

Child Fatality and Near Fatality External Review Panel
Kentucky Coalition Against Domestic Violence
111 Darby Shire Circle
Frankfort, KY 40601

Monday, May 14, 2018

MINUTES

Members Present: Judge Roger Crittenden, Chair; Jenny Oldham, Hardin County Attorney; Joel Griffith, Prevent Child Abuse Kentucky; Dr. Melissa Currie, University of Louisville Pediatric Forensic Medicine; Commissioner Adria Johnson, Department for Community Based Services, Cabinet for Health and Family Services (CHFS); Judge Paula Sherlock, retired Jefferson Family Court; Dr. Jaime Kirtley, University of Kentucky School of Medicine; Betty Pennington, Family Resource and Youth Service Centers, CHFS; Dr. William Ralston, State Medical Examiner; Lieutenant Scott Lengle, Kentucky State Police; Steve Shannon, KARP, Inc.; Linnea Caldon, Citizen Foster Care Review Board; and Angela Brown, State Child Fatality Review Team, CHFS.

Welcome:

Judge Roger Crittenden

Judge Crittenden welcomed panel members and staff to the meeting. The Panel approved the minutes from the February meeting. A recommendation was made to have the analyst review the case review summaries after each meeting for accuracy.

Legislative Update:

The Governor enacted House Bill 1 which created the Child Welfare and Oversight Advisory Committee. The committee was created to provide oversight to the General Assembly on child welfare within the Commonwealth related to foster care, adoption and child abuse, neglect and dependency. The panel's annual report will now be submitted to the director of the Legislative Research Commission for distribution to the Child Welfare Oversight and Advisory Committee and the Judiciary Committee.

DCBS Legislative Update:

Commissioner Adria Johnson

The Department for Community Based Services received substantial funding during the last session. Kinship care received \$5.1 million over the next biennium. The Department is partnering with the Casey Family Program to develop policies around kinship care. DCBS received significant funding for workforce development which includes salary raises and restructuring the departments. The reorganization plan will include how the department manages the hotline, improving investigative tools and utilizing predictive analytics. The Commissioner will keep the panel up to date on the changes.

There was a brief discussion regarding the changes to the Family First Prevention Services Act. This Act reforms the federal child welfare financing streams. There are multiple facets including limiting the use of congregate care, ensuring residential treatment care providers are qualified, additional support for kinship care providers and funding for preventive services. There is now a provision within the Act that forces states to

develop a statewide plan to track and prevent child fatalities due to child maltreatment. The Department is awaiting further guidance from the federal government. Commissioner Johnson will provide more information as it becomes available. Panel members requested a presentation once the Department has finalized the reorganization and how the Act will impact future services.

Opioid Epidemic and MAT Providers

Van Ingram, Executive Director, ODCP

By the end of the day, four (4) Kentuckians and 150 Americans will be dead from a drug overdose. This is the worst drug epidemic in the nation's history. This is a result of a perfect storm. Perdue Pharma spent 650 million to market OxyContin and hired the largest salesforce in pharmaceutical history. Within the first year they reported \$49 million in sales and reached \$1 billion in sales by the second year. Physicians were forced to aggressively treat pain. Opioid prescriptions became the gold standard for treatment of pain. The United States accounts for roughly 4% of the world's population but uses 99% of the world's hydrocodone combination drugs and 82% of oxycodone products produced. Research showed 56% of people who died of a drug overdose had an opioid prescription within the last 6 months and 33% had a prescription at the time of their death. A lot of progress has been made in addressing these issues including medication assisted treatment programs. Statistically, medicated assisted treatment programs are the best option to treat substance addicted individuals. The state has granted additional funding to community health care providers and hospitals to encourage them to participate in medically assisted treatment. Additionally, HB 124 was enacted which enhances the standards and criteria for substance use disorder treatment and recovery services and programs. Every system within the state government is taxed due to this epidemic.

Several panel members discussed their concern with the lack of counseling they routinely discover in the case reviews. They expressed their concern that the general public lacks the knowledge of where to obtain legit treatment. There was a brief discussion regarding how the panel may further distribute their report to help this cause. The case reviews have such an overwhelming connection to substance abuse and makes strong recommendations that don't become enacted.

