the process of getting information and helping the victim through the recovery process may be longer and more frustrating. In addition, some Asian-Pacific languages may not have words for body parts, particularly the genital areas.
- An Asian-Pacific woman may view her post-assault need as limited to concrete practical procedures. While she should be assisted in these needs, it is also important to encourage the victim to seek emotional counseling. "Most Asians are taught to be task-oriented. Therapy sessions for Asians should therefore delineate goals, assign practical exercises, and should occur over a brief rather than extended period" (Ogawa, p. 274).
- Because of the societal shame following a sexual assault, the Asian-Pacific woman may be particularly susceptible to suicide ideation.
- It is very difficult for many Asian women to tell their families about a sexual assault. Often, victims make plans to disappear from their families and communities. Professionals should help victims make plans for how to deal with their families.
- ? It is not uncommon for an Asian-Pacific woman to be disowned by her family or to be battered by male relatives after a sexual assault. Make sure the victim has information regarding emergency shelters or an alternative plan if a shelter is not available.
- In many Asian-Pacific ethnic groups, sexual assault of married women automatically means divorce. Married Asian women who are raped are traditionally viewed as unfaithful to their husbands. It is difficult for Asian husbands to comprehend that

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their wives are not responsible for sexual assault. Her trauma will be increased by his inability to understand. It is important for professionals to understand this fear and be ready to provide information about the woman's rights as an immigrant, as a refugee, and as a spouse regarding community property.

- Non-Asian professionals may find communicating with Asian victims difficult because of the cultural tendency to be indirect. Special sensitivity to nonverbal signals is important. It is essential that the advocate respect the confidentiality of the survivor, and understand the shame felt by the survivor and her family.

THE ASIAN FAMILY

In Asian culture, the image of the nuclear family is usually regarded as more important than an individual's needs. A sexual assault will be viewed as a disaster that has befallen the entire family. The survivor may feel that she has dishonored the family by being a victim, or that she is humiliating them by disclosing the rape.

If possible, the advocate should find out who is considered the head of the family, and work with that individual, as well as the survivor. The authority figure may be the oldest female, or the survivor's husband or father.

The family will probably deny the rape and try to keep the assault a private matter, undisclosed to the extended family and the community. Relatives may accuse the survivor of provoking the sexual assault. The survivor may refuse to speak to the advocate after the initial disclosure, with the family assisting her in hiding from the advocate. Relatives may attempt to speak on the woman's behalf or may literally prevent her from seeking help.

If the Asian woman is single, her family may consider her no longer eligible for marriage since greater value is put on virginity.

ADVOCACY ISSUES

Common emotional reactions by Asian survivors include fear of retaliation by the assailant, shame, guilt and the belief they are responsible for the sexual assault. There may be a feeling of loss of face which is a reaction of extreme shame and disgrace.

Recent immigrants to the United States may not report sexual assault, fearing that contacting the authorities will lead to deportation. They may also not know about sexual assault programs or how to find them.

Advocates who are not fluent in Asian languages may have difficulty communicating with some Asian clients. An interpreter sensitive to sexual assault issues will be vital in such cases. If an interpreter is not available, the advocate should remain aware that words describing sexual parts, functions or activities may not exist in the Asian woman's language. Sex is not freely spoken about in Asian culture, and the survivor will be reluctant to discuss the rape in explicit terms. The advocate should avoid using words the survivor does not use, because they may have negative implications in her understanding of English.

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Because of the tendency to deny rape, providing strong assistance to the Asian survivor during the initial session is critical. The advocate should discuss Rape Trauma Syndrome, what the survivor can expect emotionally, common issues and distress faced by sexual assault victims, and written materials for further reference.

The Asian survivor may come to the advocate seeking concrete, practical information about what she should do. Once getting legal or medical information, she may terminate the relationship. Legal problems confronting the Asian woman may concern divorce, or her rights as an immigrant, or custody of children.

If the Asian woman returns to the sexual assault program, the advocate may find that problems will be confronted slowly over an extended period of time.

An Asian woman may view the advocate as an authority figure. The survivor may want the advocate to tell her what to do, she may not initially understand the concept of helping herself. Some Asians are accustomed to consulting with older, more experienced members of the community and may put the advocate in this role. Even though an advocate might not be comfortable with this method, it might be best for the survivor if the advocate takes on this role of authority. By doing this, asking personal questions will not be viewed as disrespectful and intrusive by the survivor and her family.

Respect and integrity are important in the Asian community. When speaking to the survivor's family, the advocate should acknowledge and accept the authority of the elder spokesperson by addressing older family members by titles rather than first names. Eye contact and touching should be done with discretion, some Asians find these expressions too familiar and intimate.

Asians often laugh to mask anxiety. If the survivor's family laughs, the advocate should not assume this demonstrates a lack of regard for the seriousness of the survivor's problem. Anger and distress are not easily displayed in Asian culture.

REFERRAL

Referral for long-term counseling may not be possible with some Asians. Individual mental health has little meaning in Asian culture, where the function of the family as a whole is of primary concern. If the survivor does return for counseling, she will probably preferably an older woman as a counselor, preferably one who speaks her language, but is not a part of her community. If the survivor is Catholic, she might appreciate a referral to a sympathetic priest.

