

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

Monday, November 19, 2018

**MINUTES**

**Members Present:** Judge Roger Crittenden, Chair; Representative Addia Wuchner; Dr. Melissa Currie, University of Louisville Pediatric Forensic Medicine; Deputy Commissioner Elizabeth Caywood, Department for Community Based Services, Cabinet for Health and Family Services (CHFS); Judge Paula Sherlock, retired Jefferson Family Court; Dr. Jaime Pittenger, University of Kentucky School of Medicine; Betty Pennington, Family Resource and Youth Service Centers, CHFS; Dr. William Ralston, State Medical Examiner; Sharon Currens, Kentucky Coalition Against Domestic Violence; Lieutenant Scott Lengle, Kentucky State Police; Steve Shannon, KARP, Inc.; Dr. Christina Howard, University of Kentucky, Department of Pediatrics, Linnea Caldon, Citizen Foster Care Review Board; Dr. Henrietta Bada, Department for Public Health, CHFS; Angela Brown, State Child Fatality Review Team, CHFS; Shawna Kelly-Blair, CASA of Eastern Kentucky; Stephanie Raglin, Kentucky Association of Addiction Professionals.

**Welcome:**

*Judge Roger Crittenden*

Judge Crittenden welcomed panel members and staff to the special meeting. The panel welcomed their newest member who represents the Kentucky Association of Addiction Professionals. Mrs. Stephanie Raglin, LCADC, is the Director of Programs for the Hope Center Recovery Program for Women and Fayette County Detention Center. The Panel approved the minutes and case summaries from the previous October meeting.

**Presentation:**

*Angela Brown, RN, MCH*

Angela Brown from the Maternal Child Health (MCH) Division within the Department of Public Health advised the panel about the recent MCH conference. During their annual conference the agency presents awards throughout the state to individuals who made a difference in the program. This year the department presented the Outstanding Public Service award to Dr. Bill Ralston, Chief Medical Examiner for his ongoing support to the local child fatality review teams throughout the Commonwealth. Dr. Ralston elected himself to attend any local CFR meeting that required coroner representation. His support has drastically increased the number of local CFR teams to 106 throughout the Commonwealth. Dr. Ralston has also conducted several trainings across the state to coroners and law enforcement to increase the awareness of a proper death scene investigation.

Dr. Ralston was also recognized for conducting a recent training regarding Infant Death Scene Investigations at the Kentucky Criminalistics Academy in Cumberland Falls to various law enforcement agencies. Everyone expressed their gratitude for Dr. Ralston's continuous efforts.

**Recommendation Update:**

In last year's annual report, the panel recommended additional funding for the Department of Community Based Services. Deputy Commissioner Caywood advised the panel that the Cabinet received two separate appropriations, one for staff and one for salary increases. The Cabinet is currently undergoing a massive child welfare transformation. To address work force support, the Department has implemented a multimillion dollar initiative to address mobility and software solutions. They are currently hiring and recruiting staff but more work is needed to address retention concerns. The Department is exploring the Culture of Safety to address retention and recruitment among various other issues and has included the panel in their proposal.

Deputy Commissioner Caywood advised the panel there has been a huge call for relative services. The Department will be filing administrative regulations to lift a new service array for relative and fictive kin caregivers. However, all additional funding that was appropriated to the Cabinet during the last budget session has been absorbed due to D.O. v Glisson. It is projected the Department will spend more than 20 million dollars implementing and paying out foster care benefits due to that ruling. Relatives want more cash assistance but Kentucky is on par or above the monetary support in comparison to other states. DCBS would like to invest more wisely and provide additional in-home services for relative and fictive kin caregivers.

The Department needs additional funding to support the Guardianship Assistance Program. The title IV-E Guardianship Assistance Program is an optional program for title IV-E agencies that provides monetary support to relative caregivers who seek legal guardianship. The Department typically absorbs roughly 50-75% of that cost. The Department recently completed a peer to peer onsite visit with Tennessee and would like to implement a similar to program to their wrap around services for relative and fictive kin caregivers. Tennessee contracts with a company that provides 24\7 support to these families post permanency.

The panel will support legislation that allows the Department to comply and implement the Family First Prevention Services Act. Part of the act requires the states to document steps taken to track and prevent child deaths.

