

RESPONDING TO DISCLOSURE OF SEXUAL VIOLENCE

Because people often commit sexual violence in private settings, disclosure is critical for many survivors. Supportive responses are essential. The information below is designed to help you prepare for disclosures and the decisions that must be made following a disclosure.

BEHAVIORAL CHANGES THAT MAY SUGGEST SEXUAL VIOLENCE

Because many survivors feel unsafe in discussing sexual violence, disclosures often begin with changes in behavior. The following behavioral changes may indicate sexual violence or *some other traumatic experience*.

IN ADULTS AND CHILDREN

- ◊ Fear of certain people or places
- ◊ Changes in eating and/or sleeping patterns
- ◊ Extreme moodiness or withdrawal
- ◊ Abrupt changes in conduct of any sort
- ◊ Work and/or school difficulties
- ◊ Frequent daydreaming or dissociation
- ◊ Problems relating to peers
- ◊ Changes in sexual behavior - promiscuity, problems with intimacy

IN CHILDREN

- ◊ Clinging to a parent
- ◊ Regressing to the behavior of an earlier age
- ◊ Inappropriate sexual behavior or other acting out
- ◊ Use of sexual terms or new names for body parts
- ◊ Sudden onset of bedwetting or fear of the dark
- ◊ Excessive masturbation
- ◊ Cruelty to animals
- ◊ Fire setting

CREATING A SAFE ENVIRONMENT

- ◊ Be aware of the following needs of the survivor:
Regain Control Security Safety Love
Understanding Validation Support Trust
- ◊ Ask open-ended questions, or questions that allow one to respond freely without any suggestions regarding sexual violence. For example, "You seem to be in pain. Did something happen that hurt you?"
- ◊ Do not to ask leading questions, especially when working with children.
- ◊ Arrange for a private setting to talk.
- ◊ Sit at or below the person's level and use informal body posture.
- ◊ Use casual eye contact - too much direct eye contact can increase feelings of shame.
- ◊ Control your emotions, so that your reactions do not inhibit the person.
- ◊ Watch the person's facial expressions, gestures, posture.
- ◊ Give the person permission to feel emotions.
- ◊ Use the person's own words, especially sexual terms.

- ◊ Give the person permission to tell by saying things like "I think you must have been hurt, and it wasn't your fault. I want to understand what happened, so I can help you feel safe. Will you tell me what happened?"
- ◊ Let the person know that other people have had similar experiences.
- ◊ Be aware that cultural differences affect perspectives, disclosures, and responses.

If a person does not accept the opportunity to talk, then do not pressure her or him. Victims' needs, including privacy, must always be the priority.

WHAT TO SAY

Immediately respond by saying . . .

- ◊ I believe you.
- ◊ I am glad you told me.
- ◊ I know it was not your fault.
- ◊ I am sorry it happened.
- ◊ I will do my best to keep you safe.

Follow up by inquiring

- ◊ Do you feel safe from future harm?
- ◊ Do you wish to have medical attention?
- ◊ Have you contacted the Rape Crisis Center?

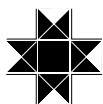
ADDRESSING MEDICAL NEEDS

Victims may need medical attention for various reasons, regardless of when the violence occurred, including:

- ◊ shock and/or emotional trauma
- ◊ internal and/or external injuries
- ◊ exposure to sexually transmitted infections
- ◊ possible or existing pregnancies

Medical attention may include a medical/forensic sexual assault exam, which includes both medical treatment and forensic evidence collection. These exams are paid for by state funds, so long as law enforcement is notified.

Please note, victims may be charged for medical services beyond the basic exam. All hospitals that offer emergency services must provide these exams. Children (13-years-old and younger) can also receive exams at Children's Advocacy Centers. If the exam is conducted within 96 hours of the assault, a Kentucky State Police Sexual Assault Evidence Collection Kit shall be used. If more than 96 hours has passed, an exam can still be performed, but the Kit is not required. Also note, a victim may refuse any part or parts of the exam, including the evidence collection. It is very important that victims remain in control of all exams, as these are extremely invasive and may be a source of additional trauma.



