



OAESV Official Statement on Senate Bill 23

Today, Governor DeWine signed into law SB 23, which prohibits abortion after a detectable heartbeat. Despite OAESV and other groups' constant evidence-based urging to both legislative chambers and other government branches to avoid a legal standard without exception for rape and incest victims, SB 23 is now Ohio law.

As OAESV has stated to members reviewing this legislation many times, rape victims are often not anticipating pregnancy. Because they were not planning to become pregnant, they are likely not aware of the timelines associated with pregnancy and abortion. Similarly, victims of incest are most often abused from a young age, and within their family home. Under Ohio's new law, very young victims, whose understanding of reproductive systems and access to transportation and medical care are most likely controlled by their abuser, will likely not be able to access a prenatal appointment to confirm pregnancy or seek abortion until after the deadline has passed. This result will trap those children into decades of additional, unimaginable abuse.

Ohio's new abortion law ignores two fundamental truths: (1) life does not end at birth; and (2) pregnancy is a dramatic and oftentimes dangerous condition that alters the course of the pregnant individual's life, regardless of whether the pregnant individual gives the child up for adoption. Victims of rape and incest must not be forced to endure an end to their lives as they know them, to reshape their existences to accommodate life-changing pregnancies caused by horrific criminal acts perpetrated against them. Victims must not be reminded of their rape several times a day, every day, for nine months, when they experience the illnesses, limited mobility, bodily changes, expenses incurred to continue daily life while pregnant, increased medical appointments, forced changes to food intake, and other changes inevitable during pregnancy. If a rape victim wishes to carry her pregnancy to term under such circumstances, that is her decision and it should be respected. However, if a rape victim instead wishes to continue living her life as she planned before the rape or incest, she should not be forced to delay or alter her life in any way to accommodate her rapist's offspring.

OAESV has persisted in urging the Ohio legislature to, instead of passing this unquantifiable dangerous bill, create better protections victims who become pregnant through rape or incest and wish to keep their child. Specifically, as it currently stands in Ohio, a rapist is only denied custody on those grounds if a criminal court first finds beyond a reasonable doubt that the perpetrator raped the victim. This falls far below the federal Rape Survivor Child Custody Act, which acknowledges the extreme difficulty of achieving a rape conviction, because of unique evidentiary issues or victim's decisions not to report. Because Ohio's current law falls below the federal standard, a rapist who evades conviction, however narrowly, can continue to seek out custody rights for the child resulting from rape until the child turns 18. This is untenable for the victim, who should be permitted to move on with her life, and dangerous for the child, who risks being handed over to a rapist or perpetrator of incest.



Victims of rape or incest must not be subjected to this unconstitutional standard. The courts must acknowledge the undue burden this bill places on not just rape and incest survivors, but all persons across Ohio.