

# Information for Survivors of Sexual Assault

If you have been sexually assaulted, you may have been exposed to HIV (human immunodeficiency virus), the virus that causes AIDS. As a sexual assault survivor, you have the right to ask that HIV testing be done on the person (the defendant) who is accused of assaulting you. This is called Defendant HIV Testing.

## What is Defendant HIV Testing?

Under the Defendant HIV Testing law, you can:

- Find out if you may have been exposed to HIV during the sexual assault by asking the court to make the defendant be tested for HIV.
- Request defendant HIV testing as soon as the defendant is charged (indicted) with rape or sexual assault.
- Get emergency anti-HIV medicines and find out how to get help paying for them.

## Don't wait to make a call

You have survived a painful experience – you don't have to do it alone. Many organizations in New York City and New York State help sexual assault survivors get the treatment and support they need. Call one of the numbers below.

## Hotlines, websites, and more information on sexual assault

### New York Statewide Hotline Numbers

#### **New York State Office of Victims Services (OVS)**

1-800-247-8035 (Monday – Friday, 9 am – 5 pm)

Hearing impaired:

Call Sorenson Videophone, 518-213-9298

[www.ovs.ny.gov](http://www.ovs.ny.gov)

#### **New York State Department of Health Rape Crisis Program**

To find a Rape Crisis program and a rape crisis counselor near you, call this number anytime. Your call is free and private.

1-800-522-5006 (Growing Up Healthy hotline)

#### **New York State Coalition Against Sexual Assault (NYSCASA)**

1-800-942-6906

Spanish: 1-800-942-6908

[www.nyscasa.org](http://www.nyscasa.org)

#### **New York State Office for the Prevention of Domestic Violence**

New York State Domestic and Sexual Assault Hotline  
(for any type of sexual assault)

1-800-942-6906

Spanish: 1-800-942-6908

[www.opdv.ny.gov](http://www.opdv.ny.gov)

#### **New York State Police Crime Victims Specialist Program**

Each upstate "troop region" has a crime victim specialist, who works closely with both police and local victim service agencies to best meet the needs of the victim.

They are listed on the website: [www.troopers.state.ny.us/Contact\\_Us/Crime\\_Victims](http://www.troopers.state.ny.us/Contact_Us/Crime_Victims)

### New York City Hotline Numbers

#### **Safe Horizon** (Rape, Sexual Assault and Incest Hotline)

1-800-621-HOPE (4673)

TTY: 866-604-5350

[www.safehorizon.org](http://www.safehorizon.org)

#### **New York City Police Department**

Sex Crimes Report Line

1-212-267-RAPE (7273)

## How do you request a Defendant HIV Test and how does it work?

- You cannot request HIV testing until someone has been arrested and charged with sexually assaulting you. In addition, you must make your request within 48 hours after the defendant is charged for the sexual assault.
- You must make your request in writing to the court.
- If the court orders the defendant to be tested for HIV, the testing will be done by a county or state public health official.
- You can request a follow-up HIV test of the defendant. However, the HIV tests done on the defendant the first time should detect any HIV present at that time. So, there may be no medical need for a follow-up test.

## What do the defendant's HIV test results mean to you?

- If the defendant tests negative, he or she was not infected with HIV at the time of the sexual assault and did not infect you.
- If the defendant tests positive, he or she may have been HIV infected at the time of the sexual assault. If the defendant was HIV infected at that time, you may have been exposed to HIV and you may be infected. However, being exposed to HIV does not mean you were infected.
- Getting tested for HIV yourself is the only way to know for sure if you have HIV. You may need to be tested again to make sure you are not infected.

## What can you do with the defendant's HIV test results?

Whether the defendant tests positive or negative for HIV, he or she has a right to privacy with test results. The defendant's HIV test results can only be shared with:

**The defendant.** The defendant does not have to look at his or her HIV test results.

**You (the survivor).** You have the right to know whether or not the defendant has HIV (also called a person's HIV "status"). You can share the defendant's HIV results with:

- Your doctor or your medical care provider. It is very important to discuss the test results with your doctor or medical care provider to plan your medical care.
- Your lawyer or legal representative.
- Close family members or your legal guardian.
- Any of your sex partners or needle-sharing partners, if you believe you exposed them to HIV. But, you cannot tell them the defendant's name.

The court will not let you — or any of the people you are allowed to tell — share information about the defendant's HIV status with anyone else.

HIV test results cannot be used as "evidence" against the defendant. The defendant's HIV test results cannot be shared with the court. Test results cannot be used as evidence against the defendant in a criminal or civil case related to the sexual assault against you.

### Keep taking your emergency anti-HIV medicines

*If you got medical treatment after your sexual assault and started taking emergency anti-HIV medicines, keep taking them until your doctor or medical care provider tells you to stop — even if the defendant tests negative for HIV.*

## How to get help paying your medical expenses

The New York State Office of Victims Services (OVS) is a state agency that helps crime victims pay for expenses that directly result from the crime. The OVS will reimburse the health care provider for the cost of your sexual assault medical exam if you choose not to use your own medical insurance.

If you have medical insurance coverage for the following services, you will have to pay for them. You can ask the OVS to pay for the following services if they are not covered by insurance:

- Emergency room bills that are not related to your sexual assault medical exam.
- Anti-HIV medications that are prescribed after the initial 7-day supply of emergency anti-HIV medicines.
- Counseling services.
- Transportation for court appearances.
- Lost wages if you cannot work because of your sexual assault.

See the last page for information on how to contact the OVS.



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