SUMMARY

The Asian woman's main concern about reporting her abuse is that the community will discover her shame. If the survivor can understand her name will not appear in public and that the police will not speak to her neighbors, she may consider pressing charges. However, if the assailant was a member of her community, she will probably prefer the assault remain unreported.

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It is essential that the advocate respects the confidentiality of the survivor, and understands the shame felt by the survivor and her family.

The survivor may not understand goals of restoring control over her own life. Many Asian women are raised to be submissive. Stressing assertiveness and self-control as means of coping with rape will probably cause further confusion. The advocate would best serve the woman by helping restore her life to the routine established before the sexual assault.

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AMERICAN INDIAN

CULTURAL TRADITIONS

The terms “Native American” and “American Indian” apply to the many tribes that inhabited the United States before Europeans came to this country. Because these tribes maintain vastly different traditions and degrees of assimilation into mainstream American culture, the following information should be considered a generalization of many of the diverse characteristics of American Indians.

Extended families are common among American Indians, who respect the elderly and family traditions. American-Indian women may allow their children to be cared for by relatives. American Indians are expected to be self-reliant at an early age and able to care for younger children.

American Indians often have a frequent turnover of jobs and a casual attitude about time. Traditionally, American Indians do not value the accumulation of wealth as an end in itself, but enjoy sharing their possessions. There is little incentive to acquire a job and move up the ladder of success in the workplace. American Indians expect work to be valuable and enjoyable, but most of them do not have the education and experience to acquire fulfilling jobs in this country. A job may be taken to pay for immediate expenses, and the American-Indian employee will then quit when the money is made.

Time is viewed differently in the Native-American culture than it is in the regimented mainstream lifestyle. As a result, Native Americans are often late to appointments. The advocate should try not to be annoyed when a client is late, because the lateness is not a sign of disrespect or lack of interest.

American Indians have suffered from abuse, discrimination and racist misinformation including characterizations of them as savage, woman-hating, impoverished, simple-minded, drunken, childlike and weak. The results of the white man’s subjugation of American Indians are particularly devastating.

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VIOLENCE IN NATIVE-AMERICAN CULTURE

American Indians are not easily assimilated into mainstream American culture. American Indians have the lowest per capita income, the highest unemployment rate, the lowest level of education, the worst health and housing conditions, and the highest suicide rate of any group in the United States.

The breakdown of the extended family and increasing alienation from traditional values have resulted in increased occurrences of child sexual assault, incest, rape and domestic violence.

A report by Phyllis Old Dog Cross in the periodical *Listening Post*, cited by Allen (1986) reports that rape, sexual assault and incest are becoming frequent on reservations. The report states that at least 80 percent of American-Indian women seen at a five-state regional psychiatric center experienced sexual assault. According to this report, "Sexual abuse at a young age is quite frequent and almost always involves a relative such as a father, brother, cousin, uncle or grandfather...the problem of alcohol is seen in about 90 percent of the cases."³

ADVOCACY ISSUES

People advocating for American Indians must work to understand the group's strong culture and tradition.

The advocate will have to work to gain the trust of the American Indian survivor, whose culture has been victimized for centuries. Patience and quiet presence will work better than aggressively pushing the survivor to disclose her feelings.

The advocate may find that an American Indian who has been sexually assaulted will distrust the advocate, medical personnel and other authorities. The survivor will expect to be treated poorly and with disrespect, and the advocate must assure her this will not occur.

The advocate should allow the survivor to set the pace of discussion and intervention. The Native-American woman might not wish to speak at all. Coping with sexual assault is a private struggle. Silence does not necessarily indicate the survivor does not appreciate the advocate's support. The advocate should never push the victim into conversation, because this may make her even more reticent.

Questions from the sexually assaulted woman should be answered, and medical and legal processes she will undergo explained. The advocate should not be authoritative but must gently help the woman search inside herself for the means of healing.

It may be difficult to maintain eye contact with an American-Indian person. This is probably a sign of respect on her part, since eye contact is believed to be powerful, and it is not given easily.

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Prostitution and Sex Work

Women working as sex workers have been portrayed by some as victims of exploitation and abuse, and by others as workers in a profession stigmatized by a sexually repressed society. The debate about the status, treatment and motivation of prostitutes can be traced to ancient Greek and Roman times (Bullough & Bullough, 1987; Decker, 1979), and although it may be discussed in slightly different terms, continues throughout history. Unfortunately, the attention given to the debate may diminish the attention given to services needed by sex workers.

