

Child Fatality and Near Fatality External Review Panel Virtual Meeting

Tuesday, September 17, 2024

MINUTES

Members Present: Hon. Benjamin Harrison, Chair; Commissioner Lesa Dennis, Department for Community Based Services; Dr. Christina Howard, Child Abuse Pediatrician, University of Kentucky; Judge Libby Messer, Fayette Family Court; Hon. Olivia McCollum, Boone County Assistant Attorney; Jan Bright, State Child Fatality Review Team; Dr. Elizabeth Salt, Citizen Foster Care Review Board; Detective Jason Merlo, Kentucky State Police; Heather McCarty, Regional Program Manager, Family Resource and Youth Service Center; Dr. Henrietta Bada, Department for Public Health; Senator Danny Carroll, State Senate; Rep. Samara Heavrin, House of Representatives; Dr. Melissa Currie, Chief, Norton Children's Pediatric Protection Specialist; Dr. Danielle Anderson, MAT Provider; Allison Motley-Crouch, LCSW; Dr. William Ralston, Chief Office of the Medical Examiner; and Dr. William Lohr, Medical Director, Cabinet for Health and Family Services

Welcome and Introductions

Hon. Benjamin Harrison, Chair

Chair Harrison welcomed everyone to the September panel meeting. First on the agenda, we need to approve the Minutes and Case Review Summaries from the August 2024 meeting. Motion to accept was made by Commissioner Lesa Dennis and seconded by Allison Motley-Crouch. With no objections, the Minutes and Case Review Summaries from the August meeting will stand as submitted.

Quick reminder, next month's meeting will be an in-person meeting beginning at 9:00 a.m. until 4:30 p.m. in the Clearpath room at the Kentucky Chamber in Frankfort. If you cannot make it, please let Elisha know as soon as possible. Please if it all possible, clear your schedule for the day and come join us. I think it's important we all get together face-to-face next month for the meeting.

Next up is the budget update, I'll turn it over to Elisha.

Elisha: Here is the SFY 2025 update, as of August 31, 2024. As you all know, we started a new budget July 1. This chart lays out our payroll cost, medical analyst expenditures, COT charges, dues/subscriptions, and the remaining budget. Does anyone have any questions?

Chair Harrison: Do you know off hand was our total budget for this fiscal year?

Elisha: I believe it was around \$580,000 with an additional \$200,000 for the new case management system.

Chair Harrison: I know we've been talking about this but tomorrow at noon a few of us are meeting with Sen. Neal to talk about some things. If you'd like to join us, we'd be glad to have you. There will be a zoom link if you can't join us in Frankfort. Elisha, have you sent that out yet?

Elisha: Yes, it was sent out to everyone who was interested in joining the meeting. If there is anyone who has not already emailed, let me know and I'll get you the link.

Dr. Anderson: I couldn't find it, would you mind to resend it to me?

Elisha: Absolutely, it should be in the calendar invite but I don't mind resending it again.

Chair Harrison: Steve Shannon has set that meeting up for us, which was requested by Sen. Neal after we gave our presentation to the Oversight Committee. Sen. Neal had some questions for us and thought it would be better if we all got together to discuss. Steve Shannon has sent some questions that we need to be thinking about and we can discuss here today. We'd like to have some input from the team so we can convey that to the Sen. Neal tomorrow. First, does anyone have any potential legislative thoughts on how to make the panel's recommendations more impactful or enforceable? I know it is frustrating to the legislators when they hear our report and its very concerning information. So, how do we make our findings more impactful?

Rep. Heavrin: The only thing I can say that's very frustrating on the legislative side is when things are not followed through on the executive branch. That might be a conversation for Secretary Friedlander or any of the legislative affairs individuals within the Cabinet. That might be a good conversation with them. I've got a great relationship with Commissioner Dennis and Secretary Friedlander and sometimes just making sure we have the right wording may be helpful for implementation. I know we're seeing that with the kinship care stuff right now. So, I just think that if we can invite them to the table at some point to figure out what we need. That's something we're trying to work on now on the legislative side to ensure we have the appropriate wording to ensure what we pass gets implemented.

Chair Harrison: Yes, some things do get lost in translation in our report to the different agencies. So, I think that's good and meeting in-person to discuss recommendations may help clear things up as well. So, we're not talking past each other or through letters and emails. Thank you, Representative for that suggestion. Does anyone else have any ideas as far as making our recommendations more impactful or enforceable. The next question, should the panel be its own standalone entity, an independent department or division? Any thoughts on that?

Dr. Salt: I think the beauty of the panel is that you get this very integrated, all the interested parties at one table talking across disciplines, which doesn't happen often. We all sort of communicate in silos and really come together with consensus on a real plan forward. I think that speaks to your first question, that we need to find a common language in all these disciplines that actually moves to a next step or a policy change or a process. We have to really challenge ourselves as to what that will look like.

