

**Claire's Law for Shaken Baby Syndrome Prevention**  
**From Ohio Revised Code**

**3701.63 Shaken baby syndrome education program.**

(A) As used in this section and section 3701.64 of the Revised Code:

- (1) "Child day-care center," "type A family day-care home," and "certified type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.
- (2) "Child care facility" means a child day-care center, a type A family day-care home, or a certified type B family day-care home.
- (3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code.
- (4) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital.
- (5) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.
- (6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.
- (7) "Shaken Baby Syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:

- (1) By not later than one year after the effective date of this section, with the advice of the work group appointed under division (D) of this section, developing educational materials that present readily comprehensible information on shaken baby syndrome;
- (2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;
- (3) Beginning in 2009, annually assessing the effectiveness of the shaken baby syndrome education program by evaluating the reports received pursuant to section 5101.135 of the Revised Code.

(C) In meeting the requirements under division (B) of this section, the director shall not develop educational materials that will impose an administrative or financial burden on any of the entities or persons listed in section 3701.64 of the Revised Code.

(D) The director of health shall appoint and convene a work group to advise the director on the shaken baby syndrome educational materials the director is required to develop under division (B) of this section.

The work group shall include at least one representative of each of the following:

- (1) Child abuse prevention advocates;
- (2) The staff of the "help me grow" program established pursuant to section 3701.61 of the Revised Code;
- (3) Experts in the field of infant care, particularly in the area of infant calming methods;
- (4) Maternity unit directors;

- (5) Parenting skills educators;
- (6) Child care facilities.

The work group may also include, at the director's discretion, representatives of other professions whose members have practical experience regarding shaken baby syndrome and representatives of citizens' organizations whose members are knowledgeable about shaken baby syndrome.

**3701.64 Distribution of shaken baby syndrome educational materials.**

(A) A copy of the shaken baby syndrome educational materials developed under section 3701.63 of the Revised Code shall be distributed in the following manner:

- (1) By child birth educators and the staff of pediatric physicians' offices and obstetricians offices, to an expectant parent who uses their services;
- (2) By the hospital or freestanding birthing center in which a child is born, to the child's parent before the child is discharged from the facility;
- (3) By the staff of the "help me grow" program established pursuant to section 3701.61 of the Revised Code, to the child's parent during home-visiting services conducted in accordance with that section;
- (4) By each child care facility operating in this state, to each of its employees.

(B) Each entity and person required to distribute educational materials pursuant to division (A) of this section is immune from any civil and criminal liability for injury, death, or loss to person or property resulting from the dissemination of, or failure to disseminate, those educational materials.

**5101.135 Shaken baby syndrome notation in child abuse report.**

(A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome.

(B) Beginning March 1, 2009, and each first day of March thereafter, the department of job and family services shall report to the director of health the number of reports of child abuse that arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome and that arose during the calendar year immediately preceding the calendar year in which the report is made, as determined by an examination of the statewide automated child welfare information system established and maintained under section 5101.13 of the Revised Code.

(C) As used in this section, "shaken baby syndrome" has the same meaning as in section 3701.63 of the Revised Code.

Effective Date: 2007 SB144 02-29-2008