

The Sexual Assault Medical Forensic Exam

A sexual assault medical forensic exam (exam) has two primary purposes: (1) to provide medical care and treatment for victims of sexual assault; and (2) to collect evidence related to the sexual assault. The exam is performed by a doctor, a specially trained physician's assistant, or a specially trained registered nurse. Specially trained registered nurses may also be called Sexual Assault Nurse Examiners (SANEs) or Forensic Nurses.

Anyone who is or may be a victim of sexual assault has the right to request an exam. Any law enforcement officer may also request that the exam be performed. However, the exam can only be performed with the written permission of the victim. A person under 18 years of age (a minor) can give or refuse consent for an exam. Permission from the minor's parent or guardian is not required for the exam to be performed. However, the medical care facility is required by law to give written notice of the exam to the parent or guardian, except when the medical care facility has information that the parent or guardian, or a family or household member, is the subject of a

related criminal investigation; or, after consultation with law enforcement, it is reasonably believed that the minor will be harmed if such notice is given.

A victim does not have to report the sexual assault to law enforcement in order to receive the exam. However, medical professionals are required by law to report suspected child abuse to law enforcement or the Kansas Department for Children and Families (DCF), which means that in cases where the victim is a minor, a report to law enforcement will likely be made. Medical professionals are also required by law to make a report to law enforcement or DCF when an adult who is unable to protect their own interests is being or has been abused, neglected, or exploited, or is in need of protective services.

Medical professionals must also report to law enforcement any bullet wound, gunshot wound, powder burn or other injury caused by the discharge of a firearm as well as other life-threatening wounds caused by a knife or other sharp or pointed instrument.

In cases where the sexual assault is reported to law enforcement, the evidence collected during the exam may be used to help with the criminal investigation and may be used in court.

Advocate Response

Victims of sexual assault have the right to have a specially trained community-based sexual assault advocate (advocate) with them during the exam. An advocate can provide support and help answer questions before, during, and after the exam. If the victim chooses to report the sexual assault to law enforcement, the advocate can be present while filing the report and throughout the investigation. These services are offered 24 hours per day, seven days a week. Other services include crisis hotline, crisis intervention, personal advocacy, medical advocacy, court advocacy, law enforcement advocacy, emergency accommodations, safe shelter, supportive counseling, support groups, and child and youth advocacy. All of these services are free and confidential. Any information shared is kept private and cannot be shared with anyone outside the organization, unless:

- In limited circumstances, the organization is required by law to disclose the information.
- The victim signs an informed, written, time-limited release allowing them to disclose the information.

The medical care facility should offer advocacy services at the time of the

exam. If not, the victim can request an advocate be present during the exam. Visit www.kcsdv.org/find-help for the list of Kansas sexual and domestic violence service providers and contact information.

Before the Exam

If possible, before an exam, a victim should not bathe, shower, brush their teeth, use mouthwash, urinate, defecate, douche, change clothes, eat, drink, or smoke. If they have already done any of these things, they should still get the exam. The medical professional will provide medical care and treatment and may be able to gather some evidence.

During the Exam

First, the victim will be asked to sign a consent form permitting the exam. They can agree to the entire exam or to any part of the exam, and can change their mind at any point during the exam. Next, the medical professional will ask questions about the victim's health and the sexual assault. Responses will help the medical professional provide the best possible medical care and collection of evidence.

Clothing, underwear, and other evidence may be collected as part of the exam and will likely be kept with the evidence and not returned to the victim. The medical professional will perform a head-to-toe assessment to make sure the victim is healthy and to identify any possible injuries. Any injuries will be photographed, documented, and treated if necessary. Then, the medical professional will collect evidence from the victim's body using a standard Sexual Assault Evidence Collection Kit (kit) provided by the Kansas Bureau of Investigation (KBI). The medical professional should also discuss testing and treatment for sexually transmitted infections (STIs) and pregnancy.

After the Exam

When the exam is complete, the medical professional will give any necessary follow-up care instructions. If the sexual assault is reported to law enforcement at the time of the exam, the evidence collected during the exam will be sealed and turned over to law enforcement for possible use in the criminal investigation or prosecution.

If the sexual assault is not reported to law enforcement at the time of the exam, the evidence collected during

the exam will be sealed and turned over to the KBI for storage for a minimum of five years. The kit will be assigned a unique identification number from the KBI. This number will be provided to the victim and recorded by the medical care facility in the victim's medical record. The identification number will be on the kit, but the victim's name will not. If the victim decides to report the sexual assault to law enforcement at a later date, they can provide law enforcement with this number to identify the evidence belonging to their case. If the sexual assault has not been reported to law enforcement within five years, the evidence will be destroyed. The evidence will not be processed unless a report is filed with law enforcement.

Payment for the Exam

The victim of sexual assault will not have to pay for the collection of evidence related to the sexual assault. This expense is paid for by the county where the assault occurred. However, the victim will likely have to pay for medical treatment such as treatment of injuries, STIs testing, and pregnancy testing. The victim's health insurance may be billed for these costs if the medical care facility is provided with insurance information. If the victim

decides to report the sexual assault to law enforcement, they may be eligible for Crime Victims Compensation to cover the medical costs.

For more information about Crime Victims Compensation contact:

Crime Victims Compensation Board

(785) 296-2359 Telephone

(785) 296-0652 Fax

<http://ag.ks.gov/victim-services/victim-compensation>

For 24/7 confidential support, contact the following:

Kansas Crisis Hotline

1-888-END-ABUSE (1-888-363-2287)

Kansas Sexual and Domestic Violence Services Nearest You

Visit www.kcsdv.org/find-help

for the list of service providers in Kansas and contact information

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