Dr. Currie: From my perspective, I think the panel is already independent. My understanding is that we are solely tied from an administrative standpoint to the Justice Cabinet and not any kind of oversight way by them. I've never felt, just as a panel member since the panel was created, I've never felt influenced, coerced, or any way pressured to do anything from the Justice Cabinet. I feel like we're pretty independent as we are right now, but I would welcome other people's thoughts on that.

Elisha: I think the thought process behind that suggestion would be to have an official Executive Director to oversee the panel. However, in order to have that particular position the panel would have to

be a division or department to have a higher-ranking executive. I would just note, the panel was specifically structured in this manner to prevent outside political influence. If the panel is made a division or department, that executive position would be appointed by an elected official in office.

Chair Harrison: I feel we are fairly independent as we are with the Justice Cabinet. However, if anyone has any differing opinions, we would certainly like to hear that. This is a strange creation, but I certainly have not felt influenced. The only contact I've had with the Cabinet is staff that's working with the panel. I've certainly not had any contact with political entities working with them. Anybody have any additional thoughts?

Dr. Ralston: One big thing you need to think about, and correct me if I'm wrong Elisha, but it's also how you are defined in the state budget. If you're under the Office of the Secretary's budget versus its own separate distinct line item. Obviously, that can have its advantages and disadvantages but something that you need to consider because this could not operate without some sort of budget.

Elisha: Correct, which is why I think it's crucial that we make sure we are submitting a budget request every biennium. Which I will say, in the last two budget sessions we have received an allocated line-item budget. We still fall under the Office of the Secretary's overall budget, but we do have our own line-item allocation which helps. Additionally, regarding the changes from SB 97, this year will only be our third report that has that 90-day response requirement. I think we're heading in the right direction as far as making our recommendations as enforceable as possible, but I don't know how we communicate better with some of these other outside agencies to get them to respond to us in a timely manner. We are going to discuss this at the next meeting, but I feel like a lot of the responses had more questions or actions for the panel to do. So, I think maybe we need to think about developing a subcommittee just to review these recommendations and responses. I realize the panel has been a lot of work lately and I hate to continue to ask more of the members. I know you all are volunteers, you're not getting paid, and we keep asking for more. Perhaps that's a solution, is offering to pay members. I'm just throwing out some thoughts to get some conversation going.

Jan Bright: I think sometimes too we draft those recommendations and it's difficult for the panel because they have to be broad reaching and often times the responsive party is another agency outside the control of the external panel. And then likewise we have a great idea or recommendation but there's no funding source so we can't even designate it. For example, universal drug screening, ideally that would happen with every single death or near fatality but then who's going to be responsible because every single group will say I don't have the funding or the bandwidth to get that done. I think that's part of the issue.

Chair Harrison: We're not an enforcement agency, we're simply an information gathering resource for these different agencies. We need to keep that in perspective as well. What are we doing and what are we charged with doing.

Dr. Salt: I think what Jan was saying really brings home a point that might be part of the problem. So, if an agency says they can implement then they provide a supplement document identifying the resources needed in order to fulfill x, y, or z. That way when we do go back to the legislators, we can say the responsible party says it's not achievable at present because of x, y, or z resources. Then the legislators can provide those resources to really move the needle.

Chair Harrison: That's a good point and I think that would be helpful to everybody to know why they can't implement our recommendations.

Dr. Anderson: Also, I think the recommendations are so broad, there would need to be multiple subcommittees. I can't imagine a subcommittee being able to address every single recommendation and we have a broad range of expertise across the board here. So different people may have more resources or ideas that can be given in the subcommittee because these meetings are pretty tight to get through what we have to get through. I do think eventually, it's not I want to be paid to be on this committee, but eventually to get the people who have the resources and expertise in the state there will have to be some sort of funding or compensation to get those stakeholders to make the changes.

Chair Harrison: Yea, this hard enough for volunteers to meet all day once a month. This is difficult for you all and I think staff realizes that and it's hard, we're always going to be asked to do more to find the solutions. Anybody else have any additional thoughts?

Commissioner Dennis: Elisha, remind me, on the responses from the agencies, if they're not implementing the recommendation isn't there some piece where they have to justify why. That might help us with what is needed.

Elisha: You are correct, and I did talk with the Legislative Oversight & Investigations Committee about creating a response form for those agencies that receive a recommendation. I think we should try the form this year and see if it helps remind the agencies if you're not implementing tell us why. Another point to think about, and I almost hate to say it and we've tried in the past, but should we consider narrowing our recommendations. Focusing on the top three types of categories or our top three recommendations instead of issues 25 recommendations a year. Again, we can discuss more in-depth at the next meeting.

Chair Harrison: Steve also asked do we need additional staff, is there potential legislation that the Senator can assist the panel with. I think we've talked about potential legislation but Elisha, you tell us your perspective as far as staff goes.

