

Child Fatality and Near Fatality External Review Panel

Virtual Meeting

Monday, November 23, 2020

MINUTES

Members Present: Hon. Melissa Moore Murphy, Chair; Commissioner Marta Miranda-Straub, Department for Community Based Services, CHFS; Hon. Dawn Blair, Assistant Hardin County Attorney; Dr. Jaime Pittenger Kirtley, Prevent Child Abuse Kentucky; Dr. Henrietta Bada, Department of Public Health, CHFS; Lisa Gabbard as proxy for Angela Yannelli, Executive Director, Kentucky Coalition Against Domestic Violence; Dr. Christina Howard, Child Abuse Pediatrician, University of Kentucky, Betty Pennington, Family Resource and Youth Service Center; Dr. William Ralston, Chief Medical Examiner; and Dr. Melissa Currie, Chief, Norton Children's Pediatric Protection Specialist, University of Louisville

Welcome:

Hon. Melissa Moore Murphy, Chair

Judge Murphy welcomed everyone to the meeting and thanked them for their time and continued service. Minutes, case reviews and summaries from the November 9th meeting were approved.

Annual Report Deadline – As you all know the annual report is due to be published by December 1st. Even after today's meeting, the panel has ten cases to review to complete the fiscal year data set. Panel voted to extend the annual report deadline and the report will be filed by February 1st.

LRC Presentation –

Dr. Melissa Currie and Dawn Blair

On Friday, November 13th panel members, Dr. Melissa Currie, Dawn Blair, and Dr. Jaime Pittenger Kirtley gave a presentation to the LRC Program Review and Investigations Committee. Dr. Currie provided a synopsis to the panel regarding that presentation

The Committee asked several questions, mainly inquiring if the panel has everything they need to complete their work. There also seemed to be a focus on the panel's annual recommendations and how they are received by other agencies and entities and the follow through. Panel members explained that simply reviewing the cases takes up the vast majority of the bandwidth. They can follow-up with certain agencies and inquire their response but we have no statutory authority to enforce those recommendations. One legislator asked, if we are recommending that caregivers be drug tested after a child fatality, why we aren't requesting they be drug tested after a near fatality. Panel members thought this was an excellent question and requested this be tabled to discuss at another meeting to explore the options. Legislators asked if there is open dialogue between the panel and the agencies to whom they make recommendations. Dr. Currie explained that the panel has excellent dialogue with those agencies that are represented on the panel. However, it's a little more difficult with those agencies that are represented at the panel. Such as all the other law enforcement agencies across the Commonwealth aside from Kentucky State Police. This legislator felt it would be important to give direct feedback to a particular agency when the panel finds a missed opportunity. Panel will discuss generating various letters around missed opportunities. Another tough question asked by the Committee, do the panel members feel like criminalizing pediatric firearm injuries, if felony charges for the parents could prevent

firearm injuries. We do know states that have stricter firearm rules tend to have lower pediatric deaths, but whether any of those laws or regulations are around felony charges for the parents, we do not have that information. The Committee asked if we felt like the size and members currently on the panel are appropriate. Panel members stated they felt like the size of the panel was sufficient and well represented. They further expressed the panel's authority to add ad hoc members allowed them to fill any gaps in service providers when necessary. Dawn advised the panel, the Committee was more than willing to assist with any issues and even sponsor a bill. Panel member representatives did a great job demonstrating the work of the panel.

Dr. Currie also mentioned another question brought up about the panel discussing cases when there is pending prosecution. She explained if the panel had to wait until the case was finalized, it could take years. In order to help with this issue, all county and other identifying information regarding those particular cases were removed from the discussion. The legislators did offer to sponsor a bill that would prohibit any discussion from our panel being used in criminal court by either side. This will be discussed further by the panel at the December meeting.

Drug Testing Policy for DCBS

Commissioner Marta Miranda-Straub

Historically, the panel has requested DCBS change their policy to blanket drug testing for all parents when there is a fatal or near fatal event to a child. Commissioner Miranda-Straub emailed the agency's response to that request for further panel discussion. Unfortunately, this communication did not get distributed to the entire panel and this topic will be revisited at the December 14th meeting.

Pending Cases:

F-023-19-C – Follow-up on law enforcement records. No missed opportunities for law enforcement, however, there were bystander issues. Several neighbors noted concerns about the family but failed to make any referrals.

Case Review:

The following cases were reviewed by the Panel. A case summary of findings and recommendations are attached and made a part of these minutes.

<u>Group</u>	<u>Case #</u>	<u>Analyst</u>
1	F-076-19-PH	Joel Griffith
2	NF-007-19-C	Joel Griffith
3	NF-013-19-C	Joel Griffith
4	NF-021-19-C	Joel Griffith
1	NF-033-19-C	Joel Griffith
2	NF-035-19-C	Joel Griffith
2	NF-036-19-C	Joel Griffith
1	NF-038-19-C	Joel Griffith
4	NF-044-19-C	Joel Griffith
2	NF-050-19-C	Joel Griffith
3	NF-054-19-C	Joel Griffith
3	NF-079-19-C	Joel Griffith

Additional Discussion:

Discussion regarding Local Child Fatality Team meetings – Panel members discussed what information is being released by the local teams to the external team to ensure the local teams standard of confidentiality is not violated. Department for Public Health and panel staff will work together to ensure the local teams confidential documents are not discussed during the panel meetings.

Meeting adjourned

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