

HIV DISCLOSURE ACKNOWLEDGMENT STATEMENT

I acknowledge that

_____ (name)

disclosed to me that they are HIV+ before we engaged in any sexual activity that could expose me to a risk of HIV infection. I am aware of the risks of HIV transmission associated with having sex with an HIV+ partner.

Name _____

Signature _____

Date signed _____

City and province where signed

Have your partner complete and sign two copies of the statement, or make a copy and keep the original and the copy in different places.

This affidavit may help prove that you disclosed your HIV status to your partner. However, it has not been tested in any court and it cannot guarantee that you will not be prosecuted.

PROTECT YOURSELF

Having proof that you disclosed your HIV+ status to sexual partners before having sex can help protect you from prosecution. Here are some possible strategies.

- See a doctor regularly for viral load testing to create a record showing a low viral load.
- Save emails, text exchanges, voice recordings, social media profiles, and other communications that show you disclosed your HIV+ status. (If you are arrested, your computer may be seized; save copies in a safe separate location.)
- Take your partner with you to your caseworker or doctor and ask them to note your partner's knowledge of your HIV+ status in your file.
- Talk about your HIV+ status in front of your partner and another person you trust who can testify that you disclosed.
- Make a video with your partner talking about your HIV+ status.
- Keep a diary noting occasions when you discussed your HIV+ status with your partner.
- Make note of physical evidence of your HIV+ status (such as medications kept in clear sight, medical appointment reminders, HIV-related brochures or magazines) that others have seen.
- Have your partner sign a disclosure acknowledgment form. (See sample.)

The guidelines contained in this resource do not constitute legal advice. Please consult a lawyer for guidance specific to your situation.



Positive Women's Network

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HIV DISCLOSURE and the LAW



WHAT YOU
NEED
TO KNOW

THE LAW IN CANADA

PEOPLE WITH HIV can be prosecuted for not disclosing their HIV+ status to sexual partners – even if the virus was not transmitted or the chance of transmission was minimal.

A contentious relationship, an abusive or vengeful partner, or even a misunderstanding of HIV can lead to public shaming, serious criminal charges, jail time, and registration as a sex offender.

For more information on HIV and the law, please visit the website of the Canadian HIV/AIDS Legal Network

www.aidslaw.ca



YOU MUST TELL PARTNERS YOU HAVE HIV BEFORE HAVING SEX, ACCORDING TO THE LAW.

The only time you do **not** have to tell them is when you meet these two conditions at the same time:

- 1 you use condoms AND
- 2 your viral load is below 1,500 copies/mL.

Some considerations

It can be hard to prove that you disclosed your HIV+ status before having sex. It can also be hard to prove that you had a low viral load and used a condom.

Keep in mind that confidential records, such as medical files, can be accessed by the court if you are charged with HIV non-disclosure.

The current law is based on a decision by the Supreme Court of Canada in 2012. The court talked about vaginal sex only. This means the law for anal and oral sex is unclear.

But we do know there can be a higher chance of transmission with anal sex, so we assume the law applies in the same way. Oral sex can be lower risk, but the law may still apply.