



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 165
[2005 Senate Bill 221]

Shaken Baby Syndrome Prevention

This memorandum describes the provisions of 2005 Wisconsin Act 165, relating to shaken baby syndrome and impacted babies (hereafter, “shaken baby syndrome”) prevention activities.

APPROPRIATIONS

2005 Senate Bill 221 provides \$68,200 segregated revenues (SEG) in each of 2005-2006 and 2006-2007 to fund one position in the Child Abuse and Neglect Prevention Board (“the Board”) for administering the Act’s prevention activities. These funds come from the Child Abuse and Neglect Prevention Board’s appropriation for gifts and grants.

PREPARATION AND DISSEMINATION OF MATERIALS RELATING TO SHAKEN BABY SYNDROME

The Act requires the Board to purchase or to prepare, or to arrange with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome to prepare printed and audiovisual materials relating to shaken baby syndrome.

The Act requires the Board to make the materials available to: hospitals, maternity homes and nurse-midwives; the Department of Health and Family Services (DHFS); county departments and nonprofit organizations that provide the materials to day care providers; school boards and nonprofit organizations that provide the materials to students; tribes and county departments that provide home visitation services; and to all providers of care coordination services.

The Act requires the parents of a newborn infant to be informed of the availability of the written materials.

The Act also requires the person who provides the written materials to parents to provide those parents with a form that includes a statement that the parent has been advised of the grave effects of

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

shaking or throwing an infant or young child, and ways to manage causes that lead a person to shake or throw an infant or young child, a telephone number that the parent may call to obtain assistance on how to care for an infant or young child, and a statement that the parent will share that information with all persons who provide care for the infant.

TRAINING

The Act requires shaken baby syndrome training be provided before an individual may obtain a license to operate a day care center, or enter into a contract with a school board to provide a day care program. The DHFS or a nonprofit organization must provide the training.

The Act also requires this training be provided before an individual may be certified as a day care provider under the W-2 program. The training must be provided by a county department or a nonprofit organization contracted by that county department.

Finally, the Act requires this training be provided before an employee or volunteer of a day care center, day care provider, or day care program may provide care and supervision for children. The DHFS or certifying county department must approve or provide the training or arrange with a nonprofit organization to provide the training.

This training requirement applies to centers and programs that provide for the care and supervision of children under age 5.

SCHOOL INSTRUCTION

The Act requires each school board to provide or arrange with a nonprofit organization or health care provider to provide age-appropriate instruction relating to shaken baby syndrome in one of grades five to eight and in one of grades 10 to 12.

OTHER OUTREACH

The Act requires a county department or Indian tribe that is providing home visitation services under DHFS's child abuse and neglect prevention program, or that is a provider of prenatal, postpartum, and young child care coordination services in Milwaukee County, to provide to a recipient of those services, without cost, a copy of the written materials relating to shaken baby syndrome prepared by DHFS or the nonprofit organization, and an oral explanation of those materials.

IMMUNITY FROM LIABILITY

The Act provides that the Board or a nonprofit organization or person from whom it purchases materials with is immune from liability for any damages resulting from a good faith act or omission in preparing and distributing, or in failing to prepare and distribute, the materials relating to shaken baby syndrome. This same immunity applies to the other entities in the bill that are responsible for providing training, instruction, and materials relating to shaken baby syndrome.

IDENTIFICATION OF VICTIMS OF SHAKEN BABY SYNDROME

The Act requires DHFS to identify all infants and young children who have shaken baby syndrome and all infants and young children who have died as a result of being shaken or thrown. DHFS must document the age, sex, and other characteristics of the child that are relevant to the

prevention of shaken baby syndrome and, if known, the age, sex, employment status, and residence of the person who shook or threw the infants or young child, the relationship of that person to the child, and any other characteristics of that person that are relevant to the prevention of shaken baby syndrome.

Effective Date: 2005 Wisconsin Act 165 takes effect on April 5, 2006.

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