

CHILD FATALITY & NEAR FATALITY EXTERNAL REVIEW PANEL
MAY 18, 2015

Members Present: Judge Roger Crittenden, Chair; Representative Tom Burch; Judge Brent Hall; Joel Griffith, Prevent Child Abuse Kentucky; Commissioner Teresa James, Department for Community Based Services; Maxine Reid, Family Resource and Youth Service Centers, CHFS; Dr. Ruth Shepherd, State Child Fatality Review Team; Allison Taylor, designee for Dr. Stephanie Mayfield, Commissioner, Department for Public Health; Major Eddie Johnson, Kentucky State Police (KSP); Dr. Jamie Pittenger, Child Abuse Pediatrician, University of Kentucky School of Medicine; Jenny Oldham, Hardin County Attorney; Nathan Goins, Citizen Foster Care Review Board; Sharon Currens, Kentucky Coalition Against Domestic Violence; Nicky Jeffries, Dr. Owen Nichols, CEO, NorthKey Community Care; Dr. Sabrina Jo Grubbs, Pennyroyal MR/MH Board.

Members Absent: Senator Julie Raque Adams; Dr. Melissa Currie; Dr. Tracy Corey; Dr. Blake Jones

Judge Crittenden began by introducing a new panel member, Dr. Owen Nichols, President of the Northern Kentucky Mental Health Mental Retardation Board, President of the Kentucky Association of Mental health and Mental Retardation Boards. Judge Crittenden also recognized new analysts, Brooke Jones and Jeanmarie Piacsek.

Judge Crittenden inquired about the number of attendees for the Summit Meeting to be held at this location at 10AM on June 23rd. Mr. Cannady stated that at this time approximately fifteen have committed to attend. Judge Crittenden commented that the meeting will involve all those involved in reporting and investigation of child abuse cases. He noted that panel members are welcome to attend and lunch will be provided.

Judge Crittenden inquired about appointing a member to assist in preparing for the 2016 Regular Session of the General Assembly. Mr. Cannady noted that the panel needs to identify the recommendations that will require legislative action. Judge Crittenden stated that he would find out which members are interested in working as a committee to address the legislative issues.

Judge Crittenden asked for updates on recommendations from the annual report. He noted that he will be in contact with AOC to discuss training for judges. He noted that domestic violence training has been dropped from judicial training but he is hoping to get an hour or two of training for them on abuse and neglect presented by medical professionals.

Judge Crittenden asked Commissioner James for an update on a workforce study. Commissioner James stated that Colorado recently came out with a study and also Indiana. She encouraged members to review both studies. She noted the cost of conducting the study in Indiana was \$1.5 million. She noted her department is not in the position to spend that amount of money. She stated that they would have to put an RFP out if the cabinet chooses to do this. Judge Crittenden asked for the link to have Mr. Cannady send to all members.

Judge Crittenden asked Dr. Shepherd to give an update on the issue of co-sleeping. Dr. Shepherd commented that they have a task force that meets on a monthly basis to develop a safe sleep campaign that they plan to launch in October. Dr. Shepherd also noted a hospital certification was just released for infant safe sleep and stated she could send that out.

Judge Crittenden asked Mr. Griffith if they have worked on the protocol for sharing information between agencies and Mr. Griffith indicated they had not.

Judge Crittenden noted he had not spoken with Judge Hall regarding authorizing legislation to open dependency, neglect and abuse cases. Representative Burch indicated he would like to see the legislation proposed again and stated that it can take multiple sessions to familiarize others with the issue and get legislation passed.

Judge Crittenden inquired about the training for prosecutors on child abuse and neglect. Ms. Oldham commented that the prosecutors' conference has rotating requirements for training on domestic violence, child abuse, elder abuse, and human trafficking. She stated that she would speak with the director and inquire about the next opportunity for a training session on child abuse and neglect. She noted it would also be a good training to do at orientation for newly elected county and commonwealth attorneys.

Mr. Griffith commented that he thought the panel missed one recommendation regarding abusive head trauma which does not appear on the spreadsheet. He noted progress has been made on this recommendation, and that a group of members including Dr. Shepherd and Dr. Pittenger have sent letters to birthing hospitals with moderate response.

The minutes from the March 16th meeting were approved with a correction to remove Senator Denton's name as she was no longer a panel member and also to remove the names of the analysts listed next to the case numbers. The January meeting summary was also approved with the same correction regarding removing names of analysts.

Judge Crittenden asked Mr. Cannady to give the financial report. A spreadsheet of actual and estimated expenditures was distributed to panel members and Mr. Cannady gave an overview of that information.

Judge Crittenden inquired with Ms. Holleran about the Commission to Eliminate Child Abuse and Neglect Fatalities (CECNAF) conference. Ms. Holleran and Mr. Cannady attended the conference in Memphis and gave an overview of information gathered from that experience. Dr. Shepherd stated that all presentations from this national group are available on their website. Ms. Holleran also noted that webinars are available thru the website as well.

