

Child Fatality and Near Fatality External Review Panel

Virtual Meeting

Tuesday, January 16, 2024

MINUTES

Members Present: Judge Melissa Murphy, Chair; Lori Aldridge, Co-Chair, Tri County CASA; Commissioner Lesa Dennis, Department for Community Based Services; Dr. Christina Howard, Child Abuse Pediatrician, University of Kentucky; Dr. William Ralston, Chief Office of the Medical Examiner; Dr. Elizabeth Salt, Citizen Foster Care Review Board; Heather McCarty; Family Resource and Youth Service Center; Hon. Olivia McCollum, Boone County Assistant Attorney; Rep. Samara Heavrin, House Representative; Steve Shannon, KARP, Inc.; Sen. Danny Carroll, State Senator; Dr. Henrietta Bada, Department for Public Health; Dr. Melissa Currie, Chief, Norton Children's Pediatric Protection Specialist; Judge Libby Messer, Fayette Family Court; Detective Jason Merlo, Kentucky State Police; Dr. William Lohr, Medical Director, Cabinet for Health and Family Services; and Olivia Spradlin, ZeroV.

Welcome and Introductions

Judge Melissa Moore Murphy, Chair

Judge Murphy wished everyone a Happy New Year and welcomed them to the January meeting of the Child Fatality and Near Fatality External Review Panel. We do not have any new introductions this month.

If everyone has had an opportunity to review the minutes and case review summaries from the December meeting, we will entertain a motion to approve. Dr. Elizabeth Salt made a motion to approve, which was seconded by Rep. Samara Heavrin. With no objections, the December Minutes and Case Review Summaries are approved.

Annual Report Update

As you all know, we had high hopes of getting everyone a copy of the first draft of the annual report by this meeting. We are not there yet but we are close. Joel and I are hopeful the first draft will be distributed to all panel members by Thursday. We are requesting panel members review the draft and get us your comments and responses by January 25th. Once changes and corrections have been made, a second draft will be distributed by January 29th for any additional edits. Then we will have it ready for print by February 1st.

A few additional data pieces that we've been exploring but did not get a chance to discuss at the previous meeting, one being the Family Drug Court recommendation. The panel has made that recommendation for seven years. We made the recommendation to the Administrative Office of the Courts last year but did not receive a response. Do we want to make the same recommendation again and request a response?

Rep. Heavrin: Is this something I can bring up with the working group we have with Family Court Judges next week? We wanted to make sure someone from this group was involved in that working group but is that something we can initiate in that conversation.

Judge Murphy: I think you can, but the ultimate decision is with the Chief Justice. So, I think what we need to do is send it again but also copy the Chief of the Family Court Association. That ensures they know about the recommendation. We know the response is going to be lack of funding.

Elisha: What if we request a presentation from AOC regarding the barriers of implementing Family Drug Court? We've requested they submitted a proposed budget so we can have an idea of what it would cost to implement but are there other barriers we're not aware of. Thoughts?

Judge Murphy: Yes, that would work. Let's be sure to copy the AOC Director to make them aware as well.

Elisha: Agreed. Last year, we just sent it to the Chief Justice. I'm going to turn it over to Joel to discuss some of the DCBS concerns we've been identifying in the data. Rep. Heavrin, I think this piece will directly relate more to that working group.

Joel: We've got a draft of the DCBS recommendations complete but due to scheduling issues, we have not been able to meet with Commissioner Dennis and her staff yet. We have a meeting scheduled for this Friday to discuss these recommendations. So, these are tentative and subject to change based on that conversation. Similar to previous years, we looked at missed opportunities in terms of things like gaps of services, thoroughness of the investigation, and timeliness. The bulk of the recommendations are primarily focused on Central Intake and the acceptance criteria. I will say, I listened to the committee meeting that Rep. Heavrin was referring to and the concerns addressed by the Judges were the same concerns this group has been discussing for quite some time. Those recommendations remain primarily the same. One additional issue we want to discuss with DCBS staff is the driver behind the quality of work. We assume the workload and staffing issues is the main reason behind those issues, but we do not have the data to make that connection. Elisha and I have meet with previous Commissioners and requested that statistical data on a county or regional level but not been able to receive that data to truly connect the driver behind some of these issues. Another issue we are exploring is the length of time from when the near fatal or fatal investigation is initiated and when it is completed. On average the length is nine months, it ranges from a few months to more than fourteen months, some even longer than that. Obviously, that's a case work issue but it also impacts the panel. When the panel is not receiving the case files until December or January, it makes it difficult to complete our work in a timely manner. We don't want to complain but if we had the cases earlier and the data sooner, we would have more time to complete a more thorough report. It would give us more time for research and better engagement of panel members. We were thinking about doing a recommendation that DCBS have their cases available to the panel by no later than September 1st. That would give DCBS fourteen months from the date of the last report received. Elisha did I miss anything.

