



# SEXUAL ASSAULT SURVIVOR RIGHTS AND RESOURCES IN WASHINGTON STATE

## A fact sheet for sexual assault victims, survivors, and their loved ones

### What is sexual assault?

Sexual assault generally refers to non-consensual sexual acts or behavior that is unwanted and/or illegal. Importantly, an assault or attempted assault is never the victim's fault. Sexual assault can include, but is not limited to, unwanted sexual touching over or under clothing, forcing a victim to perform sexual acts, rape (penetration of any part of a victim's body, however slight), and attempted rape. Perpetrators do not always use physical force; they may use threats, manipulation, emotional or psychological coercion, drugs, and/or alcohol. In a majority of cases, perpetrators are known to victims, not strangers.

### What if I or someone I know has experienced sexual assault?

**If you or a loved one is the victim of a sexual assault, it is important to remember that you are not alone.** Community sexual assault programs serve every county in the state and provide victims, survivors, and their loved ones with free and confidential advocacy and support services. You do not have to report the assault to law enforcement or even be certain that what happened to you was an assault to use these resources. Advocates are available to answer questions, offer support and coping strategies, accompany victims and survivors to medical or legal appointments, assist with protection orders, make connections to other service providers, and more.

- To access safe, confidential, and anonymous 24/7 help from an advocate, call the **National Sexual Assault Hotline at 1-800-656-4673** or chat online at <https://hotline.rainn.org/> (English or Spanish).
- Culturally-specific support, advocacy, and resources for Native Americans and Alaska Natives are available at 1-844-762-8483 or chat online at <https://strongheartshelpline.org/>.
- To view a comprehensive list of organizations serving victims and survivors across Washington visit [www.wcsap.org/help/csap-by-city](http://www.wcsap.org/help/csap-by-city) or [www.commerce.wa.gov/serving-communities/crime-victims-advocacy/crime-victims-resource-guide/](http://www.commerce.wa.gov/serving-communities/crime-victims-advocacy/crime-victims-resource-guide/).

***It is important to receive medical attention as soon as possible after a sexual assault in order to preserve evidence and ensure you get any medical care you need, even if you do not have visible injuries. Visit [www.wasafe.org](http://www.wasafe.org) to find a provider.***

### What specific rights do adult victims and survivors of sexual assault have in Washington state?<sup>1</sup>

#### Free emergency medical care

- The right to a free forensic exam (a process to gather DNA, document other evidence, and provide care, typically done within 5 days of an assault), regardless of whether a report is made to law enforcement.
  - Visit [www.wasafe.org](http://www.wasafe.org) to find a provider and learn more about the exam and the trauma-informed care available.
  - Patients may decline any part of the exam and cannot be billed for it.
  - Emergency contraception and preventive treatments for sexually transmitted infections may be provided.
  - After an initial exam, if additional care is needed, victims can file a claim with Crime Victims Compensation Program (CVCP) to cover unpaid medical bills. Unless it jeopardizes the victim's well-being, law enforcement must be engaged. For more information visit [www.lni.wa.gov/claims/crime-victim-claims/sexual-assault-victims](http://www.lni.wa.gov/claims/crime-victim-claims/sexual-assault-victims) or call 1-800-762-3716.
- The right to be informed of the results of the forensic analysis and notice before any forensic evidence is destroyed.
- The right to have a friend, family member, or advocate present while seeking medical attention.

#### Free advocacy services

- The right to receive information on local community-based advocacy services when seeking treatment for the assault at a medical facility.

#### Reporting to law enforcement

- The right to have a friend, family member, or advocate present during any interview by law enforcement or prosecutors.
- The right to receive, at the time of reporting the crime, a written statement of your rights as well as information on local community-based advocacy services.
- The right to receive a copy of the police report related to the investigation at no charge.
- The right to review a victim statement before law enforcement refers a case to a prosecutor.
- The right to be informed by law enforcement or the prosecutor about the status of the case, including that charges have been filed and when the defendant has been found not competent to stand trial.
- The right to receive protection from harm and threats due to cooperation with law enforcement and prosecution.
- The right to request to attend an interview and/or court proceeding remotely (e.g., by video or other means, as available).

