

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

Monday, November 6, 2017

MINUTES

Members Present: Judge Roger Crittenden, Chair; Hon. Jenny Oldham, Hardin County Attorney, Vice Chair; 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. Jamie 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, Elizabeth Croney, KVC Behavioral Health; Dr. Henrietta Bada, Department for Public Health, CHFS; Dr. Joyce M. Robl, Division of Child and Maternal Health, Department for Public Health, CHFS.

Welcome:

Judge Roger Crittenden

Judge Crittenden welcomed panel members and staff to the meeting. The Panel approved the minutes from the previous September meeting. The panel briefly discussed the proposed data tool definitions. Further discussion is needed in regards to updating the data tool and categorizing the cases. The panel needs to be able to document specific systematic failures and make more specific findings.

There was a brief discussion regarding child fatalities related to fire arm safety and the lack of cases reviewed by the panel. Unless the Cabinet substantiates neglect, the panel would not review those fatalities or near fatalities. The panel discussed drafting and implementing Memorandums of Understanding between the Department of Public Health, the Department of Community Based Services and the Medical Examiners' Office in order to improve the flow of case information being shared with the panel.

Presentation:

Judge Paula Sherlock

Judge Paula Sherlock attended a two day National Child Fatality Prevention Workshop in Colorado on behalf of the Panel. The goal of the meeting was to develop standards of practice when conducting high priority child maltreatment fatality and near fatality case reviews. The conference was more of a workshop and brainstorming session than set recommendations. The workshop attendees agreed upon the main three recommendations for best practices: 1) maintaining a broad base referral system, 2) making specific findings, and 3) targeted recommendations. The National Center for Fatality Review and Prevention will be hosting a webinar on December 5th at 3:00pm. The webinar will discuss their work, and give suggestions to Citizen Review Panels. Judge Sherlock also included the presentation, Evidence-based and Promising Interventions

for Preventing Child Fatalities and Severe Child Injuries Related to Child Maltreatment by Peter J. Pecora, Ph.D. A copy of the presentation is attached.

Recommendation Update:

Joel Griffith, PCAKY

Joel Griffith had a brief announcement regarding a recommendation the panel has proposed for the last two years. The panel has continuously recommended hospitals implement parent education for the parents of newborns around pediatric abusive head trauma and safe sleep. In a collaborative effort, Joel recently drafted a letter to the Kentucky Hospital Association regarding these recommendations. As a result, the board issued a letter to all Kentucky hospitals stating, *“After thoughtful consideration the KHA Board of Trustees is proposing members review their current practices and implement the following recommendation. The Kentucky Hospital Association recommends Kentucky hospitals provide evidence informed education addressing abusive head trauma and safe sleep practices to the parents of newborns and recommends hospitals follow model safe sleep practices within birthing centers and NICU units.”* There is still a lot of work that needs to be done but this is progress.

Pending Case Reviews:

NF-038-15-NC was reviewed several months ago and the panel formally requested the Louisville Metro Police Department and DCBS re-open their investigations regarding the child’s injuries. The panel requested an update regarding the investigation from DCBS. Commissioner Johnson reported the review is complete and the results will be released this week. The parents of the child asked to address the panel and with no objections, their testimony was heard. The Cabinet responded and explained the process of how their internal reviews are conducted. There was further discussion regarding the Department of Education’s required reporting of a child’s injuries due to restraints.

F-051-16-PH was reviewed after additional documents had been requested to try and uncover how the child obtained lorazepam in their system.

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>
3	NF-027-16-NC	Emily Neal
2	NF-025-16-C	Cynthia Curtsinger
1	NF-039-16-C	Cynthia Curtsinger
2	NF-040-16-C	Cynthia Curtsinger
4	NF-049-16-NC	Cynthia Curtsinger
4	NF-051-16-NC	Cynthia Curtsinger
3	NF-035-16-C	Karen Bremenkamp
1	NF-066-16-C	Karen Bremenkamp
2	NF-078-16-NC	Karen Bremenkamp
1	NF-062-16-NC	Cynthia Curtsinger
3	NF-046-16-NC	Karen Bremenkamp
3	NF-072-16-C	Karen Bremenkamp
4	NF-080-16-NC	Karen Bremenkamp

2	NF-087-16-C	Karen Bremenkamp
1	F-028-16-NC	Karen Bremenkamp
1	F-041-16-C	Karen Bremenkamp
2	F-043-16-C	Karen Bremenkamp
1	NF-016-16-C	Karen Bremenkamp
1	NF-031-16-C	Karen Bremenkamp
2	NF-034-16-C	Karen Bremenkamp
2	NF-089-16-C	Karen Bremenkamp

Meeting adjourned until 9:00 a.m., Tuesday November 7, 2017

Tuesday, November 7, 2017
Special Meeting
KCADV

MINUTES

Welcome:

