

What if I don't want to go to the police?

If you have experienced violence, force or threats that resulted in physical injury, or made you fearful of further harm, you may request a protective order.

You can request a protective order against your spouse whether you live together or not. You can request one against your ex-spouse if you lived together sometime during the last 12 months.

A protective order does not involve bringing criminal charges against the offender. It can, however, be requested in addition to bringing criminal charges.

A protective order can order your spouse to stop abusing you, stay away from you, go to counseling, or provide other relief to protect you or other members of your household.

To obtain a protective order, you must file a petition at your local Juvenile and Domestic Relations Court Services office. You do not need an attorney to request a protective order.

Your local sexual assault crisis center or domestic violence program can give you more information on protective orders and/or help you with requesting one.

What can I do?

You are not alone. People in your community can give you support. If it is safe to do so, you can talk to family, friends, religious leaders, counselors, or other members of the community.

Your local sexual assault crisis center and domestic violence program are familiar with the laws, and can talk to you about your options. They provide free and confidential information, support, and resources. You can find their number(s) in your local phone directory.

The Virginia Family Violence and Sexual Assault Hotline at 1-800-838-8238 (v/tty) provides confidential support, information and referrals, and can help you find your local sexual assault crisis center or domestic violence program.

Resources:



1.800.838.8238 V/TTY
Free. Confidential. 24 hours a day.

How can it be sexual assault if we're married?



Virginia Sexual and Domestic Violence
ACTION ALLIANCE
[marital SA brochure]

Sexual assault is any kind of sexual contact against your will, regardless of your relationship.

Sexual assault occurs in all types of relationships, including marriage.

People often think that a person can only be sexually assaulted by a stranger, but most victims are assaulted by someone they know. In fact, most sexual assaults occur in the context of a relationship—acquaintance, dating partner or intimate relationship, including marriage.

If we're married, is it really sexual assault?

Yes. Sexual assault is any kind of sexual contact against your will, regardless of your relationship. There are many ways that this can happen. Although sometimes physical force is used, it can happen in other ways, such as the use of threats or intimidation.

Certain types of sexual contact are against the law, whether or not you are married to your assailant.

Some things your spouse may do that could be against the law include:

- Making you do anything sexual that you don't want to do
- Having any sort of sexual contact with you when you are physically unable to consent (for example, if you are sleeping)
- Hitting or choking you during sex
- Forcing you to make up after a fight by having sex, even if you don't want to

Sexual assault in a marriage is often part of a larger pattern of abuse, which can include physical violence (such as choking, hitting, kicking, pushing) and emotional abuse (such as belittling, name-calling, threatening, intimidating, isolating).

Your spouse may also make you feel like it is your “duty” to have sex because you are married, or may make you feel bad sexually in other ways. While the actions may not be considered against the law, they are still harmful and could escalate to more abusive and violent actions.

You have a right to be sexual in a way that feels safe and good.

If it doesn't feel right, it probably isn't.

In addition to the emotional and/or physical issues related to sexual assault, victims of sexual assault within a marriage often find it difficult to report and seek justice for the crimes that have been committed against them.

Unfortunately, many people in our society think that sexual assault cannot and does not exist in marriage.

But no one deserves to be sexually assaulted—even if they are married.

Are the laws for sexual assault in a marriage different than for other types of sexual assault?

Only slightly.

Virginia laws have changed recently so victims are treated the same no matter if their assailants are their spouses or not.

As of July 1, 2005, people who commit felony sexual assault against their spouse (including forced vaginal, anal or oral sex or sexual penetration with an object) are supposed to receive the same punishment as those who commit sexual assault against non-spouses.

There is still one difference:

If a spouse commits sexual assault, then all or part of the sentence may be postponed so the defendant can go to counseling or therapy.

The only way this can happen is if the victim, the prosecutor and the judge all agree. If the defendant completes the counseling/therapy, the sexual assault charges may be dismissed completely (this is commonly known as “defer and dismiss”). This can happen only if it is the first offense.

If your spouse has done something to you that you think is against the law, you can contact your local sexual assault crisis center, domestic violence program, or the police for help.