



Frequently Asked Questions

Note: these questions and answers are primarily focused on able adults, with some information regarding minors as victims. Please call our hotline or consult your local law enforcement for additional information about requirements for reporting child and disabled/elder abuse and neglect.

Q. Was I raped?

A. If you believe that you have been raped or sexually assaulted please call our hotline 972-641-RAPE (7273) to discuss options for care and support. If you'd like to report the assault to the police, call 911. There are three considerations used to determine whether or not a sexual act is consensual or a crime. "Consensual" means that both people are old enough to consent, have the capacity to consent, and agreed to the sexual contact. You and your partner must be old enough, awake, lucid, and able to communicate in order to consent. However, you do not have to be sure that what happened to you meets the legal definition of sexual assault in order to obtain services. If you are not sure what happened is rape and/or are not sure what to do next, we encourage you to call the hotline to discuss options for care and support.

Q. What does "consent" mean, exactly?

A. There are three considerations used to determine whether or not a sexual act is consensual or a crime. "Consensual" means that both people are old enough to consent, have the capacity to consent, and agreed to the sexual contact. You and your partner must be old enough, awake, lucid, and able to communicate in order to consent. That means people under the influence of drugs and/or alcohol, who are unconscious or sleeping, who may be undergoing a medical procedure, or whom the state has declared incapacitated (unable to make decisions for their own well-being) cannot consent. However, you do not have to be "sure" what happened to you meets the legal definition of sexual assault in order to obtain services. If you are not sure what happened is rape and/or are not sure what to do next, we encourage you to call the hotline to discuss options for care and support.

Q. How old do you have to be to consent to sexual activity?

A. Each state sets an "age of consent," the minimum age required to legally consent to sexual activity. People below this age are considered children and cannot legally agree to have sex. In other words, even if the child or teenager says "yes," the law says "no." In Texas, the age of consent is 17, but this can vary depending on the age difference between the participants. Generally, "I thought she was 17" is not considered a legal excuse — it's up to you to make sure your partner is old enough to legally take part. Because this can be both a complicated question and answer, it is important to call us to find out more about the laws in our state.



Q. What if one or both of us was under the influence of drugs or alcohol?

A. Alcohol and drugs are not an excuse – or an alibi. States define who has the mental and legal capacity to consent. You have to be awake, lucid, and able to communicate in order to consent. Those with diminished capacity — including people who have been drugged or are unconscious — do not have the legal ability to agree to have sex. Ingesting such a quantity of any substance that it affects your decision making process is not advisable for a number of health related reasons. We encourage you to call us and find out more about the laws in our state.

Q. What if I said yes, but didn't want to? –or- I thought 'no', but didn't say it. Is that considered consent?

A. While it is best to communicate your needs and boundaries whenever possible, sometimes it isn't safe to resist, physically or verbally. It depends on the circumstances. If this is the case, we would ask that you consider the following questions: Did someone use physical force (of any kind) to make you have sexual contact with her/him? Did someone threaten you to make you have sexual contact with her/him? Were you afraid of the consequences of saying 'No'? Were you scared for your life or safety? If fear was in the room, then there was no consent. It doesn't matter if your partner thinks you meant yes, or if you've already started having sex – you have the right to change your mind about participating in sexual activity *at any time*. No one has the right to control your body but you.

Q. I was asleep or unconscious when it happened – does that mean it wasn't rape?

A. If you were asleep or unconscious, then you could not give consent. You have to be awake, lucid, and able to communicate in order to consent.

Q. We started to have consensual sex, then I changed my mind but she/he wouldn't stop. Does that mean it wasn't rape?

A. It does not matter if you have had sex with that person many times before, if this was the first time, or even if you have started sexual activity and you change your mind. You have the right to change your mind about participating in sexual activity *at any time*. No one has the right to control your body but you. If you don't want to have sex, your partner must stop.

Q. I didn't resist physically – does that mean it wasn't rape?

A. People respond to assault in different ways. Just because you didn't resist physically doesn't mean it wasn't rape – in fact, many victims make the conscious decision *not* to resist physically because it might cause the attacker to become more violent. Some people do resist physically because they believe that to be the best course of action in the moment. There is no shame in either path. You did what you had to do to survive. You are alive, and that is what matters.