REFERRING TO A RAPE CRISIS CENTER

Rape Crisis Centers provide victim-centered support and advocacy to survivors of sexual violence. Services include accompaniment during exams, information and referrals, counseling and/or therapy, advocacy in legal settings, assistance with Crime Victims Compensation claims, and much more. All crisis and advocacy services are FREE.

To be connected to a local Rape Crisis Center, contact 1-800-656-HOPE (4673), a national 24-hour Rape Crisis Line.

REPORTING CHILD ABUSE AND ABUSE OF VULNERABLE ADULTS

Kentucky's mandatory abuse reporting laws require that abuse, neglect, and exploitation be reported when the victim is a child (under 18), the spouse of the offender, or an otherwise vulnerable adult. For information see KRS 600.020(1), KRS 620.630, KRS 209.020(4), KRS 209.030, KRS 209A.020(4), KRS 209A.030.

WHAT MUST BE REPORTED

ABUSE OF CHILDREN

Any sexual contact or interaction between a child and an adult is abusive by definition. This includes any time an adult uses, allows, permits, or encourages the use of a child for sexual stimulation. For information see KRS 600.020(1).

SEXUAL ABUSE may include a wide range of behavior including but not limited to:

- ◊ Exposure to pornography
- ◊ Genital exposure
- ◊ Intimate touching, fondling, or penetration
- ◊ Masturbation of child or adult
- ◊ Sexual exploitation, i.e., acts related to pornography and prostitution

ABUSE OF VULNERABLE ADULTS

For the purposes of reporting abuse, "adult" specifically includes "spouse" and any person, who "because of mental or physical dysfunctioning, is unable to manage his (or her) own resources or carry out the activity of daily living or protect himself (or herself)." For information see KRS 209.020

This includes marital rape, coerced participation in pornography or prostitution, and sexual violence in institutions.

WHERE TO REPORT ABUSE

You can make a report, either verbally or in writing, to any of the following:

- ◊ "Abuse Hotline" 1-800-752-6200 (statewide, 24-hours-a-day)
- ◊ Local Cabinet for Health & Family Services
- ◊ Any local law enforcement agency
- ◊ Kentucky State Police
- ◊ Local Commonwealth's Attorney
- ◊ Local County Attorney

IF SOMEONE IS IN IMMEDIATE DANGER, CALL 911

UNDERSTANDING YOUR DUTY TO REPORT

- ◊ The duty to report abuse overrides evidentiary "privileges" that generally protect confidential communications. For information see KRS 209.060, 620.050(2), 45 CFR §164.512 (HIPAA allows mandatory reporting).
- ◊ When in doubt, it is best to initiate a report. Anyone acting upon reasonable cause in reporting abuse is immune from civil and criminal liability. For information see KRS 620.050(1), KRS 209.050.
- ◊ Since the duty to report applies to individuals, you should make all reports directly to appropriate government officials, even if you are told that a report has already been made. Though your institution's policies and procedures may require you to tell someone inside your organization, internal reporting does not fulfill your legal duty to report. For information see KRS 620.040(4).
- ◊ In many cases, it is difficult to "substantiate" reports of abuse, especially sexual abuse. Therefore, it can be critical to file additional reports if you learn of violence that occurred after a report was made. You may also ask to speak directly with a supervisor and/or contact the Office of Ombudsman at 1-800-372-2973.
- ◊ Reports can be made anonymously. However, if you do not give your name, it may be especially important to document the reporting in your own records.
- ◊ The source of a report of abuse, neglect or exploitation is kept confidential unless it is ordered to be released by a court. For information see KRS 209.140.

NOT ALL SEXUAL VIOLENCE MUST BE REPORTED

Please note that reporting is NOT required in all sex crimes cases, only where there is "abuse" of a "child" or "vulnerable adult". In all other cases, the victim should decide whether to report.

Health care providers: If reporting is not required by law, you MUST get the patient's authorization prior to reporting in order to comply with HIPAA. For information see 45 CFR 164.512(c).

