

JUVENILE JUSTICE OVERSIGHT COUNCIL

September 16, 2015
Capitol Annex, Room 149

Members Present: Senator Whitney Westerfield; Secretary J. Michael Brown, Justice & Public Safety Cabinet (JPSC); Commissioner Mary Begley, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services (CHFS); Commissioner Teresa James, Department for Community Based Services, CHFS; Commissioner Bob Hayter, Department for Juvenile Justice (DJJ), JPSC; Laurie Dudgeon, Director, Administrative Office of the Courts (AOC); Ed Monahan, Department of Public Advocacy (DPA); Honorable Lisa Jones, Chief District Judge; Lieutenant Shara Parks, Louisville Metro Police Department; Steven Gold, Henderson County Attorney; and Dr. John Sivley, Clinical Director, LifeSkills, Inc.

Members Absent: David Wickersham

Staff Present: Yvonne Board and Marlene Mundine

I. Welcome/Call to Order and Approval of Minutes

The meeting was called to order by Senator Westerfield who welcomed members and guests. Senator Westerfield called for a motion to approve minutes from the August 13th meeting. Minutes were approved as submitted.

II. General Discussion

Psychotropic Medication/Foster Care

Commissioner Hayter noted that last year DJJ spent \$26,000 on psychotropic medications. He stated the amount spent this year is down to \$5000 due to the changes in population. Commissioner Begley noted CHFS has a team that is working closely to track numbers from all claims paid thru Medicaid. She stated they are looking specifically at children who are in foster care. She recommended having Dr. Brenzel and Dr. Langefeld present information to the council. Senator Westerfield asked Commissioner Begley to invite them to present at the next meeting. He inquired if the use of psychotropic medications is being addressed from a prescribing standpoint. Commissioner Begley responded that Dr. Brenzel and Dr. Langford will be able to give a more informed answer regarding that issue but in dealing with foster care parents who are struggling with behaviors in children, and teachers who are dealing with children who are disruptive to the classroom, these medications are often prescribed. She commented there are alternative methods to treat behaviors thru behavioral analysts, sensory interventions, etc. She stated that she feels many physicians practicing do feel pressure from the parents, teachers and foster parents to prescribe medications. She also noted some physicians

still believe the way they were taught years ago that the first line is medication administration. She stated that education is needed as it is a very difficult thing to go in and challenge the way a physician practices. Dr. Sivley stated that it is a very complicated issue and noted his agreement with Commissioner Begley. He indicated the same discussion is occurring internally within his own agency. He noted that they try to encourage behavioral health interventions first. He stated they were audited by a managed care company last week that told them the first line of treatment for ADHD was medication and questioned why they were not doing that. He stated they challenged that as they do not believe that is the first line of treatment. He commented that belief is widespread for children with behavioral health issues and it is not true. He noted that everyone will agree that medications are overused, with children in particular, as medications are quicker and a lot less work. Commissioner James noted that there are a limited number of child psychiatrists in Kentucky and as a result you are using general practice family physicians that may not have the same level of training and expertise.

Residential Treatments and Inpatient Care

Commissioner James noted there is a big push on the federal level to have a reduction of the number of children who are in residential care and a reduction in the time they are kept there. She stated that federal outcomes indicate children that are in more homelike settings have better outcomes overall. Commissioner James and Commissioner Begley noted that CHFS has been working on this issue.

Racial Disparity Breakdown by Region

Senator Westerfield stated he would send the racial disparity report breakdown by counties that he received from Deputy Commissioner Johnson to council members for their review.

Senator Westerfield recognized Pastor Palmer and asked him to share information about a study on school suspensions. Pastor Palmer shared information regarding a study of school suspensions and expulsions in which thirteen southern states including Kentucky were responsible for over half the nation's suspensions and expulsions of African Americans. Pastor Palmer stated that he would provide the study to Senator Westerfield. Mr. Monahan asked Pastor Palmer if he recommended legislative action for Kentucky. Senator Westerfield and Pastor Palmer indicated the process has started.

Secretary Brown noted it appeared from speaking with Commissioner Johnson and others, the actual adjudications are coming from a small number of areas and, given that kind of targeted information, that is where assets should be focused. Senator Westerfield agreed.

