

Child Fatality and Near Fatality External Review Panel

Kentucky Coalition Against Domestic Violence

111 Darby Shire Circle
Frankfort, Kentucky 40601

Monday, October 21, 2019

MINUTES

Members Present: Hon. Melissa Moore Murphy, Chair, Hon. Dawn Blair, Assistant Hardin County Attorney; Dr. Melissa Currie, University of Louisville, Pediatric Forensic Medicine; Dr. Jaime Pittenger, Prevent Child Abuse Kentucky; Commissioner Eric T. Clark, Department for Community Based Services, Cabinet for Health and Family Services (CHFS); Dr. Christina Howard, University of Kentucky, Department of Pediatrics; Betty Pennington, Family Resource and Youth Service Centers, CHFS; Dr. William Ralston, State Medical Examiner; Detective Isaac Waters, Kentucky State Police; Linnea Caldon, Citizen Foster Care Review Board; Elizabeth Cronney, Board of Social Work; Judge Libby Messer, Fayette County Family Court Judge; Elizabeth Epperson, Association of Addiction Professionals; Angela Yannelli, Kentucky Coalition Against Domestic Violence; Shelley Wood, MSN, RN, State Child Fatality Review Team; and Lori Aldridge, Executive Director, Tri County CASA

Welcome:

Hon. Melissa Moore Murphy, Chair

Melissa Moore Murphy welcomed everyone to the meeting and introduced new members that were recently appointed to the panel. Minutes and Case Review Summaries from the September meeting stand approved.

At the previous meeting, the Cabinet requested to have social workers attend the panel meetings and be allowed the opportunity to testify as it relates to their cases. Commissioner Clark does not think it would be beneficial for the social workers to be present for every case review. It was reiterated that the social worker testimony will be voluntary. With that in mind, the panel decided to meet every other month. The panel will meet on the following dates for 2020:

- January 13th
- March 9th
- May 11th
- July 13th
- September 14th
- October 12th and 13th

The January, March, May, July and October meetings will be held from 9:00 a.m. till 3:00 p.m., or as soon as business is completed at the Kentucky Coalition Against Domestic Violence, 111 Darby Shire Circle in Frankfort. The September meeting will be held in conjunction with the Kids Are Worth It! Conference at the Galt House, 140 North Fourth Street in Louisville from 9:00 a.m. till noon.

The Annual Report is due to be filed December 1st. Preliminary data shows overdose/ingestion to be the leading category for fiscal year 2018 (32 cases). The most commonly ingested drugs were suboxone (10), clonidine (8), methamphetamine (5), benzodiazepine (3), and fentanyl (3).

Neglect, physical abuse and abusive head trauma remained in top the categories. Blunt force trauma (MVC), drowning\near drowning, suicide, and accidental gunshots increased from the previous year. SUDI cases, at least those reviewed by the panel, did decrease overall. Every year the panel has requested DCBS provide them with information for what their department needs to help them do their jobs better. The panel has consistently acknowledged the department is underfunded, understaffed and overworked and will continue to advocate for additional resources. Panel members requested to revisit additional recommendations at the next meeting.

Melissa reminded the panel members, do not mention any names, counties, or identifying information. The analysts are not going to reference the counties.

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>
2	F-021-18-NC	Jennifer Franks
4	NF-060-18-C	Jennifer Franks
3	NF-073-18-C	Jennifer Franks
2	NF-015-18-C	Jennifer Green
2	NF-086-18-NC	Jennifer Green
1	F-010-18-C	Joel Griffith
3	F-024-18-C	Joel Griffith
4	F-028-18-C	Joel Griffith
1	F-030-18-C	Joel Griffith
3	F-032-18-C	Joel Griffith
1	F-015-18-C	Emily Neal
1	NF-012-18-C	Emily Neal
1	NF-022-18-NC	Emily Neal
4	NF-031-18-C	Emily Neal
1	NF-033-18-C	Emily Neal
1	NF-047-18-C	Emily Neal
4	F-041-18-PH	Joel Griffith
1	F-042-18-PH	Joel Griffith
2	F-044-18-PH	Joel Griffith
3	F-045-18-PH	Joel Griffith
4	F-046-18-PH	Joel Griffith
2	NF-056-18-C	Emily Neal
4	NF-068-18-C	Emily Neal
1	NF-076-18-NC	Emily Neal

Additional Discussions:

Central Intake Discussion – Panel members discussed that there appears to be an issue with referrals being accepted through central intake.

Overdose\Ingestion Discussion – Panel members discussed there is an issue in Jefferson County, when children are testing positive for an illegal substance the hospital staff are struggling to get law enforcement to

complete a criminal investigation. There appears to be a general lack of interest in pursuing criminal charges in these cases. Depending on the testing facility, some hair follicle testing will show environmental exposure as well as ingestion. Without a proper law enforcement investigation, it is hard to determine who is culpable. It was determined this is not just a Jefferson County issue. It was discussed that drug testing at outlying hospitals are testing for adult thresholds instead of zero tolerance for children. There is concern that medical providers think they can only report these types of cases to CPS and are not notifying local law enforcement when a child overdoses on an illicit substance. Additional training is needed for all investigating agencies (CPS, law enforcement & medical) regarding hair follicle testing and proper responding procedures. Caretakers could be charged with Endangering the Welfare of a Minor or Wanton Endangerment when the child has ingested an illicit substance.

Domestic Violence Discussion – It is important to remember there is a difference between family violence and domestic violence. Panel needs to have further discussion regarding updating the data tool to differentiate between family violence and domestic violence.

Criminal Neglect Statutory Discussion – Kentucky doesn't have a criminal neglect statute. However, prosecutors consistently report that the criminal abuse statutes clearly allow for those types of cases to be prosecuted. However, the criminal abuse statute reads mostly like a physical abuse statute with an intentional physical act. There appears to be a gap in the law regarding criminal charges if there is no intentional act.

Fatal\Near Fatal Findings by DCBS Discussion – According to DCBS, if the medical examiner cannot determine the manner of death, how can DCBS make that determination. They can make a substantiation on the factors of neglect but they cannot determine it caused the death if it is not noted on the autopsy. However, the medical examiners do not have an option to determine neglect caused the death. Additional discussion needs to be had regarding how to handle complex medical cases regarding the fatal\near fatal designation. Kentucky is leading the nation in child abuse and second in the nation on child fatalities and near fatalities and those numbers reported are not accurate due to this practice. It is not a DCBS policy, but they will reevaluate the practice and determine the appropriate procedure to ensure accuracy.

Meeting adjourned