

Child Fatality and Near Fatality External Review Panel

Virtual Meeting

Monday, December 14, 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; Dr. Christina Howard, Child Abuse Pediatrician, University of Kentucky, Betty Pennington, Family Resource and Youth Service Center; Dr. William Ralston, Chief Medical Examiner; Dr. Melissa Currie, Chief, Norton Children's Pediatric Protection Specialist, University of Louisville; Janice Bright, RN, State Child Fatality Review Team; Linnea Caldon, Citizen Foster Care Review Board; Detective Jason Merlo, Kentucky State Police; Lori Aldridge, Executive Director, Tri County CASA; Judge Libby Messer, Fayette County Family Court; and Steve Shannon, Executive Director, KARP.

Welcome:

Hon. Melissa Moore Murphy, Chair

Judge Murphy welcomed everyone to the meeting and recognized a new participant, Dr. David Lohr. Dr. Lohr is a child psychiatrist who teaches at the University of Louisville and is a current Medical Director for the Department for Community Based Services. His expertise will be beneficial to panel discussion. Dawn Blair made a motion to accept the Minutes and Case Review Summaries. The motion was seconded by Dr. Currie and the Minutes and Case Review Summaries will stand as submitted.

Drug Testing Policy for DCBS

Commissioner Marta Miranda-Straub

Historically, the panel has requested DCBS change their policy to mandate drug testing for all caregivers after a fatal or near fatal event. Commissioner Miranda-Straub informed the panel that their staff conducted an in-depth review regarding this recommendation and submitted to the panel why they disagree with this particular policy change. The Cabinet expressed concern over possible litigation, however, if there is a statutory change that should protect them from future litigation. DCBS strongly believes this recommendation is the responsibility of law enforcement agencies and not child protective services. When drug screens are court ordered, the department spent approximately \$5 million dollars conducting those drug screenings. Requiring additional drug screens would require additional funding. DCBS believes the risk of mandating the drug screens outweighs the reward. The Department is trying to move away from being an investigating agency and become a family resource. Panel staff expressed lack of protocol and the inconsistencies that are consistently seen throughout the state. When DCBS does conduct the test, it's almost by default and they are not timely. Panel does need to be thoughtful on how they propose this mandate not to create additional burdens on families during a traumatic experience. DCBS does have a new system and new protocol that will be discussed with the panel during the January meeting. Poverty is more of an issue in these cases than anything else. The recommendation should focus more towards law enforcement during their investigative process. Panel members discussed child fatality drug screens should be mandated similar to motor vehicle accidents. Law enforcement shall drug test the caregiver at the time of a child fatality. Panel agreed that often times by the time DCBS is involved with the family, the drug test is irrelevant. Panel further discussed the possibility of

mandating drug testing at near fatal events. Unfortunately, law enforcement is often not involved in those events in a timely manner to make the drug testing relevant. Another concern discussed, there is only one DCBS agency across the state but over 120 different law enforcement agencies. It would be more difficult to implement that recommendation across that broad of a spectrum. Panel members expressed they do not think a drug screen is not a useful tool for DCBS, but they do agree the screens need to be conducted timely.

LRC Program Review and Investigations Committee

Judge Melissa Moore Murphy

In accordance with KRS 620.055(16), the Legislative Program Review and Investigations Committee is currently conducting their annual review of the panel. Judge Murphy, panel staff, and Justice Cabinet staff met with Committee staff a few weeks ago to begin a preliminary discussion. LRC committee staff submitted questions to the panel regarding their operations and procedures. Those questions have been emailed to panel members for their input. If time allows, the panel will discuss further after the case reviews or may call a special meeting.

Pending Cases:

NF-013-19-C – Panel members had questions regarding which law enforcement agency was notified regarding this event. DCBS nor medical could confirm which law enforcement agency was notified. Panel agreed to remove law enforcement issue and add medical missed opportunity for failing to notify law enforcement.

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-048-19-PH	Joel Griffith
2	F-079-19-PH	Joel Griffith
3	NF-082-19-C	Joel Griffith
4	NF-084-19-C	Joel Griffith
1	NF-092-19-C	Joel Griffith
2	NF-094-19-C	Joel Griffith
3	NF-098-19-C	Joel Griffith
4	NF-101-19-C	Joel Griffith
2	NF-104-19-C	Joel Griffith
4	NF-103-19-C	Joel Griffith

Meeting adjourned