In the ancient Near East, ancient Rome, and ancient Greece, sex work was considered necessary for social order, by "providing a necessary sexual outlet for men while simultaneously cutting down on adulterous relationships"/(sex with a prostitute was not considered adultery)/(Decker, 1979, p. 76). From at least 600 BC through the early 1600s, government taxation and regulation of sex workers waxed and waned as societal attitudes for and against prostitution changed during these centuries (Bullough & Bullough, 1987; Decker, 1979). In sixth century Europe, earlier restrictions which had been placed on sex workers were eliminated and replaced with harsh penalties for procurers (Decker, 1979). In fact this action, taken by the Roman leader Justinian, was coupled with what may have been the first program designed to rehabilitate the sex worker (Decker, 1979). General consensus on the importance of regulating sex work does not seem to have occurred until the Reformation of the sixteenth century (Bullough & Bullough, 1987; Decker, 1979). At this time, the serious health

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threat of venereal disease seems to have been the major motivation for the regulation of prostitution (Bullough & Bullough, 1987).

In the frontier West in the United States, sex work grew during the 1800s. Many women who traveled west have been described as adventurers who were not happy with life on the farm, and "did not find prostitution so reprehensible that they wouldn't engage in it" (Decker, 1979, p. 60). As in the East, sex work in the West was generally prohibited, but tolerated by law enforcement (Decker, 1979). Some western communities regulated sex workers by segregating brothels and conducting medical exams on the prostitutes (Decker, 1979).

By the mid-1800s, philanthropic groups had begun to develop rehabilitation programs for young women to prevent them from entering, or to rescue them from, a life of sex work (Bullough & Bullough, 1987). Organizations such as the Magdalen Society, Female Reform Society, or the American Female Guardian Society, provided services such as housing, training (usually in housework), and job placement (Bullough & Bullough, 1987). At the turn of the century, movements concerned with morals, venereal disease, women's issues, alcohol prohibition, and white slavery (for example, the international trade in women for prostitution) coincided to temporarily reduce tolerance for sex work and bring an end to regulated sex work (Addams, 1912; Decker, 1979). Josephine Butler is frequently credited with leading the movement to abolish regulation of sex work (Bullough & Bullough, 1987; Roberts, 1992; Rosen 1982). Viewing forced medical exams as a form of rape, and regulation as a means of maintaining women in a life of sex work, she worked successfully to repeal the Contagious Disease Acts of 1864, 1866, and 1869, which had required registration and forced medical exams of prostitutes (Bullough & Bullough, 1987; Roberts, 1992; Rosen, 1982). Butler believed that sex workers were victims of economic injustice and a sexual double standard (Bullough & Bullough, 1987). Although Butler did not support the institution of prostitution, she felt that prohibition and regulation of sex workers served to further victimize prostitute women (Bullough & Bullough, 1987). Butler eventually distanced herself from the abolition movement, which had become more repressive to women as the focus changed from the abolition of regulation to the abolition of sex work itself (Pheterson, 1989).

In 1908, the United States joined the 1904 International Agreement for the Suppression of White Slave Traffic, in which countries agreed to take action against international prostitution (Barry, 1979; Barry, Bunch, & Castley, 1984; Bullough & Bullough, 1987; Decker, 1979). In 1910, the United States passed the White Slave Traffic Act, also known as the Mann Act, which prohibited interstate or international travel for the purpose of prostitution (Barry, 1979; Barry et al., 1984; Bullough & Bullough, 1987; Decker, 1979). Although these laws stopped regulated prostitution, and temporarily impacted tolerated prostitution, illegal prostitution continued. Although prostitution is prohibited in all states except Nevada, it is tolerated in varying degrees across the country. Most forms of sex work which do not involve intimate physical contact with a customer, such as telephone sex, peep shows, topless dancing, and nude dancing, are legal, though regulated.

THE DEBATE ON SEX WORK

The continuing and current public policy debate over sex work exists primarily between some feminists and women escaping the sex trade industry on one side, and other feminists and women in the sex trade industry who want to be considered legitimate workers on the

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other side. Although many people believe that all feminists recognize sex work as victimization (MacKinnon, 1987), women who consider themselves feminists do not all speak with the same voice on this issue (Bell, 1987; Delacoste & Alexander, 1987; Pheterson, 1989). Most feminists and sex workers who have written on the subject advocate that sex workers not be criminally liable for engaging in sex work. Almost all feminists and sex workers also acknowledge the abuse endured by sex workers and the poor social, political, and economic condition of all women in general (Hunter, 1994; Pheterson, 1989). Beyond these similarities, two distinct points of view emerge. On one side are feminists and women escaping the sex trade industry who believe that sex work is a form of victimization of women perpetrated by a patriarchal system which wants to maintain men's right to sexual access to women (Dworkin, 1987; MacKinnon, 1987). This group of women (frequently referred to as prostitution abolitionists) believes that sex workers are victims and call for the abolition of the sex trade industry (Barry et al., 1984; MacKinnon, 1987). On the other side of the debate, other feminists and sex trade workers (frequently referred to as sex workers' rights groups) claim sex workers are businesswomen who should be granted the same freedom to work as any other worker (Bell, 1987; Delacoste & Alexander, 1987; Jenness, 1993; Pheterson, 1989). These sex workers' rights groups are not victims, except of puritanical mores and oppressive laws; they want sex work legalized or decriminalized.

