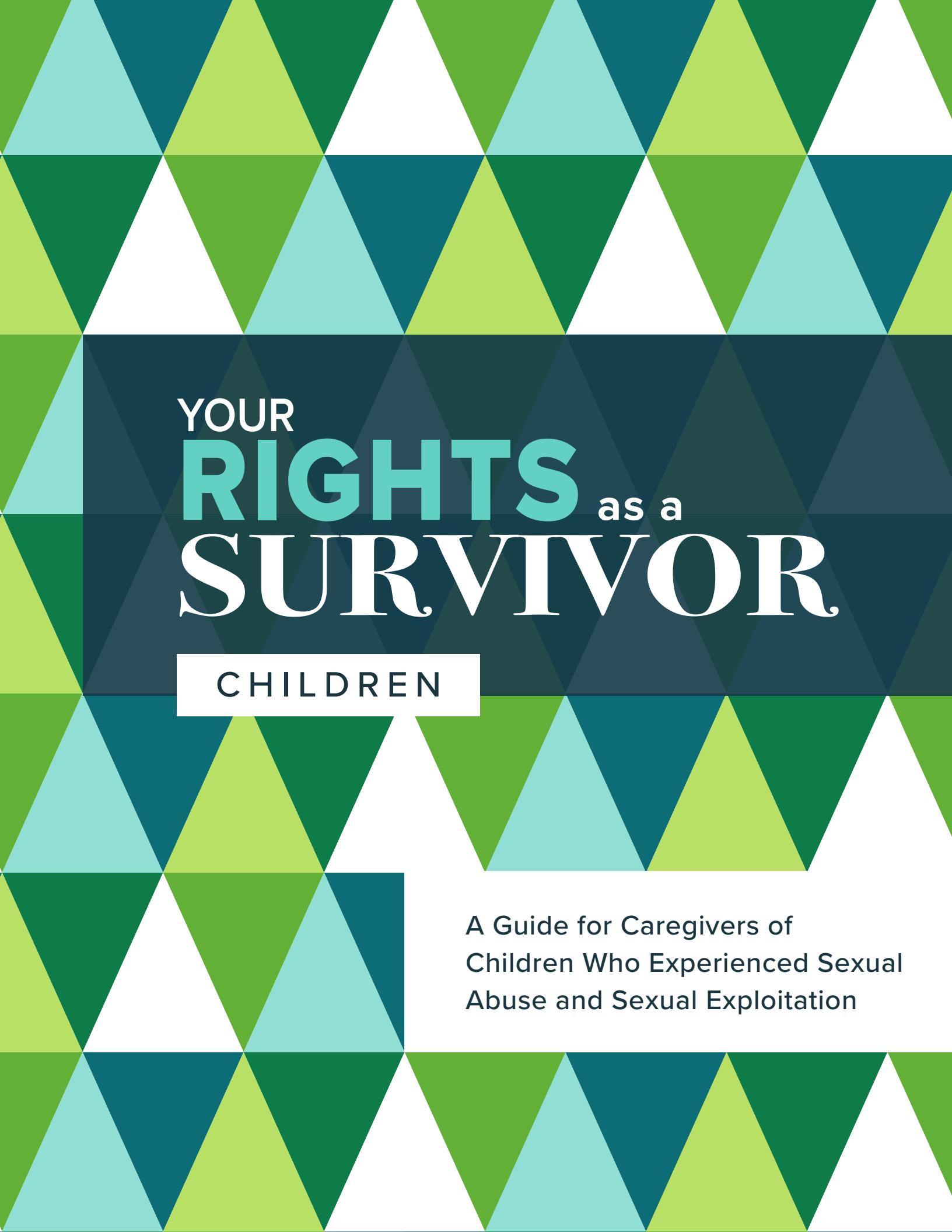




YOUR **RIGHTS** as a SURVIVOR

CHILDREN

A Guide for Caregivers of
Children Who Experienced Sexual
Abuse and Sexual Exploitation

About the Guide

Purpose of this Guide

This guide was created for child survivors of sexual abuse and sexual exploitation in Texas. Its purpose is to empower caregivers by providing an overview of the child's rights, which professionals are involved, and how to access resources in civil and criminal proceedings.