Day Treatment Students vs KECSAC Funding Eligibility

Commissioner Hayter confirmed that language must be changed to allow the funding eligibility as the current language excludes the day treatment students.

III. Agency Updates

Commissioner Hayter reported for the Department of Juvenile Justice. He stated that the department's population had been at less than 100 and is now back up to 132 which is less than 50% capacity; however, there does seem to be a steady increase.

Senator Westerfield noted that David Wickersham has changed positions within the Department of Education and therefore will no longer be the representative on this council.

Ms. Dudgeon reported for the Administrative Office of the Courts and gave an update on the FAIR team implementation. She noted the teams have heard 460 cases with 20% being resolved outside of court and 27% referred to court for a hearing. She also commented on barriers they are seeing in trying to get services to families in communities. She noted the biggest struggle is in the first 48 hours of trying to identify some of the services that are needed. She stated they are in need of crisis intervention programs in many jurisdictions across the state. Senator Westerfield inquired if AOC could provide information on areas where those are needed. Ms. Dudgeon stated the information will be available in the report as it identifies those issues and the information is available by county.

Commissioner Begley reported for the Department for Behavioral Health, Developmental and Intellectual Disabilities. She noted they are in the process of retraining RIAC's and addressing service gaps for children such as transportation, after school programs, and also to make sure that individuals know how to make referrals to providers. She noted they are also getting ready to implement the high fidelity wraparound for kids that have severe needs. Senator Westerfield inquired how the department is making the assessment for what communities need particular services. Commissioner Begley stated that members of the RIAC's are on the FAIR Teams and they will be able to determine the needs. She also indicated they are discussing conducting community assessments to determine where the barriers are and RIAC's will help find some of the resources.

Commissioner James reported for the Department for Community Based Services. She stated that the FAIR teams are going well for DCBS staff. She stated they are trying to get regional staff and local staff to engage with school systems. She also mentioned that DCBS is going through a reorganization which will help the protection and permanency side. She indicated they have hired four additional service region administrators for a total of thirteen. She stated that four of those will be doing only family support supervision and oversight while the current nine already in place will focus on permanency and protection.

Senator Westerfield inquired about the response to Mr. Gold's presentation regarding SB 200 at the prosecutor's conference. Mr. Gold remarked that most of the comments were positive. He noted that there may need to be work to clarify some of the ambiguities in the statute about how a FAIR Team works and what happens when there is no consensus.

Dr. Sivley commented that while there has been an adversarial relationship between community mental health centers and private providers, much of that has been resolved with the introduction

of managed care to Kentucky and with SB 200. He stated that many kids that have been previously in DJJ custody or residential type facilities are now being pushed back to the community, appropriately so. He noted that he is seeing more ability for private agencies and community health centers to work cooperatively. He stated that the FAIR teams are helpful with that process.

Ms. Stafford stated that Rowan County has been a proactive district long before SB 200. She noted that each school has a service team very similar to FAIR teams. She stated that at the middle and high schools, the court designated worker has been a member of that team for many years. She noted that rarely was a case ever referred to court. She commented that in addition to working at the public school, she is also a school and district administrator for two residential facilities, a DJJ facility and a DCBS facility. She stated one thing that is a concern is the mindset that they are seeing with students coming in to the facility. She stated they have are now coming in with the mindset of doing time rather than completing treatment. She also commented on the need to address the language change this upcoming session for day treatment funding for students.

Mr. Monahan inquired about the data collecting process and a timeframe for seeing the data. Senator Westerfield inquired with Rachel Bingham, AOC. Ms. Bingham stated changes have been made in their case management system to be able to address some of the needs. She noted training has been provided to judges and clerks regarding forms and they will go back and do more training, particularly with clerks to insure they understand the necessity to complete the forms. She also commented that in regard to the FAIR teams, they feel confident to be able to show the progress of those teams. She noted that in regard to the collaborative collection of data between agencies, there is work to be done to determine the proper place for that. Commissioner Begley suggested bringing to the council the data available now. Senator Westerfield asked Ms. Bingham to present that information at the next meeting. Mr. Gold referred the council members to take a look at information available at www.juveniledata.georgia.gov as they have a central repository for their data.

IV. Adjourn

The next meeting will be held at 10:00 a.m. on Thursday, October 22, 2015. With no further business to discuss, the meeting was adjourned.