Q. I used to date or have some kind of intimate relationship with the person who assaulted me – does that mean it wasn't rape?

A. Rape can occur when the offender and the victim have a re-existing relationship (sometimes referred to as "date rape" or "acquaintance rape"), or even when the offender is a victim's spouse or partner. It does not matter whether the other person is an ex-lover or a complete stranger, and it doesn't matter if you've had sex in the past. The presence or absence of consent determines sexual assault, not the relationship between the offender and the victim.

Q. I don't remember the assault – does that mean it isn't rape? Is there anything that can be done if I don't remember what happened?

A. Just because you don't remember being assaulted doesn't necessarily mean it didn't happen and that it wasn't rape. Memory loss can result from the ingestion of GHB and other "rape drugs", and from excessive alcohol consumption. It also does not necessarily mean the case cannot be investigated or prosecuted. *If you wake up and believe you may have been drugged and assaulted, we encourage you to call 911 or go to your nearest emergency room as soon as possible.* Some drugs disappear from the body quickly, and time is an important factor. Because this can be both a complicated question and answer, it is important to call us to find out more about your options.

Q. I identify as male, and I think what happened to me may have been rape. Is that possible?

A. Yes, that is possible. Men can be victims of sexual violence. Your feelings may be the same as those of a female sexual assault survivor (guilt, powerlessness, concern regarding your safety), and you may also have some concerns unique to your gender identity, including your sexuality, masculinity, reporting to law enforcement, how to tell others, and how to find resources and support. You need to know that strong or weak, outgoing or withdrawn, homosexual, heterosexual, or somewhere in between, male, female, between or outside the gender binary, child, adult, or elderly, you have done nothing that justifies being raped. We encourage you to call our hotline to explore your options as a survivor.

Q. If I am assaulted, what can I expect from the Dallas Area Rape Crisis Center?

A. DARCC is committed to serving all survivors of sexual assault. We will assist you in identifying the options available to you, including how to access medical care and whether/when to contact the police. The staff of DARCC respects the uniqueness of every individual's experience and is there to help empower you to make safe and informed decisions about how to proceed and get the help you need.



Q. I believe I was sexually assaulted/raped. What are my options?

A. You have several options, and can sometimes combine your options depending on what you feel is best for your safety. If you are not safe and/or are injured and need urgent medical attention, call 911. Otherwise, you can transport yourself (or a friend or family member can transport you) to a hospital.

If you would like any potential evidence to be gathered from your body, go to a hospital to undergo a medical forensic exam (also called a 'rape kit'). Please also refer to **“Where can I go to get a medical forensic exam (‘rape kit’)?”** If you decide to undergo a medical exam, make every effort to save anything that might contain the perpetrator’s DNA. Therefore, do your best *not* to do the following:

- Bathe or shower
- Use the restroom
- Change clothes
- Comb hair
- Clean up the crime scene
- Move anything the offender may have touched

Even if you have not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that the police can access and test the stored evidence at a later date.

If you do not want to undergo a forensic medical exam, we recommend you obtain a general wellness exam from your medical care provider in order to ensure there are no injuries.

If you do not want to undergo a forensic medical exam OR obtain a wellness exam, you do not have to. If you are an adult, you may report the assault to the police, but you do not have to. We encourage you to call our hotline to learn more about your options. A DARCC staff person or Advocate can help you weigh the pros and cons of each option and help you choose what is best for you.



Q. Where can I go to get a medical forensic exam ('rape kit')?

A. There are currently three hospitals in the city of Dallas equipped to offer medical forensic exams: THR Presbyterian Hospital of Dallas, Parkland, and Methodist Dallas. DARCC dispatches Advocates to THR Presbyterian Hospital of Dallas only at this time. Please also refer to **“What is an advocate and how are they different from other people involved in my case?”**). Please note that in the state of Texas, if a victim would like to make a police report, she/he has up to 120 hours from the time the assault occurred for a medical forensic exam to be completed. If the assault occurred more than 120 hours ago, a forensic exam cannot be completed but the crime may still be reported. We would still encourage you to obtain, at a minimum, a wellness exam, to ensure that you have not sustained any injuries.