Who is Involved

There are several roles and organizations that may be involved when investigating a report of child sexual abuse. Below is a list of the roles and organizations that will be discussed in this guide.



Advocates (ADV) may include a Court Appointed Special Advocate (**CASA**), Rape Crisis Center/Sexual Assault Program Advocate, Commercially Sexually Exploited Youth (**CSEY**) Advocate (if sexual exploitation is suspected), or a Victim Support Specialist /Family Advocate (if the child is referred to a CAC).



Attorneys that may become involved in a case include:

- Attorney that represents the State, also called a Prosecutor (**PA**); or Office of the Attorney General (**OAG**);
- Attorney for Child(ren), also called Attorney ad Litem (**AAL**);
- Attorney for Parent(s) (**AP**); and
- Attorney that represents an Applicant (**AT**).



Children's Advocacy Centers (CACs) bring the multidisciplinary team together to help children and families feel safe and supported during the investigation of an alleged crime. In addition to providing forensic interviews and access to specialized medical exams, CACs offer essential care—including victim support, case management, and counseling—to help children and their families heal.



Department of Family and Protective Services (DFPS) through investigations, services, and referrals, works to build on strengths of families and communities to keep children and vulnerable adults safe, so they thrive. DFPS has four major programs: Statewide Intake, Adult Protective Services, Child Protective Investigations and Child Protective Services.



Health Care Providers (HCP) include licensed health care service providers such as a physician or psychologist, and licensed mental health service providers such as counselors and therapists.



Judge (JU) is a person responsible for making decisions in cases that are brought to court to be resolved. There are many types of judges such as a Magistrate, a District Court Judge, a County Court at Law Judge, or Associate Judge.



Law Enforcement Agency (LE) means the Department of Public Safety (**DPS**); police department; sheriff's office; or a constable's office. During a criminal investigation, these agencies respond to emergencies, conduct investigations, and enforce laws.



Mandated Reporters (MR) include any professional who has direct contact with children (Ex: teachers, principals, counselors, resource officers, health care providers, childcare workers, and others in licensed or state-regulated roles). Mandated reporters are required by law to report child abuse and neglect.



A Multidisciplinary Team (MDT) works together to investigate sexual abuse and ensure that child victims of crime and their families receive needed services. The MDT includes investigative agencies such as DFPS and LE, as well as prosecutors, specialized medical providers, and members from the local CAC.



Victim Assistance Liaison (VAL) is a designated person at a law enforcement agency or prosecutor's office to help survivors understand and access their rights. The role is sometimes called a Victim Assistance Coordinator (**VAC**) or Crime Victim Liaison (**CVL**).

Reporting and Safety



A report must be made when there is reason to believe a child is the victim of sexual abuse, including sexual exploitation.

Reporting

A report of suspected abuse is required regardless of when the offense happened. Sexual abuse is a crime and should be reported to law enforcement. If the person accused of abuse is responsible for the care, custody, or welfare of the child, a report must also be made to DFPS.

Who is Involved:

MR, LE, DFPS



Rights: Texas Family Code (TFC) [261.101](#), [261.103](#)

► **Call 911 immediately if there is an emergency or life-threatening situation.**

General Safety

You can ask for a protective order if the child is a victim of certain sexual offenses.

Who is Involved:

AT, PA, LE, JU



Rights: Texas Code of Criminal Procedure (CCP) Art. [7B.001](#), [17.292](#), [56A.051\(a\)\(1\)](#)

Safety at Home

You can ask the court to create or change custody orders. You can also ask for temporary orders, such as restraining orders and injunctions. DFPS may also ask the court for additional orders (see [DFPS Section](#)).