Judge Crittenden inquired about the current status of the Memorandum of Agreement with the University of Louisville. The panel will come under budget for the MOA that ends this fiscal year. The MOA will be extended another year and a budget determined which may be more than

the current amount to cover the extended timeframe. Ms. Holleran expressed hope of adding two more Analysts to get most of the reviews completed and data collected by September or October.

Ms. Holleran stated they have studied ways to transfer some of the work from the Medical Analysts such as the review of court documents, and would like to find someone else to take on that piece of the review process. This would provide a medical summary and also a legal summary for each case. Judge Hall had expressed concerns that it might be asking a lawyer to do a judicial determination. Mr. Griffith inquired about someone reviewing cases that is not in the medical field. He noted that the majority of cases contain social work/child protective services documentation and if retired social services personnel were reviewing cases, it could speed the process. Ms. Holleran responded that she has started the process for drafting a contract for social workers who are PhD students from the Kent School to do some work for the panel. She noted Dr. Currie's concerns that these students might not have the qualifications and expertise to review medical documents so she has not moved forward with that process. Ms. Holleran inquired if panel members were interested in having social workers and lawyers in addition to the medical analysts. She also suggested having social workers review 2013 cases to pull the demographic and data tool information from those cases and review their work to determine if the panel would like to add them to the team of analysts for next year. She stated that it would be great to have all the data available for the report this year. Mr. Griffith expressed his support for recruiting those with social work background to the team of analysts. He stated that there is a danger in becoming too medically focused in the review process and noted that two-thirds of the cases are neglect cases. Dr. Shepherd was in agreement to having a balanced team of legal, social services, and medical analysts. She stated that you need to have all three perspectives in order to get a comprehensive review. As the scope of work for social services analysts has been drafted, Judge Crittenden asked Ms. Holleran to work with Judge Hall to also develop the scope of work for legal analysts so that the panel can contract with both. Commissioner James and Dr. Corey both agreed a licensed retiree who has been in the field of social work would be needed versus a student of social work. Mr. Griffith suggested having broader criteria such as MSW or related degree with ten years of child protective experience. Dr. Shepherd commented that the PhD coursework is not relevant.

Ms. Holleran related that Dr. Theresa Hayden from the Justice Administration Department at University of Louisville will be starting next week as a data consultant for the panel. She also noted that the panel is contracting with Kentucky State University to provide a master's program student to get the data collected into an electronic format so that staff can provide reports to the panel.

Mr. Griffith gave the date and location of the upcoming Kids Are Worth It Conference in September and invited all members to attend. Judge Crittenden noted the September meeting will take place at the conference location. The panel agreed to fund attendance for members.

Cases Reviewed:

Group 1: (Burch, Corey, Currens, Jones, Johnson)

F-18-14-NC:

- Additional records requested have been received and uploading to SharePoint for review.

NF-05-14-NC:

- Multiple fractures; substantiated physical abuse on parents of their only child; Unsubstantiated near fatality; Child discharged to foster care; Missed opportunity; difficult to call in this case; courts were petitioned

NF-09-14-C:

- Six year old child with asthma. Unsubstantiated; no system failures.

NF-25-14-C:

- Four month old male with red and swollen scrotum taken to ER by mother and boyfriend. Numerous injuries noted and child transported to ICU at Kosair.
- Hospitalized nine days, underwent placement of drains by neurosurgeon, abusive head trauma, multiple bruises, septal hematoma, trauma to genital area.
- Mother said infant's facial injuries were self-inflicted by a toy given to him by relative.
- Mother indicated boyfriend was only alone with infant for 5 minutes that day. She noted his diaper was on backward when she came back from getting the mail. Gave different histories during interviews.
- Boyfriend indicated baby had not been well for several days and said the mother changed the diaper.
- Permanent custody of mother's first child given to maternal aunt.
- HANDS involved and had made a home visit two days before this incident occurred.
- Birth hospital teaching is preprinted paper of instruction to not shake baby, etc.
- People reported issues after the fact that should have been reported prior. Mother had significant cognitive impairment and IQ of 66. Long term depression and anxiety reported.
- Family history of DCBS involvement. Mother was removed from her home as a child due to unsuitable and unsafe living conditions.
- Physical abuse; abusive head trauma.

- Recommendation for hospital model for low-functioning mothers to receive wraparound services and follow-up.

NF-36-14-NC:

- Child overdosed on oxycodone; great grandmother's medication was a different color than those ingested by the child. Mother was dishonest during investigation.
- Child had a urine drug screen; no one sent an admission blood level to a toxicology lab to find out levels. Should be standard operating procedure if overdose is suspected.
- Supposedly going to bed at 6:30 pm, turns on light and finds quarter inch pill stuck in a hotdog. Possible intentional act to give the child medication rather than the child accidentally ingesting it.
- KASPER's on family members would be beneficial to do in cases like this. KASPER reports should be on list of topics for June summit meeting.
- Supervisory neglect; other category.

Group 2: (Adams, Currie, Crittenden, Goins, Mayfield, Taylor)

F-14-14-NC:

- Six day old cosleeping with mother. Unsubstantiated. No review necessary per analyst and Dr. Currie.