The panel will revisit the remaining recommendations at tomorrow's meeting but will continue to recommend full funding and implementation of Family Drug Court.

Kristin Knight, with the Administrative Office of the Courts, Family Juvenile Services advised the panel that AOC issued their first report regarding the panel's previous recommendation to open family court proceedings. AOC monitored three pilot sites and conducted surveys which are included in the report and posted on their website. This is a four year pilot project and the team will select new sites the first of the year.

### **Pending Case Reviews:**

NF-037-17-C –The panel determined to complete a full review regarding this case.

NF-039-17-C – The panel determined to remove the case from the data, this was not a near fatal event.

F-041-17-PH – Panel is still waiting further documentation from the Office of the Inspector General regarding their investigation of the facility. There were additional facility records provided to the panel which indicated the child's level of care (4). DCBS agreed to amend their records to indicate this was not a suicide but was determined to be an accident. Panel still has concerns regarding DCBS issues and supervision neglect considering the child's history. It was noted that law enforcement and DCBS did not communicate regarding

the outcome of their investigation but no fault was found on either agency. Law enforcement did an outstanding job regarding this investigation.

**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-018-17-C	Emily Neal
2	F-008-17-C	Cindy Curtsinger
3	F-013-17-C	Emily Neal
4	NF-027-17-NC	Cindy Curtsinger
3	F-031-17-C	Emily Neal
1	NF-068-17-NC	Cindy Curtsinger
3	F-030-17-C	Jennifer Franks
2	NF-025-17-C	Jennifer Franks
3	NF-086-17-C	Jennifer Franks
4	NF-088-17-C	Jennifer Franks
4	NF-014-17-C	Jennifer Green
1	NF-015-17-C	Jennifer Green
2	NF-091-17-C	Cindy Curtsinger
4	F-028-17-C	Emily Neal
1	F-010-17-NC	Emily Neal
2	NF-043-17-NC	Cindy Curtsinger
4	F-014-17-NC	Cindy Curtsinger
1	NF-002-17-C	Emily Neal
3	F-006-17-C	Emily Neal
4	NF-082-17-C	Emily Neal
1	NF-085-17-C	Cindy Curtsinger
2	F-012-17-C	Emily Neal
3	NF-006-17-C	Emily Neal
4	NF-060-17-C	Cindy Curtsinger
1	NF-031-17-C	Cindy Curtsinger
2	F-027-17-NC	Cindy Curtsinger
3	F-029-17-NC	Emily Neal
4	NF-011-17-NC	Emily Neal
3	F-026-17-NC	Cindy Curtsinger

**Meeting adjourned until 9:00 a.m., Tuesday November 20, 2018**

**Tuesday, November 20, 2018**  
**Special Meeting**  
**KCADV**

**MINUTES**

**Welcome:**

*Judge Roger Crittenden*

The panel set the 2019 meeting dates for the following:

- February 11, 2019 at the Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm
- April 22, 2019 at the Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm
- June 17, 2019 at the Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm
- September 9, 2019 at the Kids Are Worth It! Conference, 9:00am – noon
- October 21, 2019 at Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm

Judge Crittenden asked panel members to keep October 22, 2019 available as a possible second day meeting date as well.

Rebecca Wright with Department of Community Based Services advised the panel they have created a public drive for all specialist in the regions to upload their cases in a more expedited manner. The analysts advised they prefer the documents be uploaded with the group headings and the table of contents was helpful but it may not be provided in the future. Full reviews with timelines will be initiated with the FY18 reviews and the panel requested the analyst continue identifying the possible family characteristics and findings.

**Priority Recommendations for the Annual Report:**

The panel should focus their recommendations around safe sleep, drug abuse, and physical abuse as the three main issues they've seen over the year. The recommendation regarding MAT providers being mindful of children in the home and cooperating with investigators. The Cabinet regulates the MAT providers but Van Ingram with the Office of Drug Control Policy should also be included in the discussions and recommendations. MAT providers need additional training to provide to their patients regarding safe sleep and storage of their medications.

The panel will recommend additional funding for DCBS to provide additional wrap around services to relative and fictive kin caregivers. The panel will also express their support for the upcoming legislation regarding these efforts and the Family First Prevention Services Act.