Who is Involved:

AT, PA, JU;
If applicable, DFPS



Rights: CCP [56A.051](#), TFC [6.502](#), Ch. [102](#), Ch. [156](#)

School Safety

If another student committed the offense, on or off school property, you may ask to transfer the child victim to a different campus or school district. You have other options, including requesting a School-Based Stay Away Agreement for dating violence, making a Title IX complaint for sexual harassment, and applying for an injunction under David's Law for sexual cyberbullying. Schools must notify you if an employee is being investigated. This includes details about the allegation, their employment status, and if a report was filed with the State Board for Educator Certification.

Who is Involved:

MR (School Administrators), DFPS



Rights: Texas Education Code (TEC) [22A.051](#), [22A.053](#), [25.0341](#); [Title IX](#)

RESOURCES

- Reaching law enforcement:
 - If it is an emergency, call 911
 - If it is not an emergency, call 311 to make a report to local law enforcement
- Department of Family and Protective Services [Reporting Child Abuse or Neglect](#): 1-800-252-5400 or [TXAbuseHotline.org](#)
- Department of Public Safety iWatchTX Community Reporting System: 1-844-643-2251 or <https://report.iwatchtx.org/iwatchtexas>

Note: iWatchTX is not intended for reporting emergencies

Department of Family and Protective Services (DFPS)

During a **civil investigation**, DFPS investigates reports of child abuse and neglect by anyone responsible for the child's care, custody, or welfare.

Civil Investigation

DFPS will contact the victim within 72 hours.

Note: *The child has the right to refuse the interview with DFPS, and refuse recording an interview.*

During the course of the investigation:

- DFPS and/or Law Enforcement will decide whether a child will be referred to a Children's Advocacy Center (CAC) for a forensic interview (see Law Enforcement Section).
- DFPS and/or Law Enforcement may determine that it is unsafe, for either the child or other person participating in the investigation, for the parents and/or legal guardian of the child and choose not to disclose or inform the parents and/or legal guardian of the child's interview or examination.

Who is Involved:

DFPS, CAC, LE



Rights: TFC [261.301\(d\)](#), [261.302\(e\)\(2\)](#), [261.311\(c\)](#), [264.4061](#)

Civil Court Proceedings

The goal at DFPS is to safely keep families together. DFPS may file a case in court for an order to aid in an investigation, order to require additional services, or order custody for the protection of the child. If the court orders services or removal of the child, the court must appoint an Attorney Ad Litem (AAL) to represent the child.

Note: *The AAL should reach out to the child and set up a time to meet within a reasonable amount of time after being appointed.*

The child may request to meet with the judge privately in person or virtually.

Who is Involved:

DFPS, AAL, JU, PA



Rights: TFC [107.003](#), [262.001](#), [264.203](#)

Child in DFPS Custody

DFPS can request a Protective Order on behalf of the child or DFPS can make the request together with a parent or caregiver. DFPS must review the Rights of Children and Youth in Foster Care with the child within 72 hours of entering care.

Who is Involved:

AAL, PA, DFPS, ADV (CASA)



Rights: TFC [261.501](#), [262.1015](#), [263.008](#)

Final Protective Order Against Parental Abuser

If DFPS has temporary managing conservatorship of a child, you can ask for a final Protective Order.

Who is Involved: AAL, PA



Rights: TFC [85.062](#), [85.063](#), [261.501](#)

RESOURCES

General information:

- CPS Rights of Children and Youth in Foster Care: [Form 2530](#)
- DFPS Guide to Child Protective Investigations: https://www.dfps.texas.gov/Investigations/parents_guide_to_investigation.asp
- DFPS Policy Handbooks: <https://www.dfps.texas.gov/handbooks/>
- Texas Foster Care Handbook for Children, Youth, and Young Adults: [PDF](#)

Parental rights:

- Alleged Perpetrator's Rights Prior to Interview: [Form 2617](#)
- Notifying a Parent that a Child Has Been Interviewed, except when DFPS and/or Law Enforcement determines that notification may endanger the child or a person involved in the investigation. See TFC [261.311](#)

Law Enforcement (LE)

During a **criminal investigation**, law enforcement is responsible for responding to emergencies, conducting criminal investigations, and enforcing laws.