Q. What will happen when I get to the hospital?

A. You will meet with a Triage Nurse in the emergency room. You may find it difficult to explain your needs to the nurse. Although you do not need to give the nurse all the details of the assault, *you will have to say you were sexually assaulted in order to receive the proper treatment*. This will activate a system of processes to ensure that you are provided with specific services. The hospital will call our hotline and a DARCC advocate will be dispatched to meet you at the hospital. You will be taken to a triage room and medically stabilized before the medical forensic exam can take place.

Q. What is an advocate and how are they different from other people involved in my case?

A. A DARCC advocate is a volunteer who has a special role different from a counselor, law enforcement and medical personnel. A DARCC advocate's purpose is to provide emotional support to the victim, as well as information about resources, while the victim is in the hospital setting.

Advocates are available for court and law enforcement accompaniment upon request, and are automatically dispatched when a victim presents in the emergency room at THR Presbyterian Hospital of Dallas. Advocates also serve as a liaison, helping the victim and anyone who may have come with her/him understand the medical and legal processes that occur while the victim is in the hospital setting. Advocates play a crucial role in helping victims and their loved ones to deal more effectively with the fear and confusion that results from sexual assault trauma. Advocates are there to answer any questions that the victim and his/her companions may have about the forensic exam, role of medical staff and law enforcement, their feelings about the assault, and most of all to assure victims and their loved ones that the sexual assault was not the victim's fault. DARCC's Advocates value and maintain the victim's privacy and confidentiality except if they are informed of potential threat to the life of the victim or others and/or if they have reason to believe that a child, a disabled person or an elderly person is being abused and/or harmed.



In such cases, the advocate is obligated by law to report the information to the appropriate authorities.

Q. What is a medical forensic exam? Is that the same as a rape kit?

A. A medical forensic exam is also sometimes referred to as a rape kit. The exam is a physical exam designed to gather samples which may contain evidence. At THR Presbyterian Hospital of Dallas, medical forensic exams are completed by a Sexual Assault Nurse Examiner (SANE). A DARCC Advocate will be dispatched to be available to you for emotional support during the hospital visit. The Advocate can be present with you during the exam if you would like. The SANE may ask to take your clothing for evidence, take pictures of any injuries, and gather samples which may contain evidence (oral swabs, collection of any debris such as dirt, leaves, or fibers, fingernail scrapings, vaginal/penile/anal swabs, and other samples). You may consent or not to consent to any portion of the exam if you choose. Depending on the nature of the assault, the SANE may conduct a pelvic exam on female patients.

Q. How long will the medical forensic exam take? Will I have to wait at the hospital?

A. Every exam is different because every patient is different, and therefore the length of the wait and exam will vary. Because of the nature of the emergency room setting, you may have to wait to receive care. However, at THR Presbyterian Hospital of Dallas a DARCC advocate will be immediately dispatched to be with you while you are at the hospital to provide you with emotional support.

Q. If/When I go to the hospital, what will I need to pay for?

A. All forensic exams (evidence collection) are free for patients, however this is only one part of the hospital visit. You will be charged for an emergency room visit and any additional medical treatments received at the hospital beyond the rape kit/forensic exam. Additional medical treatments might include treatment of injuries, any potential sexually transmitted infections (STIs), and Plan B contraceptives, should you opt for those treatments. You may be eligible for reimbursement from the Crime Victims Compensation Fund (DARCC staff can help with the application process) and/or benefits from your own insurance carrier.



Q. What if I want evidence gathered, but I don't want to make a police report, or haven't decided if I want to report yet?