Elisha: No, I think that covers everything. Lesa, I don't know if you want to respond now or just want until our meeting later this week. We felt bad about discussing this prior to our meeting but we need to bring it to the full panel's attention prior to the report.

Commissioner Dennis: No, that's fine. I know we've had some difficulties with scheduling, and I appreciate you all reaching out and trying to make that happen before this meeting. These are things we are working on as well. So, we'll be glad to discuss that with you all on Friday in more detail. I've been working with team on how we can put more support around specialized investigation teams. Our staffing, it varies from region to region, but we can work together on how to wrap additional support around them. We've been working on staffing for a long time, and we are seeing some progress. We can talk about getting that down to county level caseloads. The screening and acceptance criteria are on our radar, and we've been meeting and discussing that issue as well. Again, we talk about all these things on Friday, but they are all things we're currently working on addressing.

Elisha: Thank you. Do any other panel members have any questions on the annual report or recommendations? I know I've emailed with several of you throughout the weekend and thank you for that but anything else before we move on?

Sen. Carroll: Elisha, do we need to meet to talk about potential legislation for this session? If there are things we need to address, we need to get started on that pretty soon.

Judge Murphy: I think we need to see where we land on the annual report about what are our priorities first. My belief, I don't want too through anything together haphazardly. We need to focus on what things we know for sure need to be addressed. We appreciate you being here Sen. Carroll and having legislative presence will make a world of difference than it has in the past.

Elisha: I was just going to add, I think by Thursday we will have a better understanding of our recommendations. Maybe by the following Monday, we can identify our legislative needs. Does that work?

Sen. Carroll: Already for me, one of the most frustrating things for me is not seeing the police paperwork. And I understand if its pending prosecution but it's frustrating not seeing those law enforcement records on a lot of these cases. As an investigator, I would have loved the opportunity on a case I couldn't get anywhere on, especially these types of cases, to have been reviewed by a group like we have here. It's just disappointing we don't get many of those records.

Judge Murphy: Yes, I think there are a lot of groups that don't understand the work we do and they're more afraid we're going to be critical of their work. Now, if something is done incorrectly, we will point it out but that's important to acknowledge that but not our main focus. That's the whole reason we exist, if these tragedies can be preventable, then we prevent them. In regard to those concerns, sometimes I think it's best we address them with their Chiefs of Police Groups or Sheriff's Association to really help them understand our work before we address it legislatively. I know we've not had those conversations yet. I would prefer to flush out our trends and recommendation before we identify what is truly a legislative need. We also do not want to be overbearing to our legislative partners and make sure we are creating necessary legislation.

Dr. Howard: I was going to say, I think a lot of states do these types of reviews very differently. I think a lot of investigators are very hesitant to discuss cases that are still open, especially in an open setting such as this. Elisha, do you know if Michigan has an open and a confidential portion?

Elisha: I do not know right off hand, but I will look into that and let you.

Dr. Howard: I do think that is something that may have to be changed regarding this panel.

Elisha: I will add the panel has the authority to go into closed session. Obviously, we do not mention any identifying factors but depending on the facts of the cases, they could potentially be identified but we could always go into closed session for those discussions.

Joel: If I'm correct, the bill Sen Carroll filed a few years ago even further protected our discussions.

Elisha: Correct and it protects the panel's proceedings from criminal and civil discovery.

