

CHILD FATALITY & NEAR FATALITY EXTERNAL REVIEW PANEL
MARCH 16, 2015

Members Present: Judge Roger Crittenden, Chair; Judge Brent Hall; Joel Griffith, Prevent Child Abuse Kentucky; Commissioner Teresa James, Department for Community Based Services, Cabinet for Health and Family Services (CHFS); Maxine Reid, Family Resource and Youth Service Centers, CHFS; Dr. Ruth Shepherd, State Child Fatality Review Team, CHFS; Allison Taylor, designee for Dr. Stephanie Mayfield, Commissioner, Department for Public Health; Major Eddie Johnson, Kentucky State Police (KSP); Dr. Melissa Currie, University of Louisville Division of Forensic Medicine; University of Kentucky School of Medicine; Jenny Oldham, Hardin County Attorney; Nathan Goins, State Chair, Citizen Foster Care Review Board Executive Committee; and Sharon Currens, Kentucky Domestic Violence Association.

Members Absent: Representative Tom Burch, Dr. Tracey Corey, Dr. Blake Jones, and Nicky Jeffries Dr. Kim McClanahan, CEO, Pathways, Inc. Dr. Jamie Pittenger, Child Abuse Pediatrician

Judge Crittenden began by welcoming panel members and recognized Secretary Brown to address the panel regarding recommendations listed in the panel's annual report that more directly affect the Justice & Public Safety Cabinet. Secretary Brown also commented on current legislative issues as well as preparing for the 2016 Legislative Session.

Judge Crittenden introduced Ms. Darlene Thomas, Executive Director of Greenhouse17, who gave a presentation entitled "Child Abuse in the Context of Domestic Violence." (Presentation available upon request.) Dr. Currie inquired about how to best help survivors gain insight into the pattern of their choosing serial partners. Ms. Thomas replied that group therapy is one of the best ways as it reduces isolation for the survivor. She noted that most replace with a new batterer only to protect themselves from the old batterer. She stated that group resources for adult survivors are imperative. She commented that the other best practice would be visitation centers and noted we have only a handful across the state. Mr. Griffith inquired about where the Greenbook project has been implemented. Ms. Thomas said she was not aware of anywhere in the state where it has been implemented. She noted pieces of it have been implemented in some places such as Louisville.

Panel members gave updates on recommendations previously made and a spreadsheet was distributed listing those recommendations. Judge Crittenden will be following up on getting two hours blocked for training for Family Court and District Court judges relating to abuse/neglect. Dr. Shepherd stated that a task force has been put together for the campaign on safe sleep and they have identified a grant they might be able to apply for to provide funding. Regarding neonatal abstinence, she stated they are working with a perinatal association that is developing a program for the hospitals. She noted eighteen hospital s have signed on which represents 60% or more of births.

Judge Crittenden asked Mr. Cannady to give the financial report. (Available upon request.) Ms. Holleran spoke regarding a memorandum of agreement with the University of Louisville for a data analyst. Dr. Currie gave an update on the data tool and noted she indicated it had been sent to Mr. Cannady and Ms. Holleran to upload to SharePoint. She noted the tool is long but gets at what the Panel was hoping to capture. She noted that she did not receive much feedback from the Panel but input can still be given as cases are discussed during the meeting. She stated that it addresses the issues that the Panel will want to capture for reporting purposes.

Judge Crittenden asked for a summary of the minutes to be voted on at the next meeting rather than approve the transcript style minutes presented.

Case Reviews:

Group 1

F-18-14-NC

- Four week old male died of blunt force injuries to head. Fayette County case.
- Upon questioning, nature father confessed to slamming child's head on counter several times.
- Hospital documented golf ball size bruising on left side of head, bruising to back of head and bruising overlying ribs described as matching the hands of an adult, as well as stomach bruising.
- No cabinet involvement but CPS discovered mother had been a foster child in Michigan due to her mother's mental health. CPS made contact and found substantial CPS history in Michigan including four substantiated cases, most dealing with mother leaving child with inappropriate caregivers. In 2010, involuntary termination of parental rights due to mother failing to protect 18 month old son from a physically abusive paramour, the father of the child in this case. Last incident in Michigan considered near fatality.
- Father has no CPS or criminal history in Kentucky, no CPS history in Michigan but did have criminal history there related to drugs.
- One year old sibling also in home. Initially placed with paternal grandmother. Mother threatened case worker and tried to break down door at paternal grandmother's home. EPO was not granted. Child ended up in foster care and mother has left state. The Cabinet has moved to terminate parental rights on this child as well and foster parents want to adopt.
- Father being prosecuted for murder.
- Request birth records and pediatrician records.
- Drug history.
- No documentation on EPO petition. Might want to review.
- No criminal history in KY prior to fatality or with DCBS.
- Mother had bipolar disorder and maternal grandmother had significant history of mental illness.
- Substantiated on father for physical assault, injury, death or near death of a child. Unsubstantiated on mother but substantiated for neglect of both children.

Group 2

F-14-14-NC

- Six day old fatality discussed at last meeting. Waiting on law enforcement records to complete data tool information.

NF-06-14-C

- Sixteen month old presented to outside hospital unresponsive with bruises to back, buttocks, hand and forehead. Transferred to regional center in WV.
- Mother reported that child had fallen off porch while neighbor was working on waterline under house. Neighbor drove them to hospital. When interviewed by CPS, mother was unable to provide name of neighbor.
- Mother reported that injury to child's buttocks and anal area was a result of falling on vacuum part.
- Mother and father were separated. Two children in family, one with each parent.
- Mother had reported domestic violence and reported that she had sought an EPO against the father of the child. No reported criminal history on mother.
- Mother reported that age of two months this child had leg fractures. Evidence of x-rays in records but no indication of "healing fracture" as stated by mother.
- Dr. Currie stated 10-4 rule not being applied.
- Father had multiple DVO/EPO's and had provided false names to law enforcement on several occasions.
- Child placed with maternal grandparents.
- Substantiated physical abuse and neglect and substantiated near fatality.
- Seventeen attempts by CPS to make contact with family related to EPO/DVO. Unable to make contact. CPS case closed due to unable to locate.
- Previous Cabinet involvement.
- Missed opportunity by medical staff at three months of age.
- Mother positive for benzos but had prescription.
- Domestic violence.
- Physical abuse with blunt force trauma and no qualifier.
- No law enforcement records provided; no criminal charges filed. No court records.
- Should have law enforcement records for all cases. Ms. Holleran commented that beginning last November, DCBS staff began including those records in cases; those completed prior to that have to be requested. Mr. Griffith stated that as a matter of routine practice the request needs to come from the Panel rather than DCBS. Dr. Currie agreed. She also noted those records may not be complete at the point field staff is requesting them. There was some discussion regarding the format of the records received and noted that there should be a written report included. Mr. Cannady noted that it could be the way the request for records is stated. It was noted that the request should include a request for the written report as well.
- Issue for further discussion - KASPER access for DCBS workers.

Group 3

- Three year old female in care of paternal grandfather and step-grandmother over weekend prior to being taken to a facility unresponsive with bruising to lower abdomen after a history of intermittent vomiting for a couple of days.
- No history of trauma; however, child found to be hypo bulimic shock. Immediately transferred to University of Kentucky Hospital and taken into OR. Found to have severe abdominal trauma. The child died in the operating room.
- Autopsy also showed previous abdominal injury as well.
- Custody dispute. Share custody between father and his family and mother and her family. Both had made allegations of physical and sexual abuse.
- CPS involved.
- Fatal part of child's injuries was determined to have occurred within several hours of her presenting to the hospital.
- Physical abuse with blunt force trauma and also medical neglect. Child was vomiting, complaining of abdominal pain and complaining that the seat belt hurt belly yet grandmother did not take the child immediately to the hospital. Older child saw the child and told grandmother to take her to the hospital.
- Grandfather was alleged to be violent. Very difficult for CPS to determine which side of family was truthful.
- Criminal charges filed against step-grandmother for murder. Boyle County.
- Missed opportunity for intervention by medical providers when she was taken in with concerns about hair loss and nose bleeds. Trauma can be a cause but is not always considered.
- Child also had broken leg that went untreated for several days when child had been in care of grandfather and step-grandmother over the weekend and came home to mother limping. Grandparents did not deny that the injury happened while child was in their care and they did not seek treatment for it.
- Missed opportunity –CPS not accepting report when child had a broken leg.
- Weekend of child's death, step-grandmother texting pictures of child's scalp to the father saying she was concerned child's hair was falling out. Dr. Currie noted a person might be concerned that the hair was being pulled out.
- Mr. Griffith inquired if as part of the internal review, is there a process in place for these types of cases to go back to the worker's caseload and review a portion of cases to determine if there is a pattern or if this is an isolated incident. Commissioner James responded that they are going to a live quality assurance system so that supervisors can listen to calls coming in to centralized intake phone calls and the calls will also be taped.
- Recommendation to have a quality assurance process in place in response to these critical incidences.
- Criminal history. Possession of controlled substance relating to paternal grandfather. Alcohol related driving charges related to mother. Sexual abuse amended down that related to mother's paramour, no substantiation and no contact was ordered.
- Physical abuse blunt force trauma with no qualifier.
- Criminal history caregiver, substance abuse caregiver.
- Lack of coordination between DCBS and law enforcement.

