

Legal Information for Sexual Assault Survivors Frequently Asked Questions

Following a sexual assault, it can be difficult to decide what steps to take next. The following information is meant to help you to answer some commonly asked questions. If you have additional concerns about your reporting rights, please contact the WC SAFE Sexual Assault program for more information or to speak with a counselor about your concerns.

Q: The sexual abuse occurred several years ago or when I was a child. Can I still report the abuse?

A: While there is a statute of limitations with regard to most criminal sexual conduct crimes (CSC), you may still be able to report the abuse depending on what happened, what age you were when the abuse occurred and how long it's been since the abuse occurred. For most CSC crimes the statute of limitations is 10 years or until the victim's 21st birthday. Please contact your local police department or Prosecutors office for ultimate clarity regarding the statute of limitations in your specific case.

Q: I think I was sexually assaulted but I'm not sure. I don't have a memory/have a limited memory of the assault. What can I do?

A: Perpetrators often use alcohol and other drugs as a means to facilitate sexual assault and lapses in memory are not all that uncommon in these kinds of cases.

If the assault occurred within 96 hours, you can contact Wayne County Sexual Assault Forensic Examiner Program (WC SAFE) to have a forensic exam, or "rape kit". A specialized nurse will conduct the exam to collect any physical evidence or document any injuries that might be consistent with a sexual assault. This evidence can then be turned over to police for processing if you wish to go forward with making a police report.

Please keep in mind that the evidence can take months to process and results will not be made available right away. Also, the nurse will not be able to tell you if you have or have not been raped. She can tell you however, whether or not she found any injuries or other factors that might be consistent with sexual assault.

If you do not wish to have a forensic exam, or if the assault occurred more than 96 hours ago, you can still go to the hospital for medical treatment for injuries or treatment for the prevention of pregnancy and sexually transmitted infections.

Q: The hospital told me that they are mandated to report the sexual assault to the law enforcement. Do I have to talk to the police if I don't want to?

A: It is your right to decide whether or not to talk to the police. While the hospital is required to notify law enforcement if a patient presents for treatment as a result of domestic or sexual violence, it is up to you to decide whether or not to talk to them.

Some survivors say that they feel pressured, forced or coerced into talking to the police. Reporting the abuse is a big decision that only you can make. If you decline talking to the police at the hospital, you always have the right to contact them in the future if you change your mind.

Q: The person who committed the assault is someone with whom I have or had an intimate relationship with. Is this a crime?

A: It does not matter if you have or had an intimate relationship with the assailant or if you consented to any sexual activity with this person in the past. If you were forced to participate in any sexual activity against your will, it is still considered sexual assault and/or rape and the person can be legally prosecuted.

Q. Can I get a Personal Protection Order (PPO) against the person who assaulted me?

*A. You do have the right to petition for a PPO in Circuit Court. There is **no fee** to file for a PPO, however if granted, there may be expenses associated with having the perpetrator served with the order.*

The initial process of filing for a PPO may take several hours, however in most jurisdictions, a decision to grant an ex-parte order (without a hearing) will typically be made the same day you file. You must fill out a series of forms (Petition and statements as to why you need the order) and a Judge will review your petition and make a decision as to granting the order. Ultimately, the decision to grant a PPO will be up to a Judge, however. You may contact the WC SAFE Sexual Assault Counselor Advocate for assistance with filling out the forms and to further discuss your rights and options.