Safe Sleep and PHT Update

Joel Griffith

For several years, the panel has made recommendations about training all parents of newborns about safe sleep and pediatric head trauma. Prevent Child Abuse Kentucky received a grant that will pay for initiating this process in the next year, including a new video regarding safe sleep and PHT. The goal is to significantly increase the number of hospitals and birthing centers that will be using evidence-based practice in educating parents of newborns.

Homeschool Data

Judge Paula Sherlock

Connecticut recently reported a horrendous child fatality regarding a child that had been homeschooled. This case resulted in an initiative to review Connecticut's homeschooling standards. Connecticut currently has no regulations related to homeschooling. Judge Sherlock will be jointly reviewing a legislative packet and researching how other states regulate homeschool, particularly those with special needs children and previous child protective services reports. Judge Sherlock will report her findings back to the panel.

FACE IT Legislative Update

Dr. Melissa Currie

The FACE IT policy committee has decided to focus on Kentucky’s criminal code as a priority for the next legislative session. Specifically, creating new language for a new criminal neglect statute. Kentucky currently has a criminal abuse statute but does not have a specific criminal neglect statute. This law would encompass drug overdose cases and starvation cases that have been historically hard to prosecute. Several surrounding states have a similar statute. The panel was encouraged to identify other cases that might assist in closing those gaps in the system.

Pending Case Reviews:

F-054-16-PH – case reviewed and panel determinations recorded.

NF-083-16-C and NF-100-16-NC will be reviewed during the July meeting.

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	NF-020-17-NC	Ashley DeJarnette
2	NF-028-17-C	Emily Neal
3	NF-029-17-NC	Emily Neal
1	NF-032-17-C	Emily Neal
3	NF-036-17-C	Emily Neal
3	F-016-17-NC	Kindra Kilgore
4	F-032-17-NC	Kindra Kilgore
1	F-034-17-PH	Kindra Kilgore
1	NF-061-17-C	Kindra Kilgore
2	NF-077-17-C	Kindra Kilgore
2	F-009-17-C	Cindy Curtsinger
2	F-035-17-PH	Cindy Curtsinger
4	F-040-17-PH	Cindy Curtsinger
4	NF-030-17-C	Cindy Curtsinger
4	NF-041-17-C	Cindy Curtsinger
4	NF-059-17-C	Cindy Curtsinger
1	F-005-17-C	Karen Bremenkamp
2	NF-035-17-C	Karen Bremenkamp
1	NF-052-17-C	Karen Bremenkamp
2	NF-053-17-C	Karen Bremenkamp
3	NF-056-17-NC	Karen Bremenkamp

Meeting adjourned

Items needing further study:

(Ongoing List)

- 1. Collect data on homeschooling of children known to the child welfare agency.** Case reviews revealed parent(s) removing children from school upon reports to DCBS by the school regarding possible abuse by the parent(s).
- 2. Interstate collaboration.** Case reviews demonstrated a need for better interstate collaboration and communication.
- 3. Fire Arm Safety.** Track issue to determine whether recommendation(s) needed.
- 4. Medically Assisted Treatment.** Determine issues surrounding patient waivers, safety coaching by providers to patients, and other issues associated when treating patients with young children. Possible legislation to provide more counseling to families struggling with addiction.
- 5. Tracking data on Criminal Diversion Programs used in child abuse cases.** Further study needs to be done to determine if allowing diversion programs in child abuse cases creates a loop hole in preventing further abuse.
- 6. CAPTA appeals overturning the DCBS' findings of neglect or abuse.** More than half of the Department's findings of abuse and neglect get overturned during a CAPTA hearing. Further study needs to be done on the CAPTA process.
- 7. Private Foster Care Providers.** Track issue to determine whether further recommendations are needed. Follow up on foster parent registry.
- 8. Coroner Issues.** The Panel will start tracking which county coroner fails to notify the proper agencies and fails to complete the forms. Perhaps reaching out to the county attorneys could help facilitate coroner's cooperation.