NF-01-14-NC:

- Five month old admitted to UK Medical Center with injuries consistent with abusive head trauma.
- Father turned self in and was charged with criminal abuse 1st and indicted by grand jury.
- Substantiated physical abuse.
- Father recently discharged from military after two deployments to Afghanistan and was child's primary caregiver.
- No prior CPS or criminal history with family; negative drug testing for both parents.
- Possible PTSD; need for mental health assessments.
- Recommendation for military personnel to receive training on abusive head trauma, etc. Community outreach in areas surrounding military bases. Contact with Veteran's Affairs regarding outreach. Veteran's courts may be access point also.

NF-10-14-C:

- Requested medical records now uploaded into SharePoint

NF-15-14-C:

- Two year old had been with mother's boyfriend; BF had lengthy criminal history and drug issues (heroin); Law enforcement and DCBS worked well together; BF charged with criminal abuse; substantiated against mother for inappropriate caregiver

Group 3: (Griffith, Hall, James, Reid, Nichols)

F-03-14-C:

- 16 year old suicide by hanging.
- Prior hospitalization; multiple psychiatric placements; extensive DCBS history; in the care of foster parents at time of death.
- Substantiation based on lack of supervision. There was a suicide prevention plan in place.
- Delay in disappearance being reported. Dr. Corey stated that a person is dead within four minutes of hanging; therefore, it would be hard to prevent.
- Panel members did not consider this supervisory neglect and labeled this death as "other".

NF-12-14-C:

- Supervisory neglect; Dangers of co-sleeping discussed with parents after 1st child's death; this case can be cited for the panel recommendation on mandatory drug testing for care-givers in the unexpected death of a child. Eight month old female; Franklin Co.; Child was left alone in bathtub and found not breathing; Judge Hall reviewed hearing tape requested from last month's meeting;

NF-28-14-NC:

- Four month old male infant displayed twitching episodes after seeing pediatrician; later taken to local hospital and was transferred to UK
- Injuries consistent with abusive head trauma; parents reported no injury or trauma.
- It was indicated the mother suffered from postpartum depression but was not treated or given any resources. Not diagnosed.

- Father was 3rd shift police officer with city of London. Father would work, sleep for a couple of hours and then be the main caregiver for infant while the mother worked.
- Lack of law enforcement involvement/investigation; no prosecution.
- Request KSP records.
- Juvenile case is still pending; family has never cooperated with case plan, therefore, no services provided. Adjudication has been continued four times with parents wanting to find an expert witness. Next set for June 5, 2015.
- Failure of law enforcement and prosecutors. Court outside timelines. New judge has inherited case and has commented on time issue. Special prosecutor also on case which can cause delay.
- Abusive head trauma; physical abuse.

Group 4: (Oldham, Shepherd, Jeffries, Grubbs, Pittenger)

F-12-14-C:

- Four month old found unresponsive by mother; co-sleeping.
- Baby's twin sibling died two months prior from co-sleeping.
- CPS could not initially get records from law enforcement for either case.
- Requested and received law enforcement records for both cases; interviews show that CPS and law enforcement both discussed risks of co-sleeping with parents.
- Noted in records that there was a verbal safety plan for no co-sleeping also.
- Unsubstantiated; comment in case noted there is no law against co-sleeping.
- May need to rethink how cases are substantiated or unsubstantiated.
- Over half of sleep related deaths in Kentucky and nationally are due to co-sleeping.
- Neglect; co-sleeping.

NF-04-14-C:

- Seven week old infant presented to outlying hospital; father called 911 after he woke him from a nap and infant was limp and unconscious.
- Father confessed to bouncing him on bed and hit head and then spanked him. Also confessed to other head trauma to infant.

- Transferred to Kosair Children's Hospital. Father was restricted from visitation.
- Mother reported that she and the child's father were engaged but did not live together. He lived alone.
- Mother indicated father had PTSD, ex-military, had trouble keeping a job.
- Mother had lengthy history of domestic violence in relationships as the aggressor. History of drug and alcohol abuse.
- Mother also had a six year old daughter from previous relationship.
- Abusive head trauma and bruising. Also had kidney abnormality at birth; mother reported her drug & alcohol abuse to obstetrician but no intervention.
- DCBS petitioned court for removal but child remained with mother against DCBS recommendations. In depth safety plan with mother. Court supported the finding of neglect.
- General education of public on responsibility to report suspected child abuse if physical injuries are present.
- Physical abuse; medical neglect.
- Systems failure, no referral for mother with reported drug and alcohol issues.

NF-13-14-NC:

- Two and half year old female presented to local hospital by EMS. Playing with three year old brother in backyard. Mother putting away groceries and watched through window in kitchen. Brother playing with rope and mother sees daughter hanging by rope on slide.
- Child was fine upon arrival at hospital. No CPS history; no criminal history.
- Substantiated neglect, lack of supervision. Case closed with after care plan.
- No systems failures; no substantiated neglect. Commissioner James will review.

The next meeting will be held on July 20, 2015. With no further business to discuss, the meeting was adjourned.