Criminal Investigation

A child victim has the right to receive protection by law enforcement from harm. As soon as possible, law enforcement must provide:

- emergency and medical services (if applicable),
- the child's rights as a crime victim, and
- contact information of a crime victim's liaison and victim assistance coordinator.

For sexual abuse cases, child victims have the right to a coordinated response by the Multidisciplinary Team. This includes a coordinated response by investigating agencies and access to CAC services.

Who is Involved:

LE (including School Resource Officer/
School District Police Department);
If applicable: DFPS (see [DFPS Section](#))



Rights: CCP [56A.051](#), [56A.401](#); TFC [264.4061](#)

Forensic Interview

Law enforcement and/or DFPS may refer a child victim to a CAC for a forensic interview.

Who is Involved:

CAC, DFPS, LE



Rights: TFC [264.4061](#)

Medical Evaluation

If there is reasonable concern for sexual abuse, regardless of when the offense happened or is reported, a child victim should be offered a comprehensive medical evaluation by the health care provider.

Some but not all medical evaluations include forensic evidence collection. The health care provider will decide what should be done, when the exam should occur, and where the evaluation will take place.

A medical evaluation is not required for an investigation.

Note: You should ask the health care provider to explain the medical evaluation process.

A child can refuse any part of the medical evaluation.

Who is Involved:

CAC, DFPS, HCP, LE



Rights: CCP [56A.303](#), [56A.304\(f\)](#), [56A.307](#);
TFC [32.003](#), [32.005](#)

Emergency Protective Order

You can request an emergency protective order (EPO) on behalf of the child victim. The judge, law enforcement, or prosecutor can also request an EPO. The judge must issue an EPO if the offense caused serious injury to the victim or involved a deadly weapon.

The EPO can last for 31 to 91 days.

Who is Involved:

JU, LE, PA



Rights: CCP [17.292](#); TFC [83.001](#)

Use of Pseudonym for Criminal Investigations

For certain crimes, you can submit a pseudonym form to keep the child victim's legal name confidential in public records. This form ensures that the child victim's identity remains private in police reports, press releases, and court records.

Who is Involved:

LE, PA



Rights: CCP [56A.403\(d\)\(6\)\(B\)](#), [58.102](#), [58.103](#)

RESOURCES

- Children's Advocacy Centers: <https://cactx.org/>
- Texas A&M Health Center of Excellence in Forensic Nursing: Texas Sexual Assault Medical Forensic & Advocacy Services Map: <https://forensic-nursing.tamu.edu/map/index.html>
- Office of the Attorney General Crime Victim Pseudonym Form: <https://www.texasattorneygeneral.gov/crime-victims/crime-victim-pseudonym-forms>

Criminal Court Proceedings

After an arrest and criminal charges are filed, the case can proceed to a criminal court.

Bail and Conditions of Bond

The judge must consider the safety of the victim when setting the conditions of bond for the perpetrator.

For sexual abuse cases, a judge must set a bond condition that the abuser cannot contact the child or go near the child's home, school, or other common locations.

A judge may allow supervised visitation for up to 90 days if bond conditions conflict with an existing order.

Who is Involved: JU, PA



Rights: CCP [17.40](#), [17.41](#), [56A.051](#)

Permanent (or Final) Protective Order

If the perpetrator is convicted or given deferred adjudication, a permanent (or final) protective order may be filed.

The Permanent/Final PO can last up to 2 years.

Who is Involved:

AT, JU, PA



Rights: CCP [7B.001\(a\)-\(a-1\)](#)

Lifetime Protective Order

A Lifetime Protective Order (LPO) can be requested when there is ongoing concern for the child's safety.

