

# Your Rights Under the Civil Justice System

If you were assaulted due to a lack of security or an exploitive relationship, you have the right to file a lawsuit to hold the at-fault person or business responsible.

## Examples of Negligent Security:

No security guards  
Poor lighting  
No security cameras  
Hiring employees with criminal history or without performing background checks

## Examples of an exploitive relationship:

Teacher  
Religious leader  
Doctor  
Nurse  
Therapist  
Camp counselor  
Coach

## You may be entitled to compensation for your losses:

Physical and Emotional Pain & Suffering  
Lost Wages  
Hospital Bills  
Doctor visits  
Counseling  
Other Treatment  
Punitive damages

# Your Rights Under the Criminal Justice System

## Georgia's Crime Victim's Bill of Rights

The right to be treated fairly and with dignity

The right to proceedings free from unreasonable delay

Reasonable, accurate and timely notice of:

- An arrest warrant issued for the accused
- The accused's arrest
- The condition that the accused is prohibited from contacting the victim
- The accused's release or escape from custody
- Any court proceeding where the release of the accused is considered
- Any scheduled court proceeding changes
- The accused's release

The right to be present at all criminal proceedings in which the accused has the right to be present

To not be excluded from any scheduled court proceedings except as provided in O.C.G.A. 17-17-1

The right to a waiting area during proceedings that's separate from the accused and his/her friends or family

To be heard at any court proceedings involving the release, plea or sentencing of the accused

The right to waive notifications

To be notified of community-based victim programs

To complete a Victim Impact Statement and have it presented to the court prior to trial

To restitution as provided by law

To refuse to submit an interview by the accused, accused's attorney or agent

To a requirement by court that defense counsel not disclose victim information to the accused

To be notified by the Department of Behavioral Health and Development Disabilities if the accused is committed for an evaluation, is mentally incompetent to stand trial or is evaluated as not guilty by reason of insanity at the time of the crime -- at least 10 days before the release or discharge of the accused

To request not to be contacted by an inmate who was convicted of a criminal offense against them

To be advised on how to file a complaint with the Judicial Qualifying Commission if a judge denies the victim's right to be heard

The right to designate a spouse, adult child, parent, sibling, or grandparent to act on behalf of him or her, when the victim is physically unable

The right to be notified of availability of compensation through the federal government when the victim has been trafficked for labor or sexual servitude

# Who should be held responsible?

The police and District Attorney may bring criminal charges against your attacker, but you also have the right to pursue a civil case. Survivors of sexual assault/abuse can file a lawsuit against their attacker/abuser and sometimes against additional parties, like a business or landowner. For example, if the assault or abuse occurred at a place of business, a school, or other institution, the owner or manager could be held liable based on negligence.

Some important things to keep in mind:

Georgia law requires business owners to take reasonable measures to protect people on their property

Property owners must provide adequate security for customers or tenants

Businesses that are aware of a previous crime that occurred on the property should take extra precautions

Hospitals, facilities and schools have a responsibility to protect patients and students

Organizations should always run background checks prior to hiring staff

Apartment complexes and other businesses should provide adequate outdoor lighting

If a crime occurs, all residents or patients should be notified of the crime

We can help you navigate the legal system and hold those responsible for your attack accountable. Initial consultations are free and confidential. Every case is handled with sensitivity and discretion.

ATHENS, ATLANTA, LAKE OCONEE

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## Your Legal Rights Under the Criminal and Civil Justice System

Information for Survivors of Sexual Violence



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