



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

RECEIVED AND FILED
DATE July 16, 2012
3:28 pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Miller

Secretary of State
Frankfort
Kentucky

2012-585
July 16, 2012

**RELATING TO ESTABLISHMENT OF THE
CHILD FATALITY AND NEAR FATALITY
EXTERNAL REVIEW PANEL**

WHEREAS, the crisis of child abuse and neglect continues to exist in our society; and

WHEREAS, the death or near death of a child due to abuse or neglect is unacceptable but remains a tragic occurrence in Kentucky and in our nation; and

WHEREAS, it is recognized that children and families live in communities and interact with many local agencies, officials, and community service organizations; and

WHEREAS, the issues and difficulties facing struggling families are complex and require a multidisciplinary response; and

WHEREAS, child abuse and neglect are often correlated with substance abuse and domestic violence; and

WHEREAS, the perspectives of social services, medical, legal, law enforcement, and other professionals and experts can assist in conducting a comprehensive review of a child fatality or near fatality; and

WHEREAS, an independent review of the circumstances surrounding a child abuse or neglect fatality or near fatality may lead to increased knowledge about the risk factors involved in child fatalities or near fatalities and to improvements in the state's response to child abuse and neglect; and

WHEREAS, it is in the best interests of the Commonwealth to engage all stakeholders in an effort to reduce child abuse and neglect fatalities and near fatalities; and



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

2012-585
July 16, 2012

Secretary of State
Frankfort
Kentucky

WHEREAS, in order to provide for additional examination and review of child abuse and neglect related fatalities and near fatalities and to strengthen the state's response to these tragedies:

NOW, THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of Kentucky and KRS 12.028, Order and Direct as follows:

- I. There is hereby created and established the Child Fatality and Near Fatality External Review Panel (hereinafter "Panel") for the purpose of conducting comprehensive reviews of child fatalities and near fatalities determined to be due to child abuse or neglect. The Panel shall be attached to the Justice and Public Safety Cabinet for staff and administrative purposes.
- II. The duties of the Panel shall include but are not limited to the following:
 1. Meet quarterly to review official records, case files, or information relating to child fatalities or near fatalities in the possession of any department, agency, organization or entity of state government ;
 2. Analyze the medical, psychosocial and legal circumstances of the child to identify conditions that contributed to child death or serious injury;
 3. Recommend improvements to the Cabinet for Health and Family Services, the Department for Community Based Services, and any other public or private agency or entity relating to policy, practice, training or other protections for children;
 4. Publish an annual report of case reviews, findings, and recommendations to be submitted to the Governor, the Secretary of the Cabinet for Health and Family Services, the Chief Justice of the Supreme Court, and the General Assembly. Reports shall be published in a manner that does not disclose the identity of an individual child or family who is subject to the Panel's review.
- III. The duties, functions and responsibilities of the Panel shall be carried out and implemented consistent and in accordance with the provisions of KRS 620.050. Agencies shall make records available to the Panel pursuant to and in accordance with the provisions of KRS 61.872 et seq. The Panel, while having access to various agencies' records, shall not be deemed to be the official custodian of any such records in its possession for purposes of KRS 61.872 seq.



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

2012-585
July 16, 2012

Secretary of State
Frankfort
Kentucky

- IV. The Panel shall be composed of the following appointed voting members and ex officio non-voting members:
1. The Chairman of the House Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio non-voting member;
 2. The Chairman of the Senate Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio non-voting member;
 3. The commissioner of the Department for Community Based Services, who shall be an ex officio non-voting member;
 4. A judge participating in the Model Court Program to be selected by the Chief Justice of the Kentucky Supreme Court, who shall be an ex officio non-voting member;
 5. A pediatrician from the University of Kentucky's Department of Pediatrics' Medical Home Clinic that provides health care services to children served by the Commission on Children with Special Health Care Needs to be selected by the Attorney General from a list of three (3) names provided by the Chairman of the Board of the Commission on Children with Special Health Care Needs;
 6. A board-certified child abuse pediatrician from the University of Louisville's Forensic Medicine program to be selected by the Attorney General from a list of three (3) names provided by the Dean of the University of Louisville School of Medicine;
 7. The State Medical Examiner or designee;
 8. A court-appointed special advocate (CASA) program director to be selected by the Attorney General from a list of three (3) names provided by the Kentucky CASA Association;
 9. A peace officer with experience investigating child abuse and neglect fatalities and near fatalities to be selected by the Attorney General from a list of three (3) names provided by the Commissioner of the Kentucky State Police;
 10. A representative from Prevent Child Abuse Kentucky, Inc. to be selected by the Attorney General from a list of three (3) names provided by the Chair of the Prevent Child Abuse Kentucky Inc.;
 11. A practicing local prosecutor to be selected by the Attorney General;
 12. The executive director of the Kentucky Domestic Violence Association;
 13. The chair of the State Child Fatality Review Team;
 14. A practicing social work clinician to be selected by the Attorney General from a list of three (3) names provided by the Board of Social Work.



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

2012-585
July 16, 2012

Secretary of State
Frankfort
Kentucky

15. A practicing addiction counselor to be selected by the Attorney General from a list of three (3) names submitted by the Kentucky Association of Addiction Professionals; and
 16. A representative from the Family Resource and Youth Service Centers to be selected by the Attorney General from a list of three (3) names submitted by the Cabinet for Health and Family Services.
 17. An at-large representative who shall serve as Chairperson to be selected by the Attorney General.
- V. Members shall be appointed for an initial term of two (2) years and vacancies shall be filled in the same manner as the original appointments. The Panel shall meet quarterly and at the call of the Chair.
- VI. There will be no compensation for members of the Panel; however, voting members may be reimbursed for expenses incurred in accordance with state guidelines and administrative regulations.
- VII. All Cabinets, departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are hereby authorized and directed to cooperate with the Panel in implementing the provisions of this Order.


STEVEN L. BESHEAR, GOVERNOR
Commonwealth of Kentucky


ALISON LUNDERGAN GRIMES
Secretary of State

Child Fatality and Near Fatality External Review Panel

REORGANIZATION PLAN

SUMMARY OF PLAN

This Executive Order establishes the Child Fatality and Near Fatality External Review Panel as an organizational unit and administrative body attached to the Justice and Public Safety Cabinet for administrative purposes.

FISCAL IMPACT

No changes will occur.

PERSONNEL IMPACT

No changes will occur.

NET EFFECT

No changes will occur.