

## **Child Fatality and Near Fatality External Review Panel**

111 Darby Shire Circle  
Frankfort, Kentucky

November 21, 2016  
9:00 a.m. – 3:00 p.m.

### **Minutes**

**Members Present:** Judge Roger Crittenden, Chair; Rep. Tom Burch, House Health and Welfare; 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 Brent Hall, Hardin Family Court; Dr. Jamie Pittenger, University of Kentucky School of Medicine; Betty Pennington, Family Resource and Youth Service Centers, CHFS; Dr. Bill Ralston, State Medical Examiner; Sharon Currens, Kentucky Coalition Against Domestic Violence; Sergeant Scott Lengle, Kentucky State Police; Dr. Sabrina Jo Grubbs, Mountain Comprehensive Care Center; Dr. Joyce M. Robl, Division of Child and Maternal Health, Department for Public Health, CHFS; Dr. Christina Howard, University of Kentucky Department of Pediatrics, Ed Staats, Citizen Foster Care Review Board.

**Welcome:** Judge Roger L. Crittenden welcomed new member Steve Shannon, Kentucky Association of Regional MH-MR Programs, Inc.

**October 24, 2016 Minutes and Case Review Summary:** Approved as submitted.

The Panel discussed case number NF-61-15-C which had been reviewed at the October 24, 2016 meeting. The near fatal injuries resulted from a motor vehicle collision with an impaired caregiver. The arresting officer in this case did not notify the DCBS regarding this incident involving a child victim.

Action Step: The Panel recommended a letter be sent to the head of this law enforcement agency informing of the procedure to follow in these incidents.

#### **Legislative Committee and Assignments:**

- Ms. Currens, Ms. Oldham, Mr. Griffith, and Ms. Pennington will serve on the Legislative Committee.
- Judge Crittenden has asked Ms. Oldham to serve as his backup in the event he is unable to Chair any Panel meeting. Panel members unanimously approved this request.

**Records Retention and Destruction Policy:** Ms. Bruckner discussed the records destruction policy reminding members that she will take any confidential information that has been printed so that it may be destroyed along with the case documents received from other agencies. With regards to the record retention policy, Ms. Bruckner suggested a five year timeframe for keeping the SharePoint records. Dr. Robl confirmed that was the policy of her agency as well. Ms. Bruckner further stated that data may be kept longer without the identifying information. This information is important to keep to conduct trend and data analyses.

**2017 Meeting Schedule:** Members discussed possible meeting dates for 2017 determining the following to be the regularly scheduled meeting dates of the Panel:

February 20, April 23, 24 and 25, June 19, September 18, and November 6.

The **April 23, 24, and 25** meeting will be held at Rough River State Resort Park. The **September 18** meeting will be held in conjunction with the Prevent child Abuse Kentucky Kids Are Worth It conference. The **February 20, June 19 and November 6** meeting will be held at KCADV.

#### **Pending Cases:**

The following cases had been discussed at prior meetings but placed back on the agenda for additional review.

**F-41-15-C – Review of court case** - The court case was not in compliance with the federal Adoption and Safe Families Act timeframes as required in KRS Chapter 620. Judge Hall also found that the required findings of “reasonable efforts” were not appropriately made in this case.

**NF-32-15-C – Review of court case** - In this case, it was reported that the court did not use the required AOC court forms and the court had failed to make the “ best interests of the child” findings.

Judge Hall further discussed the importance of the judiciary to make appropriate findings per the state statutes as these were written to meet the federal requirements under Title IV-E.

**F-14-15-C - Full Review of Case** - This case was previously presented to the Panel but was deemed to require additional records and further analysis and appears on the attached Case Review Summary.

This case highlighted the need for collaboration between drug courts, probation officers, and other key players in the court system with the Department for Community Based Services when there is an open case with a prevention plan in place.

**Annual Report and Recommendations:** Panel members discussed the annual report and recommendations concluding that they would put forth two priority recommendations but also include other “secondary” recommendations :

#### Priority Recommendations

Address the substance abuse epidemic affecting families across the state, recommending:

- Full implementation of and funding for Family Drug Courts in Kentucky;
- Plans of Safe Care and wrap-around services for infants with prenatal substance abuse exposure during and after discharge from the birth hospitalization; and
- Resources needed for substance abuse treatment.

Improve the social service delivery system by providing necessary funding to the Department for Community Based Services, recommending :

- The Administration should propose and the General Assembly should assure the Department for Community Based Services is funded and resourced at the necessary level; and
- The Department for Community Based Services should examine and improve current practice addressing worker caseload and experience, including community partners in family team meetings,

improved screening of reports of suspected child abuse and neglect, and continued improvement to the internal review process.

Additional Recommendations:

- The Kentucky General Assembly should enact legislation creating easily accessible and low-cost access to background checks for parents considering utilization of unregulated child care providers. When legislation is enacted, the Cabinet for Health and Family Services should develop materials to educate parents on selection of safe caregivers and information on obtaining background checks.
- The General Assembly should consider enactment of enhanced penalties when a driver is convicted of a driving under the influence offense (DUI) with a minor in the vehicle. The Kentucky Department of Transportation and the Kentucky State Police should collect data regarding the incidence of DUI with children in a vehicle and develop an awareness campaign regarding the incidence of DUI accidents involving children and the need for bystander intervention.
- The Kentucky Hospital Association and Kentucky Chapter of the American Academy of Pediatrics should promote awareness and use of the two Pediatric Forensic Medicine centers within Kentucky.
- Hospitals should be required/encouraged/incentivized to model safe sleep and provide verbal face-to-face education regarding safe sleep and Abusive Head Trauma prevention education to parents of newborns.
- Law enforcement officers need to treat each child fatality/near fatality under the “hypothesis” that the child may have been a victim of maltreatment. Preservation of the scene may lead to a different investigative conclusion.
- Law Enforcement should complete and/or submit a JC3 to the DCBS in situations where child neglect, abuse, and maltreatment are of concern, or should be of concern, to the officer.
- The Department of Criminal Justice Training and other Kentucky law enforcement training entities should assure all law enforcement officers are trained in best practices for safeguarding children.
- Require Multidisciplinary Teams on Child Sexual Abuse (MDTs), established by KRS 431.600 and 620.040, to also review serious physical abuse cases.
- Judges who hear dependency, neglect and abuse (DNA) cases should use the Administrative Office of the Courts (AOC) mandated DNA series of forms and should adhere to the statutory timeframes required in these cases. To the extent practicable, AOC should audit the judiciary’s compliance in these cases and provide a reporting component to judges.

**Case Review:**

The following cases were reviewed by the Panel. A case summary of each is attached and is made a part of these minutes:

NF-28-15-C	NF-50-15-NC	F-19-15-C	NF-11-15-C	NF-35-15-NC	NF-49-15-NC	
NF-62-15-C	F-11-15-NC	NF-52-15-C	NF-54-15-C	NF-59-15-NC	F-22-15-C	NF-63-15-C