Elisha: I'm always going to advocate for additional staff. I will say we currently have another analyst position posted. Unfortunately, we can't keep Joel forever and that position will be his replacement. I do think if we had more staff that could produce more case reviews, on the flip side, we would have to work with Commissioner Dennis to ensure those cases are available on SharePoint. There's no point in having more staff if we don't have the cases available for them to review.

Dr. Currie: I think more staff is good, but I also think we might consider a different kind of staffing role not just analysts but folks to help with the policy and legislative piece that comes with making the recommendations. Someone to help process those responses, garner input from panel members, but also supply their own skill set to say this may be reasonable, this may not be reasonable and here's some next steps we could suggest. Someone with some sort of policy background to help Elisha with not just the recommendations but our responses to the responses we get.

Elisha: Adding a research policy analyst would be a great addition. That's a great idea.

Allison Motley-Crouch: Is there any way possible we could partner maybe with some colleges? When I was in grad school you have to do a policy class regardless. You have to pick a policy and tell everyone what's wrong with it and rule out steps for change, even on a micro level. Maybe some of the college professors, especially in Social Work, could help us out with that maybe by sending us students. Free help for us. Are we linked with any child advocacy places? That could give us some weight with people who are throwing their effort behind this already and trying to get laws changed. I don't know if that could be something we could do.

Chair Harrison: So, we're not linked to any child advocacy centers or anything of that nature, but I think that's something we could build on.

Allison Motley-Crouch: It's always good when you have really motivated people that are trying to get the word out. I really feel like change happens when people are motivated. If we can motivate our legislators especially to see how many people are behind this maybe that could help, I don't know.

Dr. Currie: I was actually thinking about staff at Kentucky Youth Advocates. That's who I had in mind when I was describing the kind of person that might be helpful to Elisha and the panel.

Dr. Salt: There are people at UK that lead centers on different types of violence policies and things like that. I'd be happy to reach out and see if there's any interest in at least reviewing or providing feedback. I think they would probably just do it; with students you never know exactly what you're going to get but some of those that have led the way in other legislative efforts might want to collaborate with this panel.

Rep. Heavrin: One thing to Allison's point, as a legislator we have so many issues and I didn't even know about this committee existed. We got the report every year and we could ask for a printed version but the amount of information we are inundated with is overwhelming. And let's be honest, if you have 10 minutes do you really want to read about kids dying. I know we will have you all present at Families and Children but maybe members need to meet more often with legislators to talk about it. I could sit here till I'm blue in the face and tell my caucus members about it but until they have someone that's maybe their constituent or has been affected by a death. The child that recently died in Ohio County has really encouraged a lot of members that generally haven't taken interest in child welfare, they're really interested in helping. I think a big portion of what we could do as committee members is educate legislators because that might not be an area they know about. Not taking up for legislators but we do get a lot of information. So, I think having those meetings and those conversations would be really helpful. Sometimes just ten minutes in front of a legislator can make a big difference rather than just a report being sent to us.

Chair Harrison: That's a good idea. And I know you all are inundated with information, especially during the session and I'm sure our report is not the most entertaining. It's a depressing report, there's no way around that and we need to do more about talking to our own legislators that represents you.

Rep. Heavrin: Let me say, I talk about this committee all the time, especially when I'm out and about in my district. I talk about this more than probably any other issue because I do think it's so important but sometimes, we have to elevate issues just to share the importance with everybody.

Chair Harrison: Does anyone else have anything they'd like for us to communicate to Sen. Neal? I'm glad we've got this scheduled tomorrow. I think it's important to hear his perspective or his vision for the panel. With nothing else, we will move on to the case reviews.

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-034-23-C	Joel Griffith
2	F-052-23-C	Joel Griffith
3	NF-075-23-C	Joel Griffith
4	NF-081-23-C	Joel Griffith
2	NF-103-23-C	Joel Griffith
3	NF-053-23-C	Lori Aldridge
1	F-002-23-C	Lori Aldridge
4	F-010-23-C	Lori Aldridge
4	NF-031-23-C	Lori Aldridge
1	NF-112-23-C	Joel Griffith
2	NF-113-23-C	Joel Griffith
4	NF-115-23-NC	Joel Griffith

***The following cases from the September agenda will be reviewed during the October meeting: NF-124-23, NF-131-23, NF-149-23, and F-021-23.**

Additional Discussion:

Potential Recommendation:

Contact EMS regarding training on when to make a report to CPS, more specifically when a parent is not seeking treatment AMA. Potential recommendation regarding education on BRUE events and educating EMS on reporting to CPS. Additionally need to discuss training Central Intake on how to evaluate those referrals for medical neglect in order to initiate an investigation.

Additional discussion is needed regarding defining emotional abuse. Legally, you have to have a QMHP that would testify that the parent's actions caused emotional injury.

Meeting adjourned.

Next meeting Tuesday, October 15, 2024.