

CHILD FATALITY & NEAR FATALITY EXTERNAL REVIEW PANEL
NOVEMBER 17, 2014

Members Present: Judge Roger Crittenden, Chair; Judge Brent Hall; Joel Griffith, Prevent Child Abuse Kentucky; Tina Webb for 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; Dr. Jamie Pittenger, Child Abuse Pediatrician, University of Kentucky School of Medicine; Dr. Kim McClanahan, CEO, Pathways, Inc.; 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: Senator Julie Denton, Representative Tom Burch, Dr. Tracey Corey, Dr. Blake Jones, and Nicky Jeffries. (Additionally, there is one vacant position on the panel.)

Judge Crittenden began by welcoming panel members and introducing a new member, Major Eddie Johnson, KSP. The panel then began discussion of the assigned fatality case.

F-16-14-C

- Murder of a thirteen year old boy by the mother's boyfriend who also killed the mother and himself.
- The older two children were not in the home and not involved.
- There was domestic violence but it was related to the natural father in the past. Last contact between the Cabinet for Health and Family Services and this family was four years prior.
- Typical complicated divorce with custody issues.
- Older child alleged to have been sexually abused.
- Two of the children placed with biological father.
- Social worker's report noted the victim had said he was not disciplined very much because he did not violate the rules very often.
- One comment in custody case from the judge that said the youngest child had not been heard.
- Was there a children's advocacy center (CAC) interview of the child who was sexually abused? Did not appear that there was any type of referral to the CAC which might have been appropriate.
- Cabinet's work with the family and the custody case was very thorough and very child focused.
- Mr. Griffith questioned the appropriateness of giving Cabinet child welfare staff the role of the mediator or monitor in contentious custody disputes. The limited Cabinet

resources should be focused on child welfare issues, not custody issues. Ideally, there should be an agency or service available to the court so limited child welfare resources are not utilized in these types of cases. Judge Hall responded that many times the two are so closely intertwined and you cannot tell what is bad parenting and dangerous to the child vs. two adults wanting their own way.

- Ms. Tina Webb, CHFS, commented that there was a CAC interview in the service recordings; however, the child refused to speak. Judge Hall noted it was the child's post on social media that called into question the allegation of sexual abuse. Ms. Currens noted that children's posts on social media are sometimes for the purpose of what they need to say for their peer group but not necessarily the truth.
- Paramour was not included in any negotiations and should have been. Any adult individual in the cases should be included. Ms. Oldham noted there is no legal jurisdiction to involve a boyfriend.
- Custody issues and appearance of domestic violence in both relationships.
- Mental health box checked on form but nothing in summary that suggested any mental health involvement at all. Was checked due to a history given. Should checking those boxes be restricted to only the perpetrator or only the child or to any of the people in the child immediate vicinity? Listed under family and household risk so all should be included. For data collection purposes, there should be a four category under mental health section for "not indicated".
- No mental health records but documented that the children were talking with someone. Under history, document better. Include more in the summary about why the box is checked. Include subsection that is mental health/substance abuse history.
- Categorize as physical abuse or create another category? Fatality that resulted from physical abuse. Risks that contributed are domestic violence and mental illness. List as a subcategory of domestic violence murder suicide under physical abuse and also include a category for abusive head trauma under physical abuse.

Mr. Griffith commented that it should be considered to track time from the initial incident to the time the assessment is completed. Dr. Currie inquired what document in the DCBS record is the key document to find the date the assessment was completed. He noted it is the date where the CQA was approved or date on the letter of finding. Ms. Webb commented that it is now the Assessment Documentation Tool (ADT).

Dr. Currie noted that Commissioner James had requested the panel review this particular case and inquired if there was any specific issue of concern. Ms. Webb responded that they had been asked to attend the last Health and Welfare Subcommittee meeting where the father in the case testified and intends to have legislation proposed as a result of this case requiring DCBS staff do unannounced home visits. She noted the father believes unannounced home visits were the missing piece to this case. Dr. Currie agreed that unannounced home visits are an excellent tool

that can be used in lots of situations but did not think that it would have been useful in this case. Judge Hall noted that last Cabinet involvement was three years prior.

Judge Hall reported on F-20-13-C, an infant fatality case that had resulted in two hung juries did end with a guilty plea by the biological father.

Dr. Currie inquired about any additional comments regarding the summary prepared by the analyst. Ms. Oldham commented that it was very helpful and comprehensive. Mr. Griffith inquired about comparing what was prepared with what is done by other states and is it consistent with what they are doing. Dr. Currie suggested having Ms. Holleran research and compare with other states. Judge Crittenden agreed and suggested looking at Michigan and couple of other states.

Mr. Cannady gave a financial report stating that the panel has spent \$40,000 in personnel costs. He noted he is in the process of purchasing a laptop to use during the meetings to collect data for which there will be a \$70/month charge. He stated that SharePoint will cost \$300/month and there will be a one-time charge of approximately \$3200 from the Commonwealth Office of Technology for the development of the data tool. Judge Crittenden asked to have a timeline at the January meeting that shows how much will have been spent for the fiscal year. Mr. Cannady noted that they are still trying to decide how much time is involved for analysts that are reviewing cases. Judge Crittenden commented about sending some panel members to Michigan to observe their meetings if funds are available.

Mr. Cannady gave an update on staffing. Sue Hilburn was introduced as an analyst for the panel. Mr. Cannady noted that the analysts have been assigned twenty-four cases to review. He noted that one of those cases is 3,000 pages. He noted that it took Ms. Hilburn approximately six hours to review one of the cases and it was budgeted for four to five hours so adjustments may need to be made after the new fiscal year. Mr. Griffith inquired if it would be possible to get the summaries a couple of weeks before the meeting. Mr. Cannady remarked that is the intent and possibly to get them to panel members as they become available.

Judge Crittenden noted that the panel was contacted about providing an intern to the panel. Mr. Cannady commented that they are paid a \$2500 stipend. A student has been selected from Campbellsville University. The staffing committee has approved the intern. Mr. Cannady commented that they plan to use the intern to assist with data collection and organization.

Ms. Currens distributed material regarding domestic violence to the panel. (Copies are available upon request.) She noted that the KASAP Conference is held in December and invited panel members to attend. Judge Crittenden inquired about training for the groups involved in the cases. Ms. Currens remarked that there are training requirements for those groups.

Dr. Vicki Montgomery gave a presentation regarding focusing on systems issues as they pertain to case analysis. (Presentation available upon request.)

The panel discussed the annual report and made numerous suggestions for changes/additions to the initial draft distributed. Judge Crittenden asked panel members to email requested information to Ms. Holleran for completion of the report.

The next meeting will be held on January 26, 2015. With no further business to discuss, the meeting was adjourned.