The LPO can last for the lifetimes of the child victim and offender.

Who is Involved:

AT, JU, PA



Rights: CCP [7B.003](#), [7B.007](#); TFC [85.025\(2\)\(a-1\)](#)

Right to Confer with Prosecutor's Office

You have the right to discuss the case with someone from the prosecutor's office.

Who is Involved: VAL



Rights: Texas Constitution, Article 1. Bill of Rights [Sec. 30](#)

Notification of Scheduled Court Proceedings

Child victims must be notified at least five business days before court proceedings. If the proceedings have been canceled or rescheduled, they must be notified as soon as possible.

Who is Involved: PA, VAL



Rights: CCP [56A.452](#)

Notification of Plea Bargain Agreement

Child victims must be notified as early as possible about the existence and terms of a plea bargain agreement.

Who is Involved: PA



Rights: CCP [56A.453](#)

Work Absence

If requested, the prosecutor can notify an employer that the victim is needed in court and they need to be absent from work. **Note:** *This may be helpful for you to request as well.*

Who is Involved: PA



Rights: CCP [56A.051\(a\)\(10\)](#)

Comfort Item

You can ask the court to allow the child victim to have a comfort item while testifying in court. The judge will decide whether to allow the item in court.

Who is Involved: JU, PA



Rights: CCP [38.074 Sec. 3 \(b\)](#)

Qualified Facility or Therapy Dog

Any party in a case can ask for a qualified therapy dog to be present when testifying before the court. The judge will decide whether a qualified therapy dog is allowed in court.

Who is Involved: JU, PA



Rights: Texas Government Code (TGC) [21.012](#)

Continuances

The judge must consider the impact of a continuance on the child victim and must state on the record the reason for granting or denying the continuance.

Who is Involved: JU, PA



Rights: CCP [29.14](#), [56A.051\(a\)\(13\)](#)

Separate Waiting Space During Trial

You and the child victim have the right to a separate waiting area during court proceedings to limit contact with the perpetrator.

Who is Involved: VAL



Rights: CCP [56A.051\(a\)\(8\)](#)

Victim Impact Statement

A Victim Impact Statement allows victims to share with the court how the crime has affected them. This statement is reviewed by the prosecutor, judge, and parole board to learn how the crime impacted the victim emotionally, physically, and financially.

The child victim has the right to be informed about the victim impact statement and to share their experience with the court.

Who is Involved:

JU, LE, PA, VAL



Rights: CCP [56A.051\(a\)\(12\)](#), [56A.151](#), [56A.157](#)

Access to Information

You have the right to request information about the child victim's case including Office of the Attorney General Crime Victims' Compensation, bail information, parole information, and appellate decisions.

Who is Involved: VAL



Rights: CCP [56A.051](#)

Note: Privacy Protections & Court Responsibilities

Livestream — The Court may not allow the electronic transmission or broadcasting of court proceedings when evidence or testimony details acts of a sexual nature, unless the court provides notice and receives consent from you or the child victim, the prosecutor, and the defendant.

Evidence depicting or describing abuse — During a criminal case, the Court must protect certain sensitive materials from being available to the public, including evidence showing or describing abuse of or sexual conduct by a child. The court must seal these materials once the case ends.

Oral statement (victim allocution) — The victim, close relative of a deceased victim, or guardian of the victim, has the right to present to the court and to the defendant a statement about the offense, the defendant, and the effect of the offense on the victim. The statement must be made after punishment is decided and the court has announced the terms and conditions of the sentence.

