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MEMORANDUM OF UNDERSTANDING BETWEEN THE JUSTICE AND PUBLIC SAFETY CABINET AND THE CHILD FATALITY AND NEAR FATALITY REVIEW PANEL

Pursuant to KRS 620.055, the Child Fatality and Near Fatality Review Panel (hereinafter "the Panel") is an external panel made up of 20 members that conducts comprehensive reviews of child fatalities and near fatalities and issues case reviews, findings, and recommendations for improvement to help prevent child fatalities and near fatalities due to abuse and neglect. The Panel operates as an independent entity attached to the Justice and Public Safety Cabinet (hereinafter "the Cabinet") solely "for staff and administrative purposes." The Cabinet recognizes that in order to effectively perform its functions, the Panel must operate independently. This Memorandum of Understanding sets forth the formal agreement governing the manner in which potential conflicts of interest and other problems that could arise within this structure will be avoided.

1. The need for the Panel to be able to conduct closed sessions effectively

There are several agencies within the Justice and Public Safety Cabinet that may have had involvement in cases that are reviewed by the Panel. The Panel is permitted to conduct closed sessions pursuant to KRS 620.055(12) to review and discuss individual cases. Because of the amount of work necessary to prepare for and conduct Panel meetings, individuals employed by the Cabinet perform tasks for the Panel and may be asked to attend closed sessions. Similarly, some Panel members are employees of the Cabinet and may be a part of closed session discussions. The Cabinet and Panel agree that any discussions that occur during closed sessions will not be divulged by Cabinet employees who were present during closed sessions except as outlined in KRS 620.055(12).

2. The need for an independent review function and how independence will be maintained

The Panel was established to be external to the Justice and Public Safety Cabinet and independent of the executive branch. It was assigned the tasks of reviewing cases, issuing



findings, and making recommendations for system and process improvements. The Panel's case reviews could involve scrutinizing the actions of employees of the Cabinet as well as other employees of state and local government. The Cabinet affirms the importance of the Panel's work and that its work shall be carried out independently and without any interference by the Cabinet.

The Panel's independence is guaranteed by KRS 620.055 and in the following ways:

- The Justice and Public Safety Cabinet affirms the importance of and guarantees the independence of the Panel's functions.
- The Panel is described in KRS 620.055 as "external" and "attached to the Justice and Public Safety Cabinet for staff and administrative purposes."
- The Panel is a multi-disciplinary group composed of individuals from each branch of state government, from local government, from private non-profits, from universities, and from the community, each of whom have experience in subject matter areas relevant and useful to the Panel.
- None of the Panel members are appointed by the Governor or Justice Cabinet Secretary, nor can they be removed by the Governor or Justice Cabinet Secretary.
- Neither the Panel nor its chairperson is made responsible to the Justice Cabinet Secretary in KRS 15A.020, 31.010, or 620.055. Rather, KRS 620.055 gives the Panel independent responsibilities and authority to carry out those responsibilities.
- The Cabinet pledges not to interfere in any way with the discretion, judgment, or operation of the Panel or its individual members in the conduct of their duties.
- Any employee of the Cabinet who is assigned to assist the Panel in carrying out its duties, whether that assignment is temporary or permanent, will perform his or her responsibilities relating to the Panel solely under the direction of the chair of the Panel. The Cabinet will not interfere in any way with the employee's performance of work for the Panel.
- The Panel will have control over its information technology equipment and use. The Panel will work directly with the Commonwealth Office of Technology to ensure that the Panel's information technology is in conformity with the requirements of state government. The Cabinet and the Panel will take all necessary steps to ensure that reasonable procedures are in place to maintain the confidentiality of all records that are confidential under state and federal law. The Cabinet will destroy all copies of information and records provided to the Panel in accordance with the requirements of KRS 620.055(11).
- The Cabinet will not require the use of letterhead that represents the Panel to be a part of the Cabinet. Rather, the Panel will use a suitable letterhead that reflects its position as an independent entity with independent authority and responsibilities.

3. Administrative relationship

The Panel is "attached to the Justice and Public Safety Cabinet for staff and administrative purposes." KRS 620.055(1). The Panel and Cabinet will work together to ensure a transparent, efficient, and accountable administrative process consistent with the provisions for confidentiality of case records pursuant to other state and federal law.

KRS 620.055 does not require the Panel to report to the Cabinet; however, the Cabinet and Panel agree that there is a need for administrative information to be provided to the Cabinet by the Panel. The Panel authorizes the Panel's Chair to keep the Cabinet Secretary or the Cabinet Secretary's designee sufficiently apprised of the Panel's administrative actions, including, but not limited to, budget requests and financial expenditures. Providing this information shall in no way be deemed to reduce the Panel's independence; rather, this reporting is necessary to allow the Cabinet to perform its fiscal responsibilities and other obligations owed to the citizens of the Commonwealth.

The Chair of the Panel will give advance notice to the Cabinet Secretary or the Cabinet Secretary's designee of any appearances by a representative of the Panel to testify before a legislative or other policy-creating body. The notice will be provided in a manner that will foster quick communication, but will not disturb the Panel's independence.

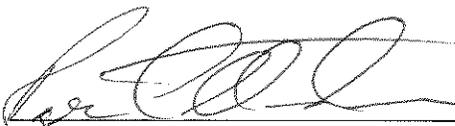
4. Budget matters

The Panel is attached to the Cabinet for staff and administrative purposes. The Panel's budget request will be provided to the Cabinet in the fall prior to the budget session of the General Assembly on a date and format to be required by the Cabinet. The Cabinet will operate as a pass-through and will submit the Panel's budget to the Office of State Budget Director without prioritization. The Cabinet recognizes that the Panel may have to demonstrate its budgetary needs to the executive branch and to members of the General Assembly.

5. The need to establish a good working relationship

The Cabinet recognizes the panel's need for independence and is fully dedicated to the mission of the Panel. The Panel members and Cabinet employees who are involved with or may appear before the panel agree to work together on various matters that may arise. At all times, efforts will be made to maintain a civil and professional working relationship between the Panel and the Cabinet.

 5/23/2014
J. Michael Brown Date
Secretary
Justice and Public Safety Cabinet

 5/23/2014
Roger Crittenden Date
Chair
Child Fatality and Near Fatality Review Panel