

MINUTES

of the

Blue Ribbon Panel-Child Death Review Meeting

Held on

December 14, 2006

at

Garden Court Room
Rancho San Rafael Regional Park
Wilbur D. May Museum
1595 North Sierra Street
Reno, Nevada 89503

1. Call to order

Justice Deborah Agosti, Chair of the Blue Ribbon Panel-Child Death Review (BRP-CDR or Panel), called the meeting to order at 10:20 a.m. In her opening comments, Justice Agosti gave a brief history the BRP-CDR, including Clark County's current standing.

Blue Ribbon Panel Members present:

- Justice Deborah Agosti – Senior Justice Nevada Supreme Court
- Assemblyman Bernie Anderson
- Commander Steve Asher – Sparks Police Department
- Stu Fredlund – Children's Advocacy Alliance
- Denise Montcalm, Ph.D. – University of Nevada, Reno, School of Social Work
- Assemblywoman Bonnie Parnell
- Lieutenant Wayne Yarbrough – Washoe County Sheriff's Department

Members absent:

- Dr. Eric Albers – Commission on Mental Health UNR

National Expert Panel Members

- Karel Amaranth, Executive Director, Butler Child Advocacy Center, Children's Hospital at Montefiore (Bronx, New York)
- Teri Covington, Director, National Center for Child Death Review
- Robert Farr, CPS Supervisor, Kent County Department of Social Services (Grand Rapids, Michigan)
- Clay Jansson, Detective/Sergeant, Oakland County Sheriff's Department (Pontiac, Michigan)

- Gregory Schmunk, M.D., Polk County Chief Medical Examiner (Des Moines, Iowa)

Staff and guests:

- Mike Capello – Director, Washoe County Social Services
- Pat Hedgecock – State of Nevada Division of Children and Family Services (DCFS)-Rural Manager
- Barbara Legier – Deputy Director, State of Nevada Division of Children and Family Services (DCFS)
- Doug Lyon – Organizational Effectiveness Administrator, Clark County Manager's Office
- Chrystal Main – Social Services Chief Systems Advocate - Division of Children and Family Services (DCFS)
- Cynthia Pyzel – Chief Deputy Attorney General
- Fernando Serrano – Director, State of Nevada Division of Children and Family Services (DCFS)
- Ruth Urban – The Urban Group (BRP-CDR Panel Facilitator)
- Mike Willden - Director State of Nevada Department of Health and Human Services (DHHS)

2. Approval of minutes of November 30, 2006

Justice Agosti asked for a motion to approve the minutes of November 30, 2006 as submitted. However because of she and Mr. Fredlund were the only members present from the November meeting she asked that the Panel provisionally approve the minutes.

MOTION: Made by Stu Fredlund, seconded by Lieutenant Wayne Yarbrough, to provisionally approve the minutes as submitted.

UNANIMOUS VOICE VOTE; MOTION CARRIED.

3. Introduction of new Blue Ribbon Panel Members – Fernando Serrano, Division of Child and Family Services

Justice Agosti recognized Mr. Fernando Serrano, Director, State of Nevada Division of Children and Family Services (DCFS), who introduced the new Panel.

Mr. Serrano shared the history of the Panel in Southern Nevada and explained the Panel's duty was to provide a corrective action report. He thanked the new Panel members for their services. He provided a brief background of information on the members as follows:

- Justice Deborah Agosti, Chair – Senior Justice Nevada Supreme Court
Justice Agosti has been the BRP-CDR Chair since its inception. Justice Agosti retired from the Nevada Supreme Court in 2004, where she was first elected in 1998. Previously, Justice Agosti was elected Justice of the Peace in Reno in 1982 and then served as Washoe County District Court Judge from 1984-1998. Justice Agosti is a faculty member of the National Judicial College and past president of the Nevada District Judges Association.
- Stu Fredlund – Children’s Advocacy Alliance
Mr. Fredlund retired from the Nevada Division of Child and Family Services in December 2003, having served as District Office Manager of Child Welfare Services for southern Nevada for most of his career with the State. Currently Mr. Fredlund is a board member of the Children’s Advocacy Alliance and coordinates the Wednesday’s Child program for the foster children of southern Nevada.
- Denise Montcalm, Ph.D. – University of Nevada, Reno, School of Social Work
Dr. Montcalm is the Director of the School of Social Work at the University of Nevada.
- Commander Steve Asher – Sparks Police Department
Commander Asher has been in law enforcement for over 20 years, and as Commander oversees the family violence section and major crimes.
- Lieutenant Wayne Yarbrough – Washoe County Sheriff’s Department
Lieutenant Yarbrough has been with the sheriff’s department for over 18 years and is currently with the Detective Division; which has three units: Crimes vs. Persons, Crimes vs. Property, and Crimes vs. Juveniles.
- Assemblyman Bernie Anderson
Assemblyman Anderson serves as the State Assembly Judiciary Committee chairman and recently retired, after 33 years, from teaching Social Studies.
- Assemblywoman Bonnie Parnell
Assemblywoman Parnell has served the Chair of the State Assembly Committee on Education and was a member of the Health and Human Services Committee and Government Affairs Committee during the last legislative session. She has 23 years of experience teaching.

The final member, Dr. Eric Albers with the Commission on Mental Health UNR, was unable to attend today’s meeting. Dr. Albers is an Associate Professor in the School of Social Work at the University of Nevada. He is currently as Chair to the Commission on Mental Health and Developmental Services for the State of Nevada.

Justice Agosti thanked Mr. Serrano (DCFS) and opened agenda item four.

