

Child Fatality and Near Fatality External Review Panel

Virtual Meeting

Tuesday, October 19, 2021

MINUTES

Members Present: Judge Melissa Moore Murphy, Chair, Hon. Dawn Blair, Assistant Hardin County Attorney, Co-Chair; Judge Libby Messer, Fayette Family Court; Deputy Commissioner Lesa Dennis, Department for Community Based Services, Janice Bright, RN, State Child Fatality Review Team; Dr. Christina Howard, Child Abuse Pediatrician, University of Kentucky; Lori Aldridge, Executive Director, Tri County CASA; Dr. Elizabeth Salt, Citizens Foster Care Review Board; Dr. Henrietta Bada, Department for Public Health; Detective Jason Merlo, Kentucky State Police; Dr. David Lohr, Medical Director, Department for Community Based Services; Dr. Jaime Pittenger Kirtley, Prevent Child Abuse Kentucky; Steve Shannon, Executive Director, KARP, Betty Pennington, Family Resource and Youth Service Center and Isela Arras, Kentucky Coalition Against Domestic Violence

Welcome:

Judge Melissa Moore Murphy, Chair

Judge Murphy welcomed everyone to the meeting and introduced Catherine Frye from the Department for Public Health. Catherine provides technical assistance to the local child death review teams and will be joining our meetings to share any additional information. We are happy to have her join our team. Dr. Currie is not able to join us today, and we will be moving the NF-056-20 case to the November agenda. Judge Murphy asked if anyone had any changes to the minutes or case summaries. With no changes, Dawn Blair made a motion to approve the minutes and case summaries which was seconded by Dr. Elizabeth Salt. Minute and Case Summaries stand as submitted.

To the next item of business regarding the LRC presentation that was completed on the 14th of this month to the Legislative Oversight Committee. Thank you is not enough to Dr. Salt, Dr. Currie, Dr. Kirtley and Steve Shannon. The testimony of these individuals really showed the power of what we do, the importance of what we do, and that it is necessary. The panel needs more money and additional support. One of the bigger questions when it started was what is the purpose of this panel if the recommendations are not being followed once they are presented annually. We come together every year and review these tough cases and make these recommendations, but we don't have the ability or the authority to make any agency or department do anything further. It sounds as if, there was a lot support that came from the legislative committee.

Dr. Salt: I thought it was a really productive meeting. As you mentioned, it did start off on a contentious note, but we were able to move it forward to a place where we were all working towards the same goal. I think there was support for that and we need to help those Senators that are interested in moving the recommendations forward. Overall, it was a good meeting.

Judge Murphy: Here a couple of questions from the committee:

- 1.) They requested a dollar amount needed to implement the panel's recommendations and programs. We're not sure if it's just what our recommendations entail or additional staff for the panel. We are under the Justice Cabinet and they absorb the cost of our current staff. Elisha has been working with the Cabinet's budget staff to look at those numbers and get a request submitted.
- 2.) Does the panel think legislatures should include requirements that the panel's annual recommendations go to a specific cabinet or agency and provide a six-month deadline to finalize efforts and then report progress back to the legislative oversight and investigations committee?
- 3.) Rep. Blanton requested the number of child fatalities and near fatalities reviewed by the panel for 2018 and 2019. Elisha will provide those numbers in our written response back to the committee.
- 4.) Rep. Fleming asked about the psychological autopsies and requested background information. Dr. Currie provided an adequate response during her testimony, but we will provide a written response as requested. Elisha will reach out to Beck Whipple to ensure this topic is covered appropriately. If anyone has any additional information, please get that to Elisha as soon as possible.

Most of the discussion during the committee meeting surrounded the panel having a line-item budget appropriation. We are at the mercy of the Justice Cabinet. Since I've been on the panel, each Cabinet Secretary has been supportive of the work. They provide the salaries of our current staff; however, we have discussed the need for additional staff. To that note, budget submittals are due on November 1st and this is our last meeting before that deadline. As I've said, Elisha has been meeting with the budget staff to finalize those numbers but if there's any additional request we need to discuss those today. As Dr. Salt pointed out during the committee meeting, the panel would need at least 5 analysts if we were to expand our data tool further.

Elisha: I would like to have the panel's feedback on additional staff. I think the panel can certainly utilize another full-time case analyst position but I'm not sure there would be enough work for a full-time epidemiologist position year around. Maybe we should explore utilizing another contract position similar to Cindy's position. However, I have the numbers finalized to include both full-time positions and that would put the panel over \$500k a year. Again, it's worth asking for that amount which includes additional operating cost if we can meet in person next year. The overall operating cost would include meeting space fees, catering services and training cost.

