



FUNDING MEDICAL EXAMS FOR SEXUAL ASSAULT VICTIMS

by Texas Attorney General Greg Abbott

RECOVERING FROM A SEXUAL ASSAULT IS AN intensely personal ordeal that is different for each survivor. Initially, some victims will justifiably react with shock, disbelief and fear. Everyday activities may be disrupted, including eating and sleeping. Victims may feel the need to change their address, job or lifestyle in order to regain their sense of security. With so much difficulty to overcome, victims should not also face financial hardship, which is why the Texas Legislature created the Texas Compensation for Victims of Crime (CVC) Fund. Recently, the Office of the Attorney General, which administers this vitally important fund, reached a significant milestone: \$1 billion in payments to crime victims.

Last year alone, the CVC Fund provided reimbursement for more than 8,500 sexual assault exams and sexual assault examination kits. A sexual assault examination is not medical treatment, but rather a part of the criminal investigation. The exam is performed by medical personnel, who carefully collect and preserve crucial evidence that law enforcement uses

to identify sexual assault perpetrators. Immediate medical needs and referrals for follow-up care also will be addressed at the time of a victim's hospital visit.

Sexual assault victims are not charged for a forensic sexual assault exam. The kits are paid for by local law enforcement agencies, which seek reimbursement from the CVC Fund. For years the Fund has covered, and will continue to cover, the costs of sexual assault forensic examinations and kits.

Sexual assault victims decide for themselves whether to report the crime to law enforcement. Victims are more comfortable seeking medical help than they are reporting a crime. Those victims are helped by a new law that became effective June 19. Under House Bill 2626, the Department of Public Safety (DPS) pays for sexual assault examinations when victims have not reported the assault to law enforcement at the time of treatment. DPS then seeks reimbursement from the CVC Fund.

Consistent with the federal Violence Against Women Act, HB 2626 also prohibits authorities from

conditioning forensic exam payment upon the victim's participation in the investigation or prosecution of the attacker. Neither Texas law nor CVC Fund rules condition payment of sexual assault exam costs upon the victim's role in the investigative effort. Victims are not billed for the costs of their forensic exams. To ensure exam costs are always covered by the CVC Fund, Texas law requires that law enforcement be billed for exams – not victims.

Victims who are unsure about reporting the attack to authorities may seek more information about the reporting process from their local sexual assault prevention and assistance program. These programs provide survivors with support, confidential services and an advocate to accompany victims to the emergency room.

Sexual assault victims also may be eligible for additional financial assistance to offset other costs associated with crime. Reimbursement must first be sought from all other sources of reimbursement – such as private insurance – before filing a claim

with the CVC Fund. To ensure that we fully comply with the law, anyone seeking direct compensation for their out-of-pocket expenses must fill out an application.

To help victims navigate the crime victims' compensation application process, the Office of the Attorney General provides training to victim advocates, hospitals and law enforcement officials across the state. The training, along with informational pamphlets and our Web site, www.texasattorneygeneral.gov, are intended to help victims and their advocates better understand application and payment procedures.

Sexual assault victims, law enforcement agencies, committed victim advocates and volunteers can be assured that the Office of the Attorney General will continue to fund sexual assault examination costs. Anyone with questions about the Crime Victims' Compensation Fund or the Office of the Attorney General's Crime Victim Services Division, please call (800) 983-9933.