

CHILD FATALITY AND NEAR FATALITY EXTERNAL REVIEW PANEL

December 2, 2013

Members Present: Judge Roger Crittenden, Chair; Robert Walker, Social Work Clinicians, University of Kentucky; Nathan Goins, State Chair, Citizen Foster Care Review Board Executive Committee; Detective Kevin Calhoon, Kentucky State Police (KSP); Dr. Melissa Currie, U of L Division of Forensic Medicine; Dr. Tracey Corey, State Medical Examiner; Joel Griffith, Prevent Child Abuse Kentucky; Commissioner Teresa James, Department for Community Based Services, Cabinet for Health and Family Services (CHFS); Jenny Oldham, Hardin County Attorney; Maxine Reid, Family Resource and Youth Service Centers, CHFS; Dr. Ruth Shepherd, State Child Fatality Review Team, CHFS; Dr. Jaime Pittenger, Child Abuse Pediatrician, University of Kentucky School of Medicine; and Sharon Currens, Kentucky Domestic Violence Association.

Members Absent: Senator Julie Denton, Representative Tom Burch, Judge Brent Hall, Dr. Stephanie Mayfield, Dr. Kim McClanahan, Dr. Carmella Yates, and Andrea Goin.

The meeting was called to order at approximately 10:00 am by Judge Roger Crittenden, Chair. The panel members participated in an overview of how to approach case reviews with the use of SharePoint at the Kentucky State Police Information and Technology Building. The panel broke for lunch.

The panel reconvened at approximately 12:30 pm at the Kentucky Domestic Violence Association facilities. They began by reviewing the annual report for grammatical revisions. The panel voted unanimously to adopt the report as revised.

Mr. Walker expressed the need to collect information on one central document or Excel sheet for the purpose of compiling data for reporting purposes. There was a consensus among the panel that a group needed to be formed to develop a case review tool. Judge Crittenden asked for volunteers to work on this issue. Dr. Currie, Dr. Shepherd, Mr. Griffith and Mr. Walker volunteered to begin working on developing the tool for case review.

Judge Crittenden noted the Joint Health and Welfare Committee will be meeting on December 18th. Mr. Cannady commented that LRC has requested that three panel members be selected to testify before the committee. Judge Crittenden selected Detective Calhoon, Dr. Currie and Mr. Griffith.

Judge Crittenden noted the next meeting of the panel is scheduled for January 13, 2014, beginning at 10AM. Panel members agreed to meet the second Monday of every other month from 10AM to 2PM. Judge Crittenden asked Mr. Cannady to email the schedule to panel members.

Judge Crittenden remarked that Mr. Cannady has sent a document destruction form to panel members for signature to document the destruction of case files previously distributed. Judge

Crittenden inquired about the records request document. Mr. Cannady remarked that the draft had been sent to CHFS and was being reviewed by their legal staff.

Group 1 (Burch, Calhoon, Corey, Currens, Goins)

NF 19-13-NC

Dr. Corey noted she did not feel the panel needed to review this case. There was no indication of an abusive injury. She expressed there are many other cases that the panel needs to spend time reviewing and there is a need to find a way to screen out cases that do not need the attention of the panel. Mr. Griffith noted the legislation requires the panel to see both substantiated and unsubstantiated but it does not require the panel to review the case. Ms. Currens asked if unsubstantiated cases are kept in the system and Commissioner James confirmed that they are kept in the system. Judge Crittenden noted the need for a staff person for sorting through cases is a point to make in asking for funding.

F 05-13-C

Detective Calhoon noted there is a pending criminal case regarding this fatality. He noted there was alcohol and marijuana abuse in this case. He remarked that agencies shared information with social workers and communicated well. He also noted the family had moved around causing several counties to be involved. Dr. Corey noted the child was three months old and died of a head injury. Ms. Currens noted this was a very complicated case with huge amounts of domestic violence. Detective Calhoon noted there were numerous individuals involved in the case. Dr. Currie inquired about the best practice or policy related to screening for domestic violence. Commissioner James commented that the department has moved toward mandatory collaterals recently and stated the new tool will bring the department much closer to looking at risk and safety assessment.

Mr. Walker inquired if it would be helpful to take a more studied approach to some cases as a way of profiling the issues and documenting them in more detail. Commissioner James agreed that in some of the cases the panel needs to be more detailed in reviewing. Mr. Griffith commented that it would be helpful if the panel could have access to the internal review of the cabinet prior to reviewing cases. There was discussion about choosing two or three specific cases that should be reviewed by every panel member for each meeting. Dr. Corey suggested that the entire panel review only one case for more in-depth analysis per meeting in addition to the cases normally assigned. Mr. Walker indicated he was specifically interested in reviewing in-depth F 17-13-C. Judge Crittenden stated that case would be assigned for the entire panel for review at the next meeting. Commissioner James noted this case has multi-systemic issues. Judge Crittenden commented that he would like the panel to review F 12-13-NC to see if that is a case that needs to be discussed in-depth.