RESOURCES

Victim Impact Statement Information: <https://ivss.dynamics365portals.us/vis/>

Victim Impact Statement Brochure: [It's Your Voice](#) (PDF)

- Secondary Victim Impact Statement (for children and youth)
 - [PDF](#) (English)
 - [PDF](#) (Español)
- Juvenile Victim Impact Statement Form (for victims of juvenile offenders): [PDF](#)

Protective Order Resources:

- Office of Court Administration Standardized Protective Order Forms: <https://www.txcourts.gov/forms/standardized-protective-order-forms/>
- Texas Law Help
 - Protective Order Fact Sheet: <https://texaslawhelp.org/article/protective-order-fact-sheet>
- Protective Orders FAQ: <https://www.txcourts.gov/media/1458605/protective-orders-faq.pdf>

Support and Protection

There are many supports and services that help survivors stay safe, heal, and recover.

Crime Victims' Compensation

Victims have the right to get information about the Office of the Attorney General's Crime Victims' Compensation Program. The program helps with costs related to the crime, such as medical bills, counseling, lost wages, and funeral costs.

Who is Involved:

CAC, OAG, VAL
(PA and/or LE)



Rights: CCP [Ch. 56B](#)

RESOURCES:

- Crime Victims' Compensation Program:
<https://texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program>

Lease Termination

Victims have the right to terminate their rental lease agreement within six months of the offense, regardless of where it occurred.

Proof that the resident is a victim must be provided to the landlord. Examples include court orders or a letter from a health provider, sexual assault advocate, or law enforcement officer.

Who is Involved:

JU, OAG;
If applicable: HCP, ADV



Rights: Tex. Property Code [92.0161](#)

Address Protection

You and the child victim may be eligible for the Office of the Attorney General's Address Confidentiality Program.

Who is Involved: OAG, VAL



Rights: CCP [Ch. 58 Subchapter B](#)

Civil Liability

For child sexual abuse offenses after 2019, child victims can file a civil lawsuit up to 30 years after their 18th birthday.

Who is Involved: AT



Rights: Civil Practice & Remedies Code (CPRC) [16.0045\(a\)](#)

Non-Disclosure Agreements

Non-disclosure agreements (NDAs) are not allowed in child sexual abuse settlement agreements.

Who is Involved: AT, JU, PA



Rights: CPRC [Ch. 129C](#)

Information Related to Offender Release

Victims have the right to be notified when the offender is released from incarceration. You can request updates including release, parole, or escape.

Who is Involved: OAG, VAL



Rights: CCP [56A.051\(a\)\(7\)](#), [Ch. 56A Subchapter K](#)

Mental Health

Child victims of sexual abuse can access counseling, with or without parent or guardian consent.

Who is Involved:

HCP; If applicable, DFPS



Rights: TFC [32.004](#)

RESOURCES

- Office of the Attorney General Statewide Automated Victim Notification System: <https://www.texasattorneygeneral.gov/crime-victims/victims-violent-crime/victim-notification-crime-victims>
- Texas Comptroller's Request for Confidentiality Form: <https://comptroller.texas.gov/forms/50-284.pdf>
- TAASA Updated Lease Termination Protections for Sexual Assault Survivors: [PDF](#)

Acronyms and Commonly Used Terms

Attorney ad Litem (AAL) is a court-appointed attorney who provides legal services to a person, including a child, and who owes to the person the duties of undivided loyalty, confidentiality, and competent representation. See TFC 107.001.

Child sexual abuse is sexual conduct that is harmful to a child's mental, emotional, or physical welfare and includes child sexual exploitation.

Commercial Sexual Exploitation of Children/Youth (CSEC/CSEY) is another term for child sex trafficking which involves transporting, recruiting, harboring, enticing, providing, or otherwise obtaining a person for commercial sex. For children under 18, force, fraud, or coercion does not need to be shown.

See [Office of the Texas Attorney General Sex Trafficking in Texas webpage](#).

CSEY Advocates provide individualized 24/7 crisis response, ongoing trust-based relational support, and case management for children and transition-age youth (through age 24 years) who are at very high risk for commercial sexual exploitation or are survivors commercial sexual exploitation.

Conservatorship is the term used to define the legal care, custody, and control of a child given by court order. Conservatorship can be temporary or permanent.