SEX WORK AS VIOLENCE

Those supporting the abolition of sex work, such as Women Hurt In Systems of Prostitution Engaged in Revolt (WHISPER), and the National Coalition Against Domestic Violence (NCADV), "reject the lie that women freely choose prostitution from a whole array of economic alternatives that exist under civil equity" (Wynter, 1987, p. 269). Rather, these groups insist that in the United States, with its high rates of child abuse, wife-battering, rape, female-headed household poverty, lack of an equal rights amendment, and inequitable wages, women live with civil inequity which does not allow free choices, especially in regards to potentially life-threatening work. Supporters of these beliefs want sanctions against sex workers eliminated, but they want those who solicit, procure, or profit from sex work to be criminally liable.

Those who want to abolish prostitution challenge the notion that women freely choose to work in the sex trade industry. Many authors have noted that prostitution exists under conditions of poverty and economic hardship (Addams, 1912; Barry, 1979). For example, in the United States, women's incomes are only about two-thirds the income earned by men (Osberg, 1984). In addition, several studies focus on the relationship between prostitution and childhood sexual abuse (James, 1976; Silbert & Pines, 1981; Simons & Whitbeck, 1991). Data on prostitutes who have sought services to leave prostitution indicate that the majority (73 percent–85 percent) were victims of incest as children (Hunter, 1994), 90 percent were physically abused, and 98 percent were emotionally abused (Hunter, 1994).

SEX AS WORK

The advent of the sex workers' rights movement of the 1970s finally provided a forum for the sex worker to speak for herself. The sex workers' rights movement was founded on three general tenets, all of which are based on the right to self-determination. First, members of the movement do not believe that all sex work is forced, and in fact, believe that many

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women freely choose this work (Jenness, 1993; Pheterson, 1989). Second, they believe that sex work should be viewed and respected as legitimate work (Jenness, 1993; Pheterson, 1989). And third, they believe it is a violation of a woman's civil rights to be denied the opportunity to work as a sex worker (Jenness, 1993). These women "demand recognition as workers" as well as "freedom to financial autonomy...occupational choice...sexual self-determination...[and] worker's rights and protections" (International Committee on Prostitutes' Rights [ICPR], cited in Pheterson, 1986, pp. 192-197).

Contrary to the abolitionists' plan to support sex workers while trying to eliminate the institution of sex work, sex workers' rights groups and many sex workers reject "support which requires them to leave the profession" (ICPR, 1986, p. 192). Sex workers' rights groups claim there is no difference in work in which a woman sells her hands, such as a typist, and work in which a woman sells her vagina, as in sex work (Jenness, 1990; Pheterson, 1989).

Sex workers and sex workers' rights groups are concerned about the sexual violence, physical violence, and/or exploitation that the prostitutes suffer at the hands of customers, pimps, and the police. Yet, unlike those who rally for the abolition of sex work, those in favor of decriminalization want these abuses stopped by the enforcement of existing laws which prohibit kidnapping, assault, rape, and fraud. Those who support the decriminalization of prostitution and other forms of sex work point to the illegality of most sex work as one of the primary factors which leaves them vulnerable to abuse, rape, and exploitation (Pheterson, 1989).

Sex workers and sex workers' rights groups reject the notion that female heterosexuality perpetuates male privilege and men's dominance of women (Jenness, 1990). Many sex workers believe that it empowers all women for sex workers to charge men for what men expect all women to provide for free (Jenness, 1990). This conflicts with the view that the sex trade industry perpetuates men's belief in their right to sexual access to all women (Barry et al., 1984; Dworkin, 1987; MacKinnon, 1987).

WHAT WE DO NOT KNOW ABOUT SEX WORKERS

Because of the nature of the population, sex workers are extremely difficult to study. One of the most prevalent problems is that researchers study one segment of sex workers, such as street prostitutes, and suggests that the findings are generalized to all sex workers. It is critical to understand that sex workers are a very diverse group. The work venues in sex work are diverse, ranging from legal (topless dancing) to regulated (brothel prostitution in Nevada) to illegal (street prostitution). The women who work as sex workers are diverse, representing all ethnicities, sexual orientations, socio-economic status, religions, abilities/disabilities, and educational levels.

Although there is an extremely limited body of research on sex work and violence, violence against sex workers is generally understood to be rampant. Barnard (1993) obtained data from 206 street sex workers in Glasgow, Scotland. Practically all of the women interviewed had been confronted with violent clients on at least one occasion. The study found that one of the main forces that placed women at risk for violence was lack of recourse to the law for legal protection. Miller and Schwartz (1994) conducted interviews with 16 street prostitutes in a correctional facility in a Midwestern city. Most of the participants were crack users. The results suggest that rape myths ("who asks for it" and "who deserves it") were played out in

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the treatment of the women in the study. The researchers concluded that, based on some of the women's reports, some male clients believed that because the women were in the social category of prostitute meant that they were available for verbal, physical, and sexual abuse. Data collected by the Counsel for Prostitution Alternatives (CPA) in Portland from 55 prostitutes who sought services to leave prostitution indicated that 78 percent had been raped an average of 33 times per year, 49 percent had been kidnapped, and 84 percent were victims of aggravated assault (Hunter, 1994). Silbert & Pines' (1981) study with 200 street workers in San Francisco found that customer rape or clients victimized 70 percent of the participants an average of 31.3 times. While the data from CPA and Silbert & Pines do not reflect the experience of most sex workers, they certainly show that sex work can be dangerous for some women. Finally, it is worth noting that several notorious serial murderers have targeted prostitutes as their victims (for example, the Green River killings in Washington).