Dr. Currie inquired about options the panel has as it relates to accountability and the possibility of making a recommendation for an internal review to be done by the agency in question when issues arise that need to be pursued. Judge Crittenden commented that the panel could ask for those reviews to be completed. Dr. Corey agreed that needs serious consideration.

Group 2 (Currie, Crittenden, Denton, Goin, Mayfield)
F 21-13-C

Judge Crittenden remarked that this was the second time a child in the same household had ingested the mother's medication. Dr. Currie noted an issue with inconsistency in substantiation that she identified in two separate cases of ingestion. She commented that as cases are reviewed she continues to be confused as to how the determination is made whether or not to substantiate abuse or neglect. She remarked that it is an important issue to address as it does affect final numbers as the panel releases data. Dr. Corey noted it occurs in other cases as well such as drownings. Mr. Griffith stated the same issue occurs with cases of positional asphyxia. Dr. Currie stated that unless there is consistency, the numbers are absolutely meaningless. Commissioner James commented that the courts are also involved in this decision. She noted the findings must match the court's findings. Dr. Currie asked if other states require DCBS to match the court's finding.

NF 10-13-C

Dr. Currie commented that in this case there were two different reports indicating the worker went to the home and interviewed the mother and grandmother. She noted the interviews were word for word identical and it appears to have been cut and pasted. She inquired if there is ever a situation where that is allowable. Commissioner James responded that it is not and the new assessment system does not have the capacity to cut and paste.

Group 3 (Griffith, Hall, James, Reid, McClanahan)
F 16-13-C

Mr. Griffith indicated this is a case that would be ideal for an in-depth review. He stated it was a case of positional asphyxia with an intoxicated caregiver. He noted the mother had a brain injury as a child and had four small children. Mr. Walker noted that brain injury is one of those problems that no one wants to deal with and the mental health system tends to wash its hands figuring there is nothing that can be done. He also noted that cognitive assessments are rare to find in the cases being reviewed by the panel. Mr. Griffith also agreed it would have been helpful to have an in-depth parental assessment on this mother to determine if she was capable of providing adequate care. Judge Crittenden suggested listing this case for in-depth review for the March panel meeting. Dr. Currie asked about requesting the missing medical records that were not included in the case file.

NF 17-13-NC

Ms. Reid noted she read through the case initialing thinking it related to domestic violence until the end and realized it was an accidental ingestion. Commissioner James responded that the panel is given all the documentation by DCBS. Mr. Griffith commented that the children that ended up being hurt were not the same group of children and parents that were involved with the cabinet previously but that became clear at the end. Commissioner James commented that there

were two different men involved and there was serious violence going on in this household. She remarked there was a history of the mother being involved with abusers.

Group 4 (Oldham, Shepherd, Walker, Yates, Pittenger)
NF 18-13-C

Ms. Oldham stated this case involved a twelve year old boy who was hit by a car while riding his bike. She commented although there had been prior neglect she felt this situation was accidental. She stated the prior neglect involved drug use by the mother. Mr. Walker noted the mother was a marijuana user and there had been one charge of making meth. He commented that it was difficult to tell if there was more going on that might not have been assessed. Ms. Oldham noted there was a several year gap between the initial issues and this situation. Mr. Griffith stated there is research that says the children who are involved in child protective services are at a greater risk of dying from an accidental injury. Mr. Walker noted the mother had seven previous DCBS contacts. Ms. Oldham commented she thought the mother was probably in recovery at this point because so much time had passed. Mr. Griffith noted it is entirely possible this mother could have finally gotten her life turned around and then this happened. Judge Crittenden also noted there are situations where children are beyond parental control. Commissioner James remarked that these cases go back to poverty, single parenthood, and issues of domestic violence. She noted it is hard to determine which cases will improve with services provided and which ones will not.

NF 34-13-C

Mr. Walker commented this case includes domestic violence, heavy alcohol use, and prescription drug use. The case involves the struggle between the oldest child and the mother over a gun and a younger child was accidental shot. He noted the father was in prison for vehicular homicide. He noted the mother had been referred for treatment but was fired from treatment for being intoxicated. Commissioner James noted they are working with staff to make safety plans for children, as relapse is a normal part of addiction. Mr. Walker remarked that this appeared to be an ideal case for disulfiram and he has never heard of it being used in DCBS referred cases. He noted this mother's capacity to sustain even a day or two of abstinence was very poor.

Mr. Cannady clarified the cases to be assigned for in-depth reviews include F 17-13-C for the January meeting and F 16-13-C for the March meeting.

With no further business to discuss, the meeting was adjourned.