



End Violence Against Women International  
(EVAWI)

# VAWA 2013 Prohibits Exam Costs for Victims and Requires Public Education

Kimberly A. Lonsway, PhD  
Sergeant Joanne Archambault (Ret.)

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## Authors

**Dr. Kimberly A. Lonsway** has served as the Director of Research for EVAWI since 2004. Her research focuses on sexual violence and the criminal justice and community response system. She has written over 60 published articles, book chapters, technical reports, government reports, and commissioned documents – in addition to numerous training modules, bulletins, and other resources. She has volunteered for over fifteen years as a victim advocate and in 2012, she was awarded the first – ever Volunteer of the Decade Award from the Sexual Assault Recovery and Prevention (SARP) Center in San Luis Obispo, CA. She earned her PhD in the Department of Psychology at the University of Illinois, Urbana – Champaign.



**Sgt. Joanne Archambault** (Retired, San Diego Police Department) is the Chief Executive Officer for EVAWI. In 2003 prior to founding EVAWI, Sgt. Archambault worked for the San Diego Police Department for almost 23 years, in a wide variety of assignments. During the last 10 years of her service, she supervised the Sex Crimes Unit, which had 13 detectives and was responsible for investigating approximately 1,000 felony sexual assaults each year. Sgt. Archambault has provided training for tens of thousands of practitioners, policymakers and others – both across the country and around the world. She has been instrumental in creating system – level change through individual contacts, as well as policy initiatives and recommendations for best practice.



As many of you already know, the term *forensic compliance* refers to two specific provisions within the Violence Against Women Act (VAWA) addressing a sexual assault victim's access to a medical forensic exam. These provisions generally require US states, territories, and tribal governments to ensure that victims of sexual assault have access to a medical forensic examination:

1. Free of charge, and
2. Without requiring them to cooperate with law enforcement or participate in the criminal justice system.

The original deadline for compliance was January 5, 2009, but US states, territories, and tribes must remain in compliance with these provisions to retain their eligibility to receive STOP grant funding.

## No More Out-Of-Pocket Costs

Under VAWA 2005, victims could be required to pay the out-of-pocket costs for a medical forensic exam – as long as they were fully reimbursed. This was never viewed as a best practice in the field, but it was possible for states, territories, and tribes to remain compliant with VAWA 2005 while this practice was in place. **Fortunately, this is no longer the case as a result of VAWA 2013.**

With a critical change in VAWA 2013, jurisdictions are required to provide medical forensic exams to victims free of charge and **without any out-of-pocket expense.**

Specifically, the language states that a "State, Indian tribal government, unit of local government, or other governmental entity" is only be eligible for STOP grant funds if it "incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault." The deadline for compliance was 3 years from the enactment of VAWA 2013, which was signed into law on March 7<sup>th</sup>, 2013.

However, it is worth noting that this provision still does not extend to all aspects of medical testing and treatment. VAWA specifies which components must be included in the exam that is offered without charge. These and other issues are addressed in detail in our OnLine Training Institute entitled [The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance](#).

## Public Education Required

In a second critical advance, a governmental entity will only be eligible for this funding if it "coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims." This has the potential to create a sea change in public awareness.

Many communities have developed innovative ways to reach the public with information about their options – particularly the fact that sexual assault victims can obtain a

medical forensic exam free of charge and without being required to make a decision about criminal justice participation. Some have approached this issue through public service announcements, others through media campaigns, and still others through agency websites. All of these approaches can be effective in informing the public, and thus increasing access for victims of sexual assault. Several examples are posted on the EVAWI website, in the forensic compliance [resources](#) section, under the tab on [Public Education](#). We encourage you to explore some of these examples, as you prepare to work on public information in your community.

Given that the whole point of forensic compliance is to increase access for victims of sexual assault – both to the medical forensic exam as well as the criminal justice system as a whole – creating a VAWA-compliant system is only half the battle. The other half is ensuring that community members are aware of their options, to increase the likelihood that they will engage the system when they or someone they love has been sexually assaulted.

The complete text of [VAWA 2005](#) is available online, and the specific language on forensic compliance can be found on page 15, section (f), AVAILABILITY OF FORENSIC MEDICAL EXAMS. The complete text is also posted for the most recent reauthorization of [VAWA 2013](#).

## References

Source: H.R. 4970 – 112th Congress: Violence Against Women Reauthorization Act of 2012. (2012). In [www.GovTrack.us](http://www.govtrack.us). Retrieved March 15, 2013, from <http://www.govtrack.us/congress/bills/112/hr4970>.