In countries like the United States where most sex work is illegal, sex workers are frequently denied police protection, leaving sex workers vulnerable to exploitation, sexual and physical violence, arrest, and incarceration (Pheterson, 1989). For example, immigrant women who prostitute may be deported, and mothers who prostitute can lose custody of their children (Pheterson, 1989). In the U.S., most sex workers avoid seeking social services because of the stigma attached to sex work, the criminalization of prostitution and the potential implications for them as parents (Boyer et. al., 1993; Sloan, 1997; Weiner, 1996). Shedlin (1990) notes that sex workers have reported that "their greatest fear is that of being investigated by social service agencies and having their children taken away" (p. 138).

The Boyer "Needs Assessment of Sex Workers in Seattle" (1993) reported that the existing social services "are not prepared to deal with the unique issues of sex industry women" (p. 20). In a handful of cities, services including support groups, housing, job training, and assistance in applying for state and federal benefits are available to sex workers who want to escape the sex trade industry. However, few services exist for sex workers who cannot, or do not want to leave the sex trade industry, but may need assistance with some aspect of their lives. Two of the most common services directed at sex workers are needle exchange programs and STD prevention programs. Worldwide, few services exist that specifically address the needs of sex workers who have been victims of violent crime.

IMPLICATIONS FOR SEXUAL ASSAULT PROGRAMS

One of the issues on which feminists and sex workers on all sides of this issue agree is that sex workers are, or can be, victims of sexual violence, physical violence, psychological abuse, economic exploitation, kidnapping, torture, and murder. Recently, the Texas Association Against Sexual Assault (TAASA) adopted a pragmatic position on sex work which acknowledges the public policy debate, but makes services to sex workers, without moral or ideological judgment, a priority. TAASA's resolution calls for sexual assault services to be provided for sex workers who are victims of sexual violence, appropriate referrals for those who want to leave the sex trade industry, and support for those who cannot or do not want to leave the sex trade industry.

At the same time that sexual assault programs are beginning to examine what they can do for sex workers, sex worker organizations are beginning to address the issue of violence. For many years, the Sydney, Australia, Sex Worker Outreach Project (SWOP) has distributed an "ugly mug" book to warn sex workers of dangerous customers. In another campaign, they

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developed outreach materials with the slogan “Strippers: We Support You,” the materials included information on topics such as STI’s, money management, worker rights, and agencies willing to provide crisis services to sex workers. SWOP is currently developing materials to address violence against sex workers. In the U.S., services to sex workers are scarce, despite the fact that this population is extremely vulnerable to crime.

Because sex workers rarely disclose their occupation to social service providers for fear of stigmas and arrest (Boyer et. al, 1993; Weiner, 1996), service providers do not always know when a client is involved in the sex industry, limiting the ability to meet the needs of clients that are specific to sex work. Women who are unable to hide their sex worker status are frequently the most vulnerable because they are either homeless, addicted to drugs or perhaps have serious health conditions (Weiner, 1996). Consequently, many women who reveal their status are turned away from social service programs (like domestic violence shelters or long-term alcohol and drug treatment) out of fear that they will compromise the programs by continuing to trade sex for drugs or money (Weiner, 1996). While some cities like Seattle, Portland, Minneapolis, and Buffalo have services that offer support groups, housing assistance, job training and counseling to sex workers who want to leave the life, few services exist to support sex workers who remain in the sex industry despite the fact that some of them may be in dire need of social services.

RECOMMENDATIONS

First, it is recommended that sexual assault advocates examine their own stereotypes and biases about sex workers. Despite one’s own perspective, it is important to take your lead from the survivor. As with any survivor of sexual assault, it is important to remember to begin where the client is. A sex worker may fall anywhere along the continuum as to her experience with sex work: she may see it as exploitive and forced, or she may see it as a choice she has freely made. Do not impose your own beliefs on her.

Although most of your intervention with a sex worker will be just like that with any other survivor, there are some important differences. First, if the type of sex work in which the survivor is engaged is illegal, she may be reluctant to report the offense to the police. Your knowledge of police in your community will help you know the type of response she may receive if she reports the sexual assault. Although street workers are likely to be known to local law enforcement, off-street workers enjoy more obscurity and may be especially reluctant to expose themselves to the scrutiny of the criminal justice system. Unfortunately, the stigma faced by sex workers can reduce the likelihood of a successful prosecution in all but the most heinous cases. Second, prostitutes who are raped while engaging in prostitution are ineligible for Crime Victims’ Compensation. Currently, CVC disallows benefits to anyone who becomes a victim while they are committing a crime.

Some sex workers may want and need assistance to leave sex work. Depending upon the circumstances, an array of services may be required, including housing, education, job training, financial assistance, child care, drug treatment, clothing, etc. The services needed may be beyond the scope of your agency. Unfortunately, the services needed may be beyond the scope of any agency in your community. The development of services, including outreach, is best done in collaboration with sex workers in your community.