Lori Aldridge: If the six-month follow up with the specific agency is implemented, that could be another full-time position on its own considering all the cases.

Elisha: If I'm not mistaken, the six-month deadline follow up would go back to the legislative oversight committee for review. So, the agencies that we issue these recommendations would be responsible for reporting back to that legislative committee on the follow-up. Judge Murphy and I discussed this, and our only concern is if we issue these recommendations to a specific cabinet or department and those recommendations become another unfunded mandate.

Judge Murphy: My point in that, a recommendation we make every year is to implement a family drug court of some sort. Now we can send the recommendation to Chief Justice Minton for implementation but without additional funding it's just not possible. We must be able to balance the request with the additional funding it would cost to implement. There is benefit in gaining the insight and perspective from the agency without mandating an implementation.

Dr. Howard: I feel like the epidemiologist would get the bulk of their work at the end of the year. I almost feel like that could be a contracted type of position.

Panel agreed to request another full-time case analyst position and the ability to contract an epidemiologist position.

Elisha: How does the panel wish to respond on the six-month requirement for the agencies to respond to the legislative committee on follow-up?

Dawn Blair: If we make a recommendation to an agency and they are not required to report back to anyone, those recommendations just fizzle and die. If there's a report back, their response could be we don't have the funding, but it keeps the focus on the recommendations. It would not necessarily be a mandate on the agencies, but they would have to issue a response.

Dr. Salt: I agree, I think one of the main points during the meeting was accountability and that would be some form of accountability. I think this could be an initial first step to move the needle and make change.

Elisha: I will add as well, Sen. Carroll was very adamant about carrying a bill that would require law enforcement to drug test at the time of a child fatality or near fatality. Steve Shannon and I have discussed working on this but if anyone else would like to help please let me know. Dawn Blair, Det. Merlo, Dr. Howard, Lori Aldridge and Dr. Salt will assist in these efforts as well.

Judge Murphy: It sounds as if everyone agrees on the budget recommendations. As you know, its coming to that time of the year for recommendations and we all agreed at the beginning of the year if a recommendation pertains to your area of expertise, we will discuss that with those agencies and report back. We need to explain the why for that particular recommendation and then discuss the barriers within that particular department.

Steve Shannon: Overall I thought the committee meeting went well. I felt like the members of the committee were supportive and felt they let us all down. We will see what happens but overall, I thought it was good.

Judge Murphy: Again, just want to thank each of you for representing the panel so well.

Dr. Howard: I just want to add one more thing, when we make these recommendations, they may not work all the time. Whatever we recommend it might not be something that should be implemented moving forward and that would provide us with that feedback.

Judge Messer: Exactly, we all talk about the recommendation for family drug court but in my world the shift is now moving towards START. So, it may be that by giving these recommendations to a specific agency and requiring them to report back that we get better feedback. It may provide us with information that allows to make more realistic recommendations to implement. I think it's a good idea to give these specific agencies our recommendations, require them to look at them and provide a proper response by a deadline. Even if the answer to the legislative committee is no, or this is what we're currently doing, it would provide us some additional feedback.

Pending Case:

NF-090-20 – In-home service provider issues were included as a missed opportunity.

Case Review:

The following cases were reviewed by the Panel. A case summary of findings and recommendations are attached and made a part of these minutes.

<u>Group</u>	<u>Case #</u>	<u>Analyst</u>
2	NF-111-20-C	Joel Griffith
1	F-020-20-C	Joel Griffith
3	F-016-21-C	Joel Griffith
1	NF-020-20-C	Joel Griffith
2	NF-057-20-C	Joel Griffith
2	NF-105-20-C	Joel Griffith
3	NF-099-20-C	Joel Griffith
3	NF-037-20-C	Cindy Curtsinger
4	NF-044-20-C	Cindy Curtsinger
1	NF-115-20-C	Cindy Curtsinger
4	F-055-20-PH	Cindy Curtsinger
1	NF-077-20-C	Cindy Curtsinger
2	NF-012-20-NC	Cindy Curtsinger
3	NF-060-20-C	Cindy Curtsinger
4	F-061-20-PH	Joel Griffith
1	NF-028-20-C	Joel Griffith
2	NF-032-20-C	Joel Griffith
3	NF-114-20-C	Joel Griffith
3	NF-119-20-NC	Joel Griffith

Meeting adjourned