A. If you are an adult, you do not necessarily have to report the assault at all. Some people wait to report the assault later, and some people never report. But if you would like evidence gathered and you're still not sure if reporting is right for you, the law allows adult sexual assault victims to obtain a medical forensic exam *without* making a police report if that is what you would prefer. This is also called a "non-report" exam. If the victim would *not* like to make a police report, the medical forensic exam will be completed up to 96 hours after the time of the assault. Evidence collected without an accompanying police report will be packaged and sent to the Department of Public

Safety (DPS) and stored for a minimum of two years, which provides you with time to consider your decision. DPS will pay the hospital for the exam and seek reimbursement through the Office of Attorney General (OAG)'s Crime Victims Compensation Program. If the victim *would like* to make a police report, she/he has up to 120 hours from the time the assault occurred for a medical forensic exam to be completed. If the assault occurred more than 120 hours ago, a forensic exam cannot be completed but the crime may still be reported.

Q. I am an undocumented resident, and I am afraid if I report and/or go to the hospital that I will be deported.

A. Hospital staff will not ask you questions about your immigration status because it is considered not relevant for medical care. Your immigration status cannot be discussed or reported by hospital staff. Emergency rooms are not required by state law to report sexual assaults if you are an adult. You may wish to report the crime to police for many reasons. If you choose not to report the crime, you will not be eligible for financial reimbursement of medical expenses through the Crime Victims' Compensation Fund. If you have entered the country against your will, you may be entitled to protection as a victim of human trafficking. You deserve to be treated with respect and dignity regardless of your immigration status. We encourage you to contact our hotline to speak with our Case Manager for additional information.

Q. I identify as transgender/queer/gender-queer. How will I be treated by hospital and/or DARCC staff?

A. Any person can be a victim of sexual violence. Your feelings may be the same as those of any other sexual assault survivor (guilt, powerlessness, concern regarding your safety), and you may also have some concerns unique to your gender identity, including your sexuality, masculinity/femininity, reporting to law enforcement, how to tell others, and how to find resources and support. You need to know that strong or weak, outgoing or withdrawn, homosexual, heterosexual, or somewhere in between, male, female, between or outside the gender binary, child, adult, or elderly, you have done nothing that justifies being raped.



You deserve to be treated with respect and dignity regardless of your gender identity. We encourage you to call our hotline to explore your options as a survivor.

Q. I was assaulted by my partner/spouse, and I am afraid to go home. What should I do?

A. If you were forced to engage in any unwanted sexual activity with your partner or ex-partner, you need to know you have the following medical and legal rights: You are entitled to treatment for injuries without saying who assaulted you; You are entitled to exclude anyone from the examination room, including your partner; You are entitled to report or not to report to law enforcement (if you are an adult victim). There are many myths about martial/partner rape, and you may have submitted to sexual pressure for a number of reasons. No one has the right to violate your body, regardless of your relationship status. Your safety is our first priority. We encourage you to call our hotline or a domestic violence hotline to explore your options as a survivor.

Q. If I am a minor, am I required to tell my parents that I was sexually assaulted or get their permission to receive counseling at DARCC?

A. While you are not required to tell your parents about the sexual assault, DARCC would be required by the state of Texas to report the assault to the proper authorities, who would in turn be required to inform your parents. You are not required to get permission from your parents in order to receive counseling services, however we recommend you tell your intake counselor if you are concerned about this so we might determine whether you need additional services.

Q. If I am a college student and go to the hospital for medical care following a sexual assault, will my parents find out?

A. If you are legally an adult, neither the hospital nor DARCC would notify your parents about the assault. However, if you are on your parents' insurance, they would receive a statement from the hospital and insurance company which would state you were treated in the emergency room. Your school may have a requirement in place to notify your parents (check your individual school for details). DARCC advocates and staff are available to discuss your concerns about parental notification.

Q. I underwent a medical forensic exam (or 'rape kit') at the hospital and reported the assault to the police. What happens now?

A. A detective will be assigned to your case and will follow up with you. The detective will be your primary point person at the police department for questions regarding your case. Alternatively, you may reach out to the Victim Advocate at the police department, or call our hotline for additional information.



Q. Is there a fee for services at Dallas Area Rape Crisis Center?

A. No. All advocacy, support group, counseling, education and prevention services are provided at no charge.

Q. I was sexually assaulted many years ago, but I am still struggling. Can I still obtain services at Dallas Area Rape Crisis Center?