Crime Victims' Compensation (CVC) is a program that helps victims and their families by covering costs like medical bills, counseling, lost wages, and more to aid recovery. See [Office of the Texas Attorney General Crime Victims' Compensation Program webpage](#).

Emergency Protective Order (EPO) is a civil court order requiring an individual to stay away from a person. An EPO can include other provisions for the safety and support of the protected party, such as child support, custody determinations, and others.

Forensic Interview is a developmentally sensitive and legally sound method of gathering factual information from a child regarding allegations of a crime. This interview is conducted by a competently trained, neutral professional utilizing research and practice informed techniques as part of a larger investigative process.

Forensic Medical Examination is the collection and preservation of evidence related to investigation and prosecution of a sexual assault.

Guardian ad Litem is a person appointed by a judge to represent the best interests of a child involved in a child welfare case. In many counties, the GAL is a Court Appointed Special Advocate (CASA).

Medical Evaluation is an evaluation of medical needs, diagnosis, and treatment to ensure health, safety, and well-being. A comprehensive medical evaluation should be offered by a health care provider and may occur with or without forensic evidence collection.

Person responsible for a child's care, custody, or welfare means a person who traditionally is responsible for a child's care, custody, or welfare, including:

- a parent, guardian, managing or possessory conservator, or foster parent of the child;
- a member of the child's family or household as defined by TFC Ch. 71;
- a person with whom the child's parent cohabits;
- school personnel or volunteers at the child's school; or
- personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides. See TFC 261.001.

Prosecutor is the attorney representing the state in civil or criminal court and includes District Attorneys (DA), County Attorneys (CA), and Regional Attorneys representing DFPS.

Sexual Assault Nurse Examiner (SANE) nurse is a registered nurse who completed additional education and training to provide comprehensive health care to survivors of sexual assault. See [Office for Victims of Crime SANE Program Development and Operation Guide](#).

Victim Support Specialist, sometimes referred to as a Family Advocate, is a member of the Children's Advocacy Center (CAC) who provides support and case management to victims of crime and their families throughout the investigation and prosecution of crimes against children.

Helpful Links and Resources

Hotlines and Helplines

- National Human Trafficking Hotline: 1-888-373-7888 (service resources)
- National Suicide Hotline: call/text 988 or www.988lifeline.org
- Sexual Assault Legal Hotline: 1-800-374-4673
- Rape, Abuse & Incest National Network (RAINN) National Sexual Assault Hotline: 1-800-656-4673 (Available 24/7) or www.rainn.org
- Texas Advocacy Project (TAP) Legal Help Lines: 1-800-374-HOPE or <https://www.texasadvocacyproject.org/get-help/legal-phone-lines>
- Texas Youth Helpline 1-800-989-6884
- Child Abuse Prevention Overview | Texas Education Agency: <https://tea.texas.gov/texas-schools/health-safety-discipline/child-abuse-prevention/child-abuse-prevention-overview>
- Educator Misconduct & Investigations | Texas Education Agency: <https://tea.texas.gov/texas-educators/investigations/educator-misconduct-investigations>

Additional Contacts and Resources

- Crime Victims' Compensation (CVC) 1-800-983-9933
- National Center for Missing and Exploited Children (NCMEC) www.missingkids.org
- Office of the [Texas Governor's Child Sex Trafficking Team](#), for information regarding the Commercial Sexual Exploitation (CSE) of children and youth and how to access: [Care Coordination and CSEY Advocacy](#)
- Office of the Texas Governor Sexual Assault Survivors' Task Force's (SASTF) Resources Directory for Sexual Assault Survivors: <https://gov.texas.gov/apps/sastf/>
- Texas Education Agency Staff and Superintendent Abuse and Misconduct Reporting Requirements, available on TEA Learn: <https://register.tealearn.com/courses/staff-and-superintendent-abuse-and-misconduct-reporting-requirements>



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Learn more at texaschildrenscommission.gov

