

# “HOW CAN IT BE SEXUAL ASSAULT IF WE’RE MARRIED?”

a resource on marital sexual assault

## SEXUAL ASSAULT IS ANY SEXUAL CONTACT WITHOUT CONSENT, 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 people are assaulted by someone they know. In fact, most sexual assaults occur in the context of a relationship—an acquaintance, a dating partner, or a spouse.

## IF WE’RE MARRIED, IS IT REALLY ASSAULT?

Yes. Sexual assault is any kind of sexual contact without consent, 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 using threats or intimidation. Certain types of sexual contact are against the law, whether or not you are married to the person who assaulted you.

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, when you are sleeping)
- Hitting or strangling you during sex
- Forcing you to make up after a fight by having sex, even if you don’t want to

## IT IS OFTEN PART OF A LARGER PATTERN OF ABUSE

This can include physical violence (like strangling, hitting, pushing) and emotional abuse (like insulting you, calling you names, isolating you, and threatening you). They may also make you feel like sex is your “duty” because you’re married, or make you feel bad sexually in other ways. While these actions may not be considered against the law, they are still harmful and could get worse and grow more abusive and violent.



## ARE THE LAWS DIFFERENT FOR SEXUAL ASSAULT IN A MARRIAGE?

Only slightly. Virginia laws treat survivors the same whether they are married to the person who assaulted them or not. There is still one difference: A spouse's sexual assault sentence may be postponed so they can go to counseling. The only way this can happen is if the victim, prosecutor, and judge all agree. If the defendant completes counseling, charges may be dismissed. This can happen only with a 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.

## WHAT IF I DON'T WANT TO GO TO THE POLICE?

You may consider requesting a protective order. You can do so whether you live with your spouse or not. A protective order does not involve bringing criminal charges against the offender. It can, however, be requested in addition to bringing criminal charges. 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 do so. Your local sexual assault crisis center or domestic violence program can help you with this process.

## WHAT CAN I DO?

Know that you are not alone. People in your community can give you support. If it is safe to do so, talk to family, friends, or other members of the community, or call the Virginia Statewide Hotline (1.800.838.8238, or text 1.804.793.9999), or a resource below.

No one deserves to be sexually assaulted — even if they are married. You have a right to be sexual in a way that feels safe and good. Advocates can help support you.