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Pregnancy

CONTRACEPTION: GUIDE TO THE PROS AND CONS

Efficacy rates provided here are estimates based on a number of different studies. Methods which are more dependent on conscientious use, and therefore more subject to human error, have wider ranges of efficacy than others. For comparison, 60 percent to 80 percent of sexually active women using no contraception would be expected to become pregnant in a year. Because the contraceptive sponge has only been on the market a short time, effectiveness estimates for it are not based on as many studies as those for the other forms of contraception. The information below would not be used alone, but only as a summary of information in the accompanying article.



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Emergency Contraception, Ovral, Preven ("morning after pill")

Estimated Effectiveness: 97 percent

Risks: Headaches, blurred vision, nausea, chest pain, abdominal pain and leg pain

Non-contraceptive Benefits: None

Convenience: Must start treatment within 72 hours after intercourse

Availability: Prescription.

Birth Control Pills

Estimated Effectiveness: 97 percent (Mini); 99 percent (Combination pill)

Risks: Not for smokers; blood clots, gall bladder disease, non-cancerous liver tumors, water retention, hypertension, mood changes, dizziness and nausea.

Non-contraceptive Benefits: Less menstrual bleeding and cramping, lower risk of fibrocystic breast disease, ovarian cysts and pelvic inflammatory disease; may protect against cancer of ovaries and of the lining of the uterus.

Convenience: Pill must be taken on daily schedule, regardless of the frequency of intercourse.

Availability: Prescription.

Condom

Estimated Effectiveness: 64 percent to 97 percent

Risks: Rare, irritation and allergic reactions

Non-contraceptive benefits: Good protection against sexually transmitted diseases, including herpes and AIDS.

Convenience: Put on immediately before intercourse.

Availability: Over the counter.

Intrauterine Device (IUD)

Estimated Effectiveness: 95 percent to 96 percent

Risks: Cramps, bleeding, pelvic inflammatory disease, in extreme cases perforation of the uterus.

Non-contraceptive Benefits: None.

Convenience: After insertion, stays in place until physician removes it.

Availability: Prescription.

Diaphragm with Spermicide

Estimated Effectiveness: 80 percent–98 percent

Risks: Rare, irritation and allergic reactions, bladder infection, constipation; very rarely, toxic shock syndrome.

Non-contraceptive benefits: May give some protection against some sexually transmitted diseases.

Convenience: Inserted before intercourse; can be left in place 24 hours but additional spermicide must be inserted if intercourse is repeated.

Availability: Prescription.

Sponge

Estimated Effectiveness: 80 percent to 87 percent

Risks: Rare, irritation and allergic reactions, difficulty in removal, very rare toxic shock syndrome.

Non-contraceptive benefits: May give some protection against some sexually

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transmitted diseases.

Convenience: Can be inserted hours before intercourse, left in place up to 24 hours; disposable.

Availability: Over the counter

Vaginal Spermicides (used alone)

Estimated Effectiveness: 70 percent to 80 percent

Risks: Rare, irritation and allergic reactions

Non-contraceptive benefits: May give some protection against some sexually transmitted diseases.

Convenience: Applied no more than one hour before intercourse; can be messy.

Availability: Over the counter.

Natural Family Planning or Rhythm

Estimated Effectiveness: Very variable, perhaps 53 percent to 86 percent Risks: None.

Non-contraceptive Benefits: None.

Convenience: Requires frequent monitoring of body functions and periods of abstinence.

Availability: Instructions from physician or clinic.

Vasectomy (Male Sterilization)

Estimated Effectiveness: Over 99 percent

Risks: Pain for male; infection rare; possible psychological problems.

Non-contraceptive benefits: None.

Convenience: No care after surgery.

Availability: Minor surgery.

Tubal Ligation (Female Sterilization)

Estimated Effectiveness: Over 99 percent

Risks: Surgical complications; some pain or discomfort; possibly higher risk of hysterectomy later in life.

Non-contraceptive benefits: None.

Convenience: No care after surgery.

Availability: Surgery

Medical Protocol

SEXUAL ASSAULT EVIDENCE COLLECTION KIT (RAPE KIT)

Required Kit Contents

- Crush-proof box
- white envelopes
- 3 frosted-ended glass slides with new/unused pap smear mailers
- 2 small narrow tooth combs
- purple-top blood tubes;
- 1 red- 10cc blood tube nail file or pick
- 4 swabs for each (Minimum swabs per area)
 - vaginal
 - oral

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- rectal
- 2 body surface areas
- TOTAL SWABS: 16
- 2 plain envelopes for any other evidence that needs to be included

Recommended Equipment

In addition to the sexual assault examination kit, the following equipment may be needed:

- urine specimen containers
- Wood's lamp – UV light
- large paper bags
- catheter marking pens
- manila envelopes (preferred)
- white table paper
- sterile water for irrigation
- disposable powder free gloves
- scissors
- forms
- sharpened lead pencil
- blood tubes
- scotch tape
- Colposcope
- sterile test tubes
- hemocult slide
- spot light
- GC culture media
- forced air dryer (fan driven)
- vaginal speculum (sm., med., lg.)
- chlamydia media ruler (with cm measurements)
- pipettes

TEXAS EVIDENCE COLLECTION PROTOCOL

CLOTHING EVIDENCE

Collection Procedures

To minimize loss of evidence, the survivor disrobes over a white cloth or sheet of paper. If survivors cannot undress on their own, and because of their condition it is necessary to cut off items of clothing, the examiner does **not cut through** existing rips, tears, or stains.

