

Senate Health, Human Services and Aging Committee

Senate Bill 144

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Chairman Coughlin and members of the Senate Health, Human Services and Aging Committee, my name is Jon Fishpaw. Thank you for the opportunity today to testify in support of Senate Bill 144.

Claire, my daughter, suffered a traumatic brain injury in 2000 at 11 months of age by an Upper Arlington babysitter when we lived in central Ohio. Michelle, my wife, Claire, and our youngest child, Grace, now reside in Cincinnati.

When seeking child care for our daughter, we used the services of Action for Children, a Columbus-based government and United Way supported child care referral agency, which provided us with names of registered Type B in-home childcare providers. We selected a sitter, Mindy Beth Francisco, who was a married, 34-year-old mother of one and appeared to have the highest of qualifications, and was placed among the agency's highest-tiered childcare providers. We did not select her based on geographic proximity or cost. We had a one-way commute of approximately 20 minutes, and were charged nearly \$150 dollars for three days of part-time care. We interviewed her three times and went over and above our call as new parents to place our first-born child with the best babysitter possible.

On Claire's third day of care, the sitter discussed with Michelle that our daughter's crying needed to be better managed. Infant crying, in our opinion, was natural and believed that Claire's crying would subside over time when she was better adjusted to her new surroundings at the sitter's home. It was on the fourth day of care when Michelle arrived at her usual pick-up time to find Claire lying face down on the floor and across the room from the other children in the home. Claire was limp and cold, her eyes completely dilated. It was clear to Michelle that the sitter was aware of the pain she inflicted upon our daughter. A call was not placed to 911 until Michelle instructed the sitter to do so.

Claire was rushed to Children's Hospital and we soon learned the devastating cause of her condition. She was a victim of Shaken Baby Syndrome. Her eight-day hospital stay presented us with many grim prospects that included brain damage, partial paralysis and partial blindness. It took more than a year to be assured that Claire's vision would not be permanently impaired. Most sadly of all, Claire was not able to celebrate her First Birthday, as she was unconscious for most of the day. Later MRI testing revealed that the frontal lobe of her brain had severely atrophied with no possibility of this eroded brain tissue ever re-generating.

We continually seek answers to questions on how this could have ever happened to Claire, and urge your support of Senate Bill 144 to help prevent this from happening to other children. Through self-education, we have discovered that Shaken Baby Syndrome is the leading cause of death in child abuse cases; it's the most costly to treat; and is the most preventable.

Claire is now eight years old and is second-grade. Her recovery continues and follow-up treatment remains constant, and includes intensive private and school-based therapies, as well as special education through our public school district. She is one of the few children we know who has a neurologist, neuropsychologist, physiatrist, endocrinologist and a team of speech, occupational and physical therapists. Comparing the extent of her injuries seven years ago to her health status today, her neurologist in Cincinnati describes her as a miracle child. I describe Claire to others as a modern-day gladiator, who fought for her life, and to this day, remains a determined little girl, who is well aware of her need to work harder than her friends whether at school or at play.

Senate Bill 144 includes multiple continuums for the delivery of education and awareness to parents and childcare providers. As first-time parents, we did not know that inconsolable crying is a key reason why babies are shaken. Had we known this through some form of education, we would not have returned to our babysitter for that fourth day of care.

Thank you for your time and your consideration.