

## **Forensic Exams-Children**

### **SART List Serv**

**August 2007**

**States are listed as a reference rather than as a statewide perspective**

**Issue: At what age can a child refuse a forensic exam and the SANE honors this choice?**

#### **California (Sacramento)**

- California Family Code Section 6927 and 6928 states: Minors, 12 years of age and older, may give consent to the provision of medical care related to the diagnosis or treatment of a sexual assault and the collection of evidence.
- The general policy for the Sacramento SART is if a person, regardless of age, declines an evidentiary exam it is not performed.
- Exams are not forced on a child.
- The legal age to consent/decline is 12 year.

#### **Maryland (Military)**

- We do not force children to have exams.
- However, we play with them, let them see the equipment we use (video/photo/colposcope), allow them to feel comfortable in the environment in the exam room and most of them will allow us to do the exams.
- Last week I had a four year old who, when I was done, said, "That was fun, can we do it again."
- Having a genital examination in children does not have to be scary if it is done the right way, in the right location (not a busy ER), and with caring, gentle providers.

#### **New York (Suffolk County)**

- We are called for all acute exams regardless of age.
- ANY patient, adult or child, may stop the exam at anytime.
- We all put forth extra effort and allow time to complete a pediatric exam...using coloring books, toys, breaks between portions of the exam or anything that will promote the cooperation of the child.
- No child is ever held or forced to undergo an exam against his/her will.
- Occasionally you will have a child who becomes distraught and refuses an exam, but that is uncommon in our experience and we will not examine them if they are that upset.
- I would never force a child to have a sexual assault exam. This is considered unethical in many healthcare arenas.

## **Pediatric Resources/Forensic Exam Protocols**

### **California Medical Protocol For Examination Of Sexual Assault And Child Sexual Abuse Victims January, 2001**

[http://www.cmtc.tv/pdf/oes\\_forms/oes\\_923-950\\_Protocol.pdf](http://www.cmtc.tv/pdf/oes_forms/oes_923-950_Protocol.pdf)

### **Child Victim--Witness Protocol**

San Diego Regional Child Victim-Witness Task Force  
Forensic Evaluations Page 25

<http://www.mysati.com/Downloads/ChildVWP.PDF>

### **Guidelines For Medico-Legal Care For Victims Of Sexual Violence**

Child Sexual Abuse- Chapter 7 Page 75

<http://whqlibdoc.who.int/publications/2004/924154628X.pdf>

### **New Jersey: An Introduction to the Medical Examination of the Sexually Abused Child**

University of Medicine and Dentistry of New Jersey, School of Osteopathic Medicine

<http://www.state.nj.us/humanservices/NJTaskForce/gtmesa.html>

### **Ohio Pediatric Sexual Abuse Protocol**

August 2000

[http://www.cincinnatichildrens.org/NR/rdonlyres/19CD4A07-5A1E-40D8-8CBE-44A0067FCD07/0/sex\\_abuse\\_protocol.pdf](http://www.cincinnatichildrens.org/NR/rdonlyres/19CD4A07-5A1E-40D8-8CBE-44A0067FCD07/0/sex_abuse_protocol.pdf)

### **Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims- Michigan's Sexual Assault Benchbook**

Child Protocol Beginning page 589

<http://courts.michigan.gov/mji/resources/sabb/AppendixD.PDF>

### **Texas Evidence Collection Protocol 1998**

Child Protocol beginning on page 48

[http://www.oag.state.tx.us/AG\\_Publications/pdfs/evidence\\_collection.pdf](http://www.oag.state.tx.us/AG_Publications/pdfs/evidence_collection.pdf)

### **Washington: Recommended Guidelines Sexual Abuse Medical Evaluation Child 12 years and under, 2004**

Harborview Center for Sexual Assault and Traumatic Stress

<http://depts.washington.edu/hcsats/pdf/guidelines/Child%20guidelines%201.12.04.pdf>

### **West Virginia Protocol for Responding to Victims of Sexual Assault**

Chapter 9: The Child Victims

<http://www.fris.org/Sections/07-Publications/PDFs/Books/WVProtocol.pdf>