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OAESV Response to Ohio Supreme Court Ruling in *Brandt v. Pompa*

The Supreme Court of Ohio has made measured progress to increase access to justice for survivors of child sexual abuse in the case of *Brandt v. Pompa*. In a 4-3 decision released on December 16, 2022, the Court found Ohio's limitation on non-economic damages in certain circumstances to be unconstitutional. The Ohio Alliance to End Sexual Violence (OAESV) submitted a brief to the Court in this case to provide expert information on the severe and long-lasting harms caused by child sexual abuse. OAESV's brief argued that the Ohio Supreme Court should not cap non-economic damages awarded to survivors due to the substantial non-physical injuries that occur as a direct result of sexual violence.

In the originating case, a jury awarded petitioner Amanda Brandt \$20,000,000 for the toll of the psychological injuries following years of sexual abuse by the father of her childhood friend. Due to Ohio's cap on damages passed by the Ohio Legislature in 2005, the trial judge was required to reduce the amount of compensation to \$250,000.

In reversing that decision, the Ohio Supreme Court has concluded that caps on damages do not apply for child survivors of intentional criminal conduct in claims against an individual who has been found guilty of the intentional criminal act(s). In essence, the Court concluded that the damages cap put in place by the Legislature unreasonably focused on physical injuries, and failed to properly account for the chronic, wide-ranging psychological trauma experienced by survivors of child sexual abuse.

OAESV staff and our Rape Crisis Centers throughout the state have worked with thousands of survivors, including many impacted by childhood sexual abuse. We have observed time and time again the egregious, long-lasting harms that childhood sexual abuse costs communities, families, and survivors themselves. The specific injuries of child sexual abuse fundamentally alter the experience of a survivor's life. When survivors summon the courage to face their trauma and abuser in court, and are told they are not entitled to what a jury has valued their trauma to be worth, their experience is minimized – which can contribute to re-traumatization and interrupt their path to healing.

While this decision is a small victory, much remains to be done to improve systems-based responses for all survivors of sexual violence in Ohio. To start, the Ohio legislature must act to rectify the current statutory damages caps and remove these limitations for all survivors of child sexual abuse and other forms sexual violence. Additionally, the statute of limitations in civil and criminal matters must also be eliminated to ensure that survivors can come forward when they are ready – which often takes decades for survivors of child sexual abuse.

Since OAESV’s inception, we have advocated for policies that center survivors’ needs. We will continue our work, alongside our partners, to advocate with legislators about the vital necessity of policies that acknowledge the harm caused by sexual violence and enhance survivors’ access to justice.

[Click here to read the Slip Opinion](#)

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Interviews available upon request.

As Ohio’s statewide coalition, OAESV uses an anti-oppression lens to advocate for comprehensive responses and rape crisis services for survivors and to empower communities to prevent sexual violence.