Any foreign materials found are collected and put into a small paper envelope, properly labeled and sealed with cellophane tape. If the survivor consents, the clothing is then collected and packaged.

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SWABS AND SMEARS

Oral/Collection Procedures

The oral smear can be as important as the vaginal or rectal smears. The purpose of this test is to recover spermatozoa/seminal fluid from recesses in the oral cavity where traces of spermatozoa could survive. This test should be done first, so that the survivor can rinse out her or his mouth as soon as possible. Such a practice will reduce a significant source of unnecessary survivor distress. Oral washings should be restricted to facilities where immediate laboratory analysis can be performed. If washings are utilized, the oral swabs and smears should be performed prior to the washings.

After the procedure is completed, the survivor rinses her/his mouth out with clear water. The survivor should not eat, drink or smoke for 30 minutes. At that time, the saliva sample will be taken to check for secretor status.

Vaginal/Collection Procedures

Vaginal/cervical specimens are collected on four cotton swabs by swabbing the vaginal vault and cervical cuff, but retained in two ways: one specimen is an air-dried smear on a frosted-end slide from the swabbings, the second is retained on the cotton swabs themselves.

The examiner checks for any contraceptive or sanitary device that may be left in the vagina. These are retained for evidence. If a sponge or diaphragm is removed before the prescribed time, morning after treatment should be considered. Any device that is removed should be air dried, packaged in an envelope and labeled as to contents, source, name, date and personnel.

In special cases a vaginal wash or aspirate will be used instead of cotton swabs. No more than 1 cc of normal saline/sterile water should be used if a vaginal wash/aspirate is used instead of swabs. This dilutant should then be placed on a cotton swab and air-dried. If the specimen is obtained in this way, it should be properly labeled as such and packaged in a cardboard tube as other specimens.

Note that under certain circumstances a semen-free vaginal swab may have to be collected from the survivor at a later time in order for the laboratory personnel to interpret genetic marker results in blood specimens. If this is the case, laboratory personnel will notify the appropriate medical personnel.

Immediately following this procedure, the pelvic examination should be performed and medical cultures taken, if indicated.

Penile/Collection Procedures

For the male survivor (both adult and child), the presence of saliva on the penis could indicate that oral-genital contact was made; the presence of vaginal secretions could help corroborate that the penis was introduced into a vaginal vault; and feces or lubricants might be found if rectal penetration occurred. Vaginal secretions cannot reliably be identified microscopically or chemically. However, attempts can be made to detect genetic markers foreign to the male survivor and consistent with the suspect.

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The proper method of collecting a penile smear is to use two lightly moistened cotton swabs to thoroughly swab the external surface of the penile shaft and glands. All outer areas of the penis and scrotum where contact is suspected should be swabbed.

These swabs are not, however, for use in the medical diagnosis of a sexually transmitted disease; therefore, they are not be used to swab inside the penile opening.

It is at this time that swabs should be made for detection of possible sexually transmitted disease, if indicated.

Anal/Collection Procedures

The examiner ensures contact is only with the rectum during the collection procedure. After preparing the slide from the swab, it is placed in the cardboard mailer, allowed to air dry, then labeled and sealed.

At this time, any additional examinations or tests involving the anus should be considered.

Other Dried Fluids/Collection Procedures

Saliva, blood and semen are the most common secretions deposited on the survivor by an offender. These secretions can be analyzed by laboratories to aid in the identification of the perpetrator.

It is important that the medical team ask the survivor where any body fluid deposit might be and examine the survivor's body for evidence of foreign matter. A swab should be taken for each secretion.

BITE MARK EVIDENCE

Saliva, like semen, demonstrates blood group factors characteristic to the person they came from. Therefore, the collection of saliva from the bite mark should be made prior to the cleansing or dressing of a wound. If the skin is broken, swabbing of the actual punctures should be avoided when collecting dried saliva. Instead, just the area directly surrounding the bite marks should be swabbed.

It is important that photographs of bite marks be taken properly. It is recommended that a local law enforcement agency representative be contacted when the hospital protocol is developed, to provide the proper instructions on how to take photographs of bite mark evidence. A ruler should be used to document the size of the bite mark in the photograph.

HAIR EVIDENCE

Combings

Where there is evidence of semen or other matted material on pubic or head hair, collect it by clipping around the matted area and place the sample in a separate white paper envelope and label it matted hair sample from head (pubic) area. It is important to obtain the **survivor's permission** prior to cutting any significant amount of hair. If the sample cannot

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be cut, it may be collected in the same manner as other dried fluid. The swab is then placed in a small paper envelope and labeled as described above.