4. Introduction of members of the National Expert Panel to review Child Death and presentation of the report by the specialists on specific child deaths in Washoe County and Rural Nevada – Barbara Legier, Division of Child and Family Services; Teri Covington, National Maternal and Child Health Center for Child Death Review

Justice Agosti asked Teri Covington, National Center for Child Death Review, and Barbara Legier, Division of Child and Family Services, for an introduction of members belonging to the Independent Child Death Review Panel for Washoe County and Rural Nevada and to explain how they became involved in Nevada.

Barbara Legier (DCFS) introduced Teri Covington, Panel Chair of the Independent Child Death Review Panel for Washoe County and Rural Nevada and Director of the National Center for Child Death Review.

Ms. Legier explained the Federal Government performed an analysis in each state and found that Nevada needed further examination. Eighteen months ago the State determined an action plan that would examine the findings. The State gathered a national expert panel to gain an objective view and they conducted a review of a select set of child deaths.

Teri Covington introduced the Independent Child Death Review Panel for Washoe County and Rural Nevada (Expert Panel) members present as follows:

- Clay Jansson, Detective/Sergeant, Oakland County Sheriff's Department (Pontiac, Michigan)
- Robert Farr, CPS Supervisor, Kent County Department of Social Services (Grand Rapids, Michigan)
- Gregory Schmunk, M.D., Polk County Chief Medical Examiner (Des Moines, Iowa)
- Karel Amaranth, Executive Director, Butler Child Advocacy Center, Children's Hospital at Montefiore (Bronx, New York)

(A complete listing of Expert Panel members can be found on page three of the "Report of Findings and Recommendations Child Deaths 2001-2004" dated December 1, 2006.)

The Expert Panel members thanked Justice Agosti and Director Willden's office for their support.

Justice Agosti thanked them for their contribution and also opened agenda item five, asking that Expert Panel members comment throughout the process of receiving the report.

Teri Covington presented the report titled "Report of Findings and Recommendations Child Deaths 2001-2004" (Report) dated December 1, 2006 to the BRP-CDR Panel. *Ms. Covington reviewed the report page-by-page and repeated almost verbatim what is contained in the Report; therefore the Report is attached to these minutes.*

Ms. Covington began her presentation by stating that one cannot compare Clark County to Washoe County and Rural Nevada. Ms. Covington added the cases were pre-selected by the State's Child Abuse and Neglect Reporting System (CANS). 154 cases were originally selected with 52 cases being reviewed; 37 for Washoe County and 15 for Rural Nevada. (Page six, tables two and three present a breakdown of type and manner of deaths reviewed by the Panel by area.)

Continuing Ms. Covington explained the range in deaths reviewed included a larger number of children over the age of one. (Page seven, tables four and five present a breakdown of number of cases by child age.) The cases included 22 males and 15 females for Washoe County and in Rural Nevada seven males and eight females. The children's racial breakdown is also included in the report.

Ms. Covington said there is selection bias in choosing these 52 cases for review. For example, DCFS believes these cases merit more intensive reviews because of the probable maltreatment and potential systems problems. The 52 children reviewed by the panel probably has a significantly higher proportion of risk factors than the total number of child deaths (452) or the total population of children living in Washoe County and Rural Nevada. Finding that drug and alcohol use by the caregivers and/or exposure to drug use, having a prior substantiated CPS report, siblings, and living in impoverished households were major factors in these cases.

Ms. Covington spoke to the case review process (detailed on page 10, *The Case Reviews*) and mentioned the *Child Death Case Review Instrument* and the *Child Fatality Review Case Abstract Form* (report appendix A). To aid the panel in understanding the context of both Washoe County and Rural Nevada, interviews were held with a key person from agencies having responsibility. A complete list of people interviewed can be found on page 12 of the report.

The Findings and Recommendations are organized according to a continuum of services and activities that usually occur when identifying at risk children and responding to the deaths. (Report page 13)

Assemblyman Anderson thanked the CDR-Washoe Co. Rural NV Panel and expressed concern about not making a comparison between the huge system in Southern Nevada with Washoe County and the rurals. He asked to go back to the types of death reviewed. (Page 6)

Mr. Fredlund said from history on the BRP-CDR and having been a CPS worker he sees similarities between Northern and Southern Nevada system issues.

Ms. Covington, in answer to Assemblyman Anderson's question, said the manner of death was taken from the County Coroner's reports. Dr. Schmunk (Polk Co. Chief Medical Examiner, Des Moines, Iowa) explained that manner of death is a specific category that coroners use. It describes if it is a natural event or accident, homicide, suicide, or death at the hands of another person.

Ms. Covington returned to Findings and Recommendations section of the Report (pages 13, 14, 15 and 16) stating it presents a representation of the types of cases reviewed by the team.

Ms. Covington referred to Item A *Identification of and the reporting to CPS of suspected child abuse and child deaths*; She said while findings in Washoe County show there is a well working system of reporting abuse and neglect, findings in Washoe County and Rurals show there is a lack of understanding of what cases should be reported and a lack of trained/qualified medical personnel and quality medical exams for nonverbal children.

Dr. Schmunk addressed the number of Board Certified Forensic Pathologists, saying there is a need in rural Nevada for trained medical personnel.

Detective/Sgt. Jansson (Oakland Co. Sheriff's Dept., Pontiac, MI) said there is at times a reluctance of law enforcement officials to notify CPS of abuse signs. There is a compulsory reporting to CPS of domestic violence cases, and he encourages that law enforcement establish a policy to notify CPS on every child death, regardless of cause and manner.

Mr. Farr (Kent Co. Dept. of Social Services, Grand Rapids, MI) responded that he thinks every state struggles with this and that continuing education is needed.

Karel Amaranