



**Testimony submitted to the Ohio Senate Health, Human Services and Medicaid Committee
House Bill 258: Prohibit Abortion if Detectable Heartbeat
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Chair Burke, Vice Chair Beagle, Ranking Member Tavares, and Members of the Ohio Senate Health, Human Services and Medicaid Committee, thank you for the opportunity to provide written testimony on House Bill 258. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

As you are aware, HB 258 makes no exceptions for pregnancies that result from incest or rape. In most pregnancies, a fetal heartbeat can be detected as early as six weeks gestation. It is very often the case that a woman does not know she is pregnant until after six weeks and/or a fetal heartbeat is able to be detected. This is especially true for women who are emotionally traumatized by rape. Such women may not be anticipating pregnancy at all, nor should they be forced to carry their rapist's child to term.

HB 258 is also concerning from the standpoint of pregnancy that results from sexual assault within the context of domestic violence. It is a common tactic for abusers to sabotage or withhold their partner's birth control, force them to become pregnant as a means of further controlling them, and/or prevent them from accessing healthcare until after a fetal heartbeat is detectable. According to the World Health Organization, batterers who are physically violent with their pregnant partners are [more likely to murder them](#), and pregnant women in violent relationships are less likely to access prenatal care. Women in such circumstances should not be forced to carry their pregnancies to term if they wish not to. Similarly, victims of incest are most often abused from a young age, and within their family home. Even without resulting pregnancy, incest has a devastating impact on the lives of its victims. When forced to carry a family member abuser's child to term, those devastating impacts are hugely magnified. Ultimately, forcing an incest victim to carry and potentially raise their family member abuser's child will force them into decades of additional abuse. This result **must not** be a function of Ohio law.

Forcing any victim of rape or incest to carry her rapist's child to term is a further violation of her body and an extension of the loss of control over her body that she experienced from the assault.

If a woman wishes to carry her pregnancy to term under such circumstances, that is her decision and it should be respected. But if a woman does not want to carry that pregnancy to term, she should not be forced to do so. Victims of rape should not have additional control over their bodies taken away from them. They should retain every existing safe, legal, and federally permitted option to decide what is best for them. This is not an easy decision, **but it should be a victim/survivor's decision to make**, because it was not her decision to be raped in the first place.

For the many victims who become pregnant through rape or incest and wish to keep their child, Ohio doesn't provide adequate custody protections. Specifically, though positive efforts were made in 2013 to provide some level of protection, these efforts did not do enough to protect either rape victims or the children conceived as a result of these heinous acts. As it currently stands, 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 deserve to have control over what happens to their bodies in the aftermath of rape or incest. For these reasons, we respectfully oppose House Bill 258. We are available for questions at ccrary@oaesv.org or 216-317-1828.