Dr. Howard: Are law enforcement agencies made aware of that when we send our request?

Elisha: Yes, the statutory authority is referenced in the request letter. Typically, if there is pending prosecution the law enforcement agency will call me and we will discuss. Once they agree to release the records, I will reach out to the analyst and make them aware, so they are extra cautious not to release any critical information.

Joel: To your point about some regions are different, there are some agencies we get the records immediately, no questions asked and some we never get them. I do think that first step may be those face-to-face meetings and educating the agencies.

Elisha: I will add, a couple months ago when Sen. Carroll suggested we reach out to KLEC, I did talk with them about some of our difficulties. They were very accepting to us coming to one of their meetings and giving an educational presentation about the panel to Chiefs and high-ranking law enforcement entities. Then KLEC could recommend some additional training. So, I think that's a good first step. I told KLEC we would circle back around to them after the annual report is completed to get that on the books.

Judge Murphy – That sounds like a good first step, I appreciate that. And again, thank you Sen. Carroll. We appreciate the offer. Any additional questions about the annual report? It looks like next up is our pending cases.

Pending Cases

F-23-22 – Joel Griffith – We reviewed multiple criminal charges that were pending against the perpetrator at the time of the child's murder. It appeared there should have been a revocation. Judicial and Commonwealth\county attorney issues identified.

NF-034-22-C – Joel Griffith – Reviewed court records. The court met regularly and completed thorough reviews. The child was returned based on the Cabinet's recommendation and the parents' progress. No missed opportunity.

NF-110-22-C – Cindy Curtsinger – Lori provided an update on OIG regulations. OIG now uses a system called KARES to process all their background checks. They license type 1 and type 2 childcare

facilities. Type 1 is in a facility and type 2 is in-home with no more than seven children in the home and they also do certified homes. The new system is updated and checked daily. The providers also get a letter advising them when an employee has a substantiation. That seems like that works well. However, youth camps in the summer falls under the Department for Public Health. They require background checks on the employees and volunteers, but they are required to get their own checks. That's alarming on two fronts, one the authentication of the records and two the cost burden falls on the employee or volunteer. Parks and recreation, I spoke with a smaller county, and they only do criminal background checks on their employees. Larger counties operate differently. There are definitely some loopholes in that system based on the location. Religious camps can operate for up to two weeks without any checks. There's a lack of consistency across the state on childcare entities and background checks.

Case Reviews:

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-035-23-C	Joel Griffith
2	NF-006-23-C	Joel Griffith
3	F-012-23-C	Joel Griffith
4	F-009-23-C	Joel Griffith
1	F-006-23-C	Joel Griffith
2	NF-018-23-C	Cindy Curtsinger
3	NF-147-23-C	Cindy Curtsinger
4	NF-005-23-C	Cindy Curtsinger
4	F-004-23-C	Cindy Curtsinger
3	NF-109-23-C	Cindy Curtsinger
2	F-028-23-C	Cindy Curtsinger
1	NF-003-23-NC	Cindy Curtsinger
1	NF-088-23-C	Cindy Curtsinger
2	F-020-23-C	Joel Griffith

Additional Discussion:

A systemic issue the panel needs to consider from the DCBS and courts perspective, when a medically complex child is placed in foster and the exchange doesn't happen when they're inpatient. When a child is admitted in the hospital and we know foster parents are going to come get them, most of the time the medical team recognizes the need to make sure the foster parents are trained on whatever condition the child has and its care. When that exchange doesn't happen in the hospital setting in a child with chronic medical conditions, I think there's enormous risk for things to get missed and for children to potentially have terrible outcomes. It might be something we need to look at policy and procedures about when children have medical conditions, the foster parents are properly trained and that may even mean sending that child to the hospital until that can happen. We could consider a medical competency nurse that could potentially go to people's home. Which could avoid increasing medical cost. I think healthcare competency assessments for

these medically complex children is sort of a universal theme that we see as a lapse. It's a gap. Especially, in children with rare medical conditions.

Next meeting Tuesday, February 20, 2024.

Meeting adjourned.