<sup>1</sup> RCW 7.105.100, RCW 7.68, RCW 7.69.030, RCW 70.125.060, RCW 70.125.110, RCW 49.76.030, Washington State Constitution, Article I, Section 35.



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- The right to have any stolen or other personal property returned as soon as it is no longer needed as evidence.
- The right to help inform an employer about the criminal justice process.
- The right to free interpreter services throughout the investigation and prosecution of the case.

## Court proceedings

- The right to be provided, whenever practical, a secure waiting area during court proceedings.
- At the judge's discretion, a victim of a crime charged as a felony has the right to attend the trial and all other court proceedings the defendant has the right to attend, as well as the right to make a statement at sentencing and any proceeding where the defendant's release is considered.

## Financial compensation

- Victims and survivors who suffer physical or psychological injury may be eligible for financial assistance through CVCP for related medical/dental treatment, medication, mental health treatment, lost wages, and more. Visit [www.lni.wa.gov/claims/crime-victim-claims/sexual-assault-victims](http://www.lni.wa.gov/claims/crime-victim-claims/sexual-assault-victims) or call 1-800-762-3716 for more information.

## Protection orders

- Victims and survivors aged 15 and older can file for a sexual assault protection order, a civil court order to protect from future contact or abuse. Visit <https://www.womenslaw.org/laws/wa/restraining-orders/sexual-assault-protection-orders> for more information or contact an advocate for assistance.

## Leave from work

- Victims and survivors may take reasonable leave, with or without pay, to seek legal or law enforcement assistance, health care, mental health counseling, or other support services. For more information contact your Human Resources Department, visit <https://svlawcenter.org/your-rights/> or call Sexual Violence Law Center's legal line at 844-991-7852.

## Safety regardless of immigration status

- Whether or not you are a U.S. citizen, immigration status does not matter when reporting a sexual assault to law enforcement, a school, or an employer. Victims and survivors who are undocumented or have temporary immigration

status may qualify for specific protections such as VAWA relief, T-Visa, U-Visa, Special Immigrant Juvenile Status, and Asylum. For support or more information call Sexual Violence Law Center's legal line at 844-991-7852, email [legalline@svlawcenter.org](mailto:legalline@svlawcenter.org), or visit Northwest Immigrant Rights Project at <https://www.nwirp.org/our-work/direct-legal-services/survivors-of-violence/>.

## What specific rights do child victims and survivors of sexual assault have in Washington state?<sup>2</sup>

In addition to the rights provided to adults, every reasonable effort shall be made by law enforcement agencies, prosecutors, and judges to ensure child victims and witnesses are allowed the following:

- Connection to services at a local Child Advocacy Center or other community-based sexual assault program when presenting at a medical facility or reporting to a law enforcement officer.
- To have the legal process and/or police investigations explained in easily understandable language.
- The opportunity to express a preference for child protection services, victim advocates, or prosecutorial staff trained in the interviewing of child victims when available to law enforcement agencies.
- An advocate who can tell the court about the child's ability to understand the court process and cooperate with prosecution and the effects it may have on the child.
- Discussion with the prosecutor about the possibility of remote video testimony and other accommodations that may help the child feel safe and secure in the courtroom.
- An advocate or support person who can remain with the child before and during any court proceedings.
- To tell the court about the need for a support person to accompany the child while they testify to help the child feel safe.
- To limit sharing of names, addresses, or photographs to a law enforcement agency, prosecutor, defense counsel, or private or governmental entity that provides services to the child unless permission is given by the child or their parent/guardian.

### Medical Care



### Support Services



### Child Advocacy Centers



### Crime Victims Compensation



### Legal Advocacy



If a victim, survivor of a victim, or witness of a crime is denied a right, the person may seek an order directing compliance by the relevant party or parties by filing a petition in the superior court in the county in which the crime occurred and providing notice of the petition to the relevant party or parties. Compliance with the right is the only remedy available. The court shall expedite the consideration of a petition filed under this subsection.

This informational flyer is provided as a resource for general education. It is not an exhaustive list of all crime victim and witness rights and is not provided for the purpose of giving legal advice of any kind.

<sup>2</sup> RCW 7.69A.030 and RCW 7.69A.050.