The Plan of Safe Care requires wrap around services for high risk infants. There is currently a pilot project where community mental health centers are responsible for making sure the high risk infants report to the pediatricians and other services required for their care.

The panel will recommend funding for Family Drug Courts.

The panel recommends law enforcement fully investigate and preserve the scene of every child fatality/near fatality incident. The panel also recommends that law enforcement be required to drug test the caregivers at

the time of the incident. There was a brief discussion regarding statutory changes to assist in this recommendation.

The panel continues to recommend Multidisciplinary Teams on Child Sexual Abuse (MTDs) to also review serious physical abuse cases.

There was a brief discussion regarding coroners and the local Child Fatality Review team and the venue of the review. More research and language regarding this recommendation will be developed at a later time. The panel will recommend encouraging or requiring additional training regarding a thorough investigation of coroner's for SUIDI deaths.

The panel will recommend pediatricians and obstetrician-gynecologist continue to refer families to HANDS.

### **Case Review:**

The panel reviewed the following cases. The panel's findings and determinations are listed in the case summary that is attached and incorporated by reference to the minutes.

<u>Group</u>	<u>Case #</u>	<u>Analyst</u>
1	NF-074-17-C	Ashley DeJarnette
2	F-017-17-C	Ashley DeJarnette
4	NF-013-17-C	Ashley DeJarnette
3	NF-034-17-C	Ashley DeJarnette
2	NF-044-17-C	Ashley DeJarnette
3	NF-054-17-C	Ashley DeJarnette
3	NF-049-17-NC	Ashley DeJarnette
1	NF-001-17-NC	Ashely DeJarnette
2	NF-050-17-NC	Ashley DeJarnette
1	NF-026-17-C	Emily Neal
2	NF-038-17-C	Emily Neal
4	NF-057-17-C	Emily Neal
1	NF-064-17-C	Emily Neal
2	NF-089-17-C	Cindy Curtsinger
3	NF-083-17-C	Cindy Curtsinger
4	NF-081-17-C	Cindy Curtsinger
1	F-020-17-C	Emily Neal
3	F-039-17-PH	Cindy Curtsinger
2	F-038-17-PH	Emily Neal
4	NF-051-17-NC	Emily Neal
1	NF-065-17-C	Emily Neal
2	NF-047-17-NC	Cindy Curtsinger
4	NF-048-17-C	Cindy Curtsinger
4	NF-075-17-NC	Cindy Curtsinger
2	NF-092-17-C	Cindy Curtsinger
1	NF-067-17-C	Emily Neal
3	NF-071-17-C	Emily Neal
4	NF-073-17-NC	Emily Neal
1	NF-090-17-NC	Emily Neal

## Meeting adjourned

### Items needing further study:

#### (Ongoing List)

1. **Tenure Data.** The Panel would like to review tenure and caseload data from DCBS for FY17 cases.
2. **DCBS Safe Sleep policy.** The Panel has noted DCBS does not routinely substantiate neglect against caregivers for sleeping with their children. Further discussion is needed regarding DCBS relying on the medical examiners' to determine fault.
3. **Overwhelmed caregivers.** Additional resources need to be provided to relative and fictive kin caregivers.
4. **Egregious Court Orders.** Further discussion is needed regarding remedies for court ordered placements that were not the recommendation of the Cabinet. Engaging in better partnerships with the court appointed GAL's for joint recommendations.
5. **KASPER access for DCBS during investigations.** DCBS has limited access and they have to rely on other agencies to obtain that information. DCBS would like to have the legal ability to access KASPER for home placements and evaluations.
6. **DCBS Policy issue.** Anytime a fatal or near fatal event has a screened out referral, there should be an internal review for quality assurance.
7. **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).
8. **Interstate collaboration.** Case reviews demonstrated a need for better interstate collaboration and communication.
9. **Fire Arm Safety.** Track issue to determine whether recommendation(s) needed.
10. **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.
11. **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.
12. **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.
13. **Private Foster Care Providers.** Track issue to determine whether further recommendations are needed. Follow up on foster parent registry.
14. **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 coroners' cooperation.