NF-12-14-C

Eight month old female left alone in bathtub. Found by five year old sibling. Mother had medical training and performed CPR and called 911. Child was ok when she reached hospital.

- Parents had been painting porch and child had gotten paint on her. Mother placed child in bathtub, thought she turned water off but water was on when child was found.
- History of domestic violence.
- No pediatric records obtained.
- No drug screening as a result even though there is evidence that the father at least had an alcohol problem.
- Criminal history. Assault 4th, Possession of marijuana – father. Assault 4th – mother.
- Judge did not find neglect and dismissed the case. Franklin County.
- DCBS substantiated but family court judge overturned.
- Drowning/near drowning. Supervisional neglect. Substance abuse caregiver.
- Dr. Currie noted that neglect needs to be added to categories on data tool. Should be labeled as a neglect related near drowning. Section also added to indicate when judge overturns substantiation of case.
- Judge Hall requested copy of hearing tape. Judge Crittenden noted there should be a written decision in the case file. Request court records.
- Judge Hall asked staff to collect all Dependency Neglect and Abuse (DNA) court documents to aid with tracking whether judges are adhering to statutory time constraints in reviewed cases.

Group 4

F-17-14-C

- Two year and nine month old female. Died of blunt force injuries to the head. Whitley County.
- Substantiated abuse and neglect on paramour and neglect on mother.
- Child was found unresponsive. Had been left in care of mother's new paramour that she had been living with for three weeks while she went to work.
- Paramour said child cried until vomited when mother left. Said he bathed her and she fell a couple of times, fell asleep at 1AM, up at 3AM to go to bathroom and back to sleep.
- Mother looked into room at 7AM when she arrived home but did not go into room.
- Paramour left residence for short time while mother was sleeping. Upon his return, child found face down on living room floor, unresponsive.
- Bruises visible on child's face and head and older bruising documented on her bottom.
- Biological father was incarcerated at time of child's death.
- Long history of substance abuse issues and both were using prescription drugs not prescribed for them at the time of the child's death.
- Paramour's previous relationships reported substance abuse and violence.
- Active EPO against paramour by previous wife.
- Previous report to DCBS two months prior to incident that included general concerns for the child's welfare and previous harsh discipline but no specifics given. Mother had two

prior CPS reports in 2004 and permanent custody of her son was granted to family member due to mother's cocaine use.

- Paramour was a victim of abuse by his alcohol father as a child.
- Mother has criminal history involving mostly drug activity dating back years.
- Both charged with murder in the death of child.
- Missed opportunity by CPS, mother had previous child removed.
- Mother charged with manufacturing methamphetamine three weeks prior to birth of child.
- DCBS substantiated.
- Missed opportunity by medical providers. Child was seen within fourteen days of the event.
- Substitute caregiver and lack of child care.
- Physical abuse blunt force trauma, impaired caregiver, substance abuse caregiver, substance abuse in the home, substitute caregiver, lack of child care, criminal history caregiver and family violence.
- Risk factor to add to tool – caregiver had been a victim of violence as a child.

The next meeting will be held on May 18, 2015. With no further business to discuss, the meeting was adjourned.