A. Yes. All services are available to you regardless of whether you were assaulted 30 years ago or 3 days ago. Many people wait a long time to reach out for help. We are here to support you no matter how long ago the abuse occurred.

Q. Are services confidential?

A. All services at Dallas Area Rape Crisis Center are confidential. DARCC follows the guidelines of mandated reporting laws, which require us to make reports to the Texas Department of Family & Protective Services about suspected cases of child abuse or neglect, and the abuse or neglect of a disabled adult or elderly person. Clients of any age should be aware that we are also required to make reports to law enforcement about disclosures of suicidal or homicidal intent. At DARCC we follow HIPAA requirements to protect the privacy of those we serve.

Q. Someone I know was sexually assaulted. Can I report it to the police? What steps can I take?

A. In the state of Texas, there is no mandate (requirement) for a person to report the sexual assault of an adult. However, you may call the police and inform them that you would like to file a report if you wish. Because there is no legal requirement to report, how such a report would be handled will vary from police department to police department. Although you may be hurting for your friend/family member, if she/he is an adult, our philosophy is that the decision to report or not report the assault should be their own. In the meantime, you can support the person to make the decision that she/he feels will be most useful for themselves, and help them to get to a safe place.

Sometimes family and friends of the survivor can be traumatized by the assault of a loved one. DARCC services help friends and family cope effectively with their experiences while still acknowledging their presence as a positive support system for the survivor. By educating friends and family about the effects and consequences of sexual assault and abuse, DARCC promotes their recovery as well as that of their loved ones. There are no charges for these services.



Q. How can I support my spouse/partner, who is a survivor?

A. Sexual assault can also be traumatic for those who love the victim. When the one you love becomes the victim of a sexual assault there are a multitude of emotions and stressors that you will need to cope with, and one of the best things you can do to support your partner is to care for yourself.

You might feel guilty that you were unable to prevent this terrible thing from happening; rage toward the perpetrator and fantasies about revenge; anger and resentment toward your loved one for not being “more careful”; frustration if/when you become a target of your loved one’s overwhelming rage, sadness, and confusion; worry that your sexual relationship might not ever be the same. These are natural and understandable reactions. This experience might also bring other problems within the family to the surface. Significant others and family members might make the situation more painful if they are not educated about this issue.

Be prepared to work hard on recovery and the preservation of the relationship. It will take time for your loved one to feel safe and be able to trust enough to be vulnerable again. Try not to take your partner’s distance personally. Be patient and have faith that in time your relationship can be close and intimate once again. The healing process can take a long time, but your lives can be fulfilling and happy again. We encourage you to seek counseling for yourself, and with your partner if she/he is willing to participate. Your partner (the survivor) does not have to be receiving counseling at DARCC in order for *you* to receive assistance.

Q. My partner/spouse was sexually assaulted, and she/he is not ready for counseling. I am struggling though. Can I make an appointment for counseling even if she/he isn’t ready to go themselves?

A. Yes. We encourage you to seek counseling for yourself, and with your partner if she/he is willing to participate. Your partner (the survivor) does not have to be receiving counseling at DARCC in order for *you* to receive assistance.

Q. What about help for family and friends?

A. Sometimes family and friends of the survivor can be traumatized by the assault of a loved one. DARCC services help friends and family cope effectively with their experiences while still acknowledging their presence as a positive support system for the survivor. By educating friends and family about the effects and consequences of sexual assault and abuse, DARCC promotes their recovery as well as that of their loved ones. There are no charges for these services.



Q. How can I help other survivors at DARCC?

A. There are many different ways you can help survivors of sexual violence at DARCC.

- Change the world- become a volunteer. Complete a volunteer application here: <http://www.dallasrapecrisis.org/get-involved/volunteer/volunteer-application/>
- Contact DARCC's Volunteer Coordinator to explore volunteer opportunities (214) 345-5096 or volunteer@dallasrapecrisis.org
- Donate goods to be provided to survivors following a sexual assault or to be used in therapy sessions. You can find our wish list here: www.dallasrapecrisis.org/donate/projects-donations/
- Donate funds to support our work in the community: <http://www.dallasrapecrisis.org/donate/individual-giving/>