The top, back, front and sides of the survivor's head hair should be combed over a piece of paper to collect all loose hairs and fibers. Put the combings and the comb into a folded paper and place in an envelope marked head hair combings, complete the labeling information and then seal the envelope with tape.

A second comb is used to collect any loose hairs or fibers from the pubic area over a piece of paper or paper towel. **Survivors may prefer to do the combing themselves to reduce embarrassment and increase their sense of control.** Fold the pubic hair combings and the comb into the paper and place in a second envelope marked pubic hair combings. After the labeling information is completed the envelope is sealed with tape. Combing is done vigorously and thoroughly to lessen the chance that valuable evidence may be missed.

Pulled Standards

There is a division of opinion among professionals as to the value of hair comparison evidence to successful prosecution, as weighed against the discomfort of the survivor whose known hairs are collected. Each elected district attorney should make a determination whether comparison hair evidence should be collected and when it should be collected and inform their respective medical and law enforcement personnel accordingly.

If your jurisdiction chooses to collect pulled hair standards, care should be taken prior to collection to inform the survivor of the procedures which will be used and why it is being collected at that time. Every effort should be made to reduce the discomfort and stress of the examination to avoid further traumatizing the survivor. Evidence should never be taken without the informed consent of the survivor. If pulled hair standards are to be collected, the following procedures should be followed.

The combing of the survivor's head and pubic hair will remove any foreign hairs which then can be compared to pulled hairs from the survivor and the suspect. It is necessary that the pulled hairs possess roots for a complete and accurate comparison. These collection procedures can be performed by the survivor.

Additional hairs may be needed at a later time. The absence of pubic or head hairs should be noted.

FINGERNAIL SCRAPINGS

The survivor is asked whether he/she scratched the offender's face, body or clothing. If so, or if fibers or other materials are observed under the survivor's fingernails, the nails are scraped, one hand at a time, using an orange stick, plastic pick, any appropriate hard pointed implement or a small cotton swab lightly moistened with sterile water to clean under the finger nails. This swab would need to be dried prior to packaging. This procedure is at the medical and law enforcement personnel's discretion.

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This is a procedure that survivors may want to perform themselves, and they should be encouraged to do so. Scrapings are made for each hand over a separate piece of paper. The paper is folded and placed in small, individual envelopes along with the pick.

The examiner completes the labeling information for each envelope making certain to differentiate between left and right hand on the labels. The flaps are then sealed with tape.

WHOLE BLOOD SPECIMEN

Any semen found on the clothing or in the body cavities of the patient is likely to be mixed with her/his body fluid (vaginal secretions, saliva, etc.). Therefore, a blood sample must be collected from the patient to determine the contribution of her/his genetic markers to the mixture or unidentified stains.

SALIVA SPECIMENS

Survivors are reminded not to chew the swabs; moistening them for a few seconds is usually sufficient. Survivors are instructed to remove the swabs with their own fingers. **The swabs must not be removed by anyone other than the survivor unless a hemostat or a clean gloved hand is used, because the slightest contamination from another person's secretions may be detected by the forensic analyst.**

MEDICAL EXAMINATION DOCUMENTATION

Body Diagrams/Photographs

Photographs of extremely brutal injuries and of bite marks can prove quite beneficial in court; however, many times injuries, such as bruises, will become apparent only after several days. There is no guarantee that photographs will develop to show the actual severity of the injury. Once taken, photographs can be subpoenaed into evidence.

Therefore, any photographs which are taken should be limited to those instances where there is an opportunity to produce clear pictorial evidence of injury, such as bruises or lacerations. If photographs are taken, they should be done **only with the specific consent of the survivor.**

Further, **photographs should not be taken of the genital areas unless the survivor specifically gives permission for this procedure.** Again, drawings accompanied by accurate written descriptions can be as effective in court as photographs.

Finally, it is vital that a competent camera operator take all photographs, preferably of the same sex as the survivor, and that a ruler and color chart be used to indicate the size and nature of each injury. If the examiner is not the one taking the photographs, the examiner should remain in the room while the photographs are being taken.

Toxicology Blood/Urine Screen

Some hospital protocols include the routine procedure of testing for the presence of alcohol and other drugs in the systems of sexual assault patients. Blood/urine screens for determining toxicology should only be done in the following situation in cases of sexual assault:

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Prophylactic Treatment For Sexually Transmitted Diseases And Pregnancy

All patients should be given information about the possibility of contracting sexually transmitted diseases from the assault. Only a follow-up test at a later time will confirm any transmission. The patient should be consoled with the fact that because a sexual assault has occurred does not necessarily result in the transmission of a disease of pregnancy. However, a follow-up exam and test six weeks after the assault should be encouraged. Prophylactic treatment for sexually transmitted diseases should be offered routinely at the time of the initial exam.

If the medical team determines that the female patient of child-bearing years is at high-risk for pregnancy, prophylactic treatment for pregnancy should be discussed and offered.

REFERENCE:

Texas Evidence Collection Protocol, 1998. The Office of the Attorney General, Sexual Assault Prevention and Crisis Services Division.