Judge Roger Crittenden

Brief discussion regarding the budget request and the affect it may have on the panel meetings. Set meeting dates for the following:

- February 12, 2018 at the Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm
- May 14-15, 2018 location and times to be announced
- July 9, 2018 at the Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm
- September 17, 2018 at the Kids Are Worth It! Conference, time TBA
- November 13, 2018 at Kentucky Coalition Against Domestic Violence, 9:00am – 3:00pm

Priority Recommendations for the Annual Report:

The panel discussed the lack of substantial progress made on the priority recommendations from the 2016 Annual Report. The panel agreed the priority recommendations again need to address Kentucky’s substance abuse epidemic and increased funding and resources for not only the Department of Community Based Services, but also the Department for Public Health. Kentucky needs to invest in their future by investing in healthier childhoods.

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>
2	F-031-16-NC	Kindra Kilgore
3	F-032-16-NC	Kindra Kilgore
4	F-033-16-NC	Kindra Kilgore
1	F-034-16-C	Kindra Kilgore

2	F-035-16-C	Kindra Kilgore
3	F-039-16-C	Kindra Kilgore
4	F-040-16-C	Kindra Kilgore
3	NF-003-16-C	Kindra Kilgore
4	NF-007-16-C	Kindra Kilgore
4	NF-028-16-C	Kindra Kilgore
4	NF-036-16-C	Kindra Kilgore
2	NF-063-16-C	Kindra Kilgore
3	NF-064-16-NC	Kindra Kilgore
4	NF-065-16-NC	Kindra Kilgore
2	NF-070-16-C	Kindra Kilgore
4	NF-074-16-C	Kindra Kilgore
1	NF-076-16-NC	Kindra Kilgore
3	NF-079-16-NC	Kindra Kilgore
4	NF-088-16-C	Kindra Kilgore
1	NF-097-16-C	Kindra Kilgore
2	NF -101-16-C	Kindra Kilgore
3	NF-103-16-NC	Kindra Kilgore
1	NF-090-16-C	Kindra Kilgore
3	F-036-16-NC	Kindra Kilgore
3	F-002-16-NC	Kindra Kilgore
4	F-042-16-C	Kindra Kilgore
1	NF-024-16-NC	Kindra Kilgore
1	NF-002-16-C	Kindra Kilgore
2	NF-057-16-C	Kindra Kilgore
3	NF-083-16-C	Kindra Kilgore
4	NF-94-16-C	Kindra Kilgore

Final Discussion/Comments:

- The panel took votes on several cases regarding their final determinations.
- Judge Crittenden reminded the panel members to advise him if they would be appearing before the General Assembly or proposing any legislation.
- One panel member did not participate in a case review discussion due to personal knowledge of the parties.
- Co-chair Jenny Oldham acted as Chair of the panel after lunch until the conclusion of the meeting.
- During a case review, the panel personally recognized and applauded the case specialist who was present at the meeting for her exceptional work. The panel requested all workers involved in that investigation be praised for their efforts.
- The panel request the analyst have their expedited summaries completed and uploaded by November 22nd and the panel members have their final reviews completed by November 28th. The panel has accepted the annual report will be late in order to provide a full report on all cases reviewed for SFY2016.

Meeting adjourned

Items needing further study:

(Ongoing List)

- 1. Clarify the recommendation regarding impaired caregivers, unsafe sleep, and the importance of using a crib.** Cribs for Kids initiative implemented by the Department of Public Health to promote Safe Sleep.
- 2. 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).
- 3. Interstate collaboration.** Case reviews demonstrated a need for better interstate collaboration and communication.
- 4. Family Preservation Program.** Determine whether the FPP has been enacted into statute and whether Kentucky continues to operate under a Title IV-E waiver reported to expire in 2019.
- 5. Fire Arm Safety.** Track issue to determine whether recommendation(s) needed.
- 6. Tenure Data.** Request tenure and case load data from DCBS for FY16 cases.
- 7. Data Collection and Panel Determinations of the Risks Contributing to the Fatality and Near Fatality.** Further study is needed regarding how determinations are made regarding the risks involved in the cases.
- 8. 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.
- 9. Substance abuse by caregiver.** When substance abuse by a caregiver is suspected in a fatal/near fatal event, ask that blood test for substance impairment be conducted. Good practice to the repeat test in one hour.
- 10. Definition of Serious Physical Injury.** Continue to follow the definition of serious physical injury in the various statutes.
- 11. Lack of Parental Insight as a Family Characteristic.** Panel discussed including “Lack of Parental Insight” as a Family Characteristic in the data tool for the next reporting year.
- 12. Childhood obesity as a form of neglect.** The Panel discussed defining neglect to include severe obesity that contributes to near fatalities in children.
- 13. 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.
- 14. 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.
- 15. Private Foster Home Issues.** DCBS is in dire need of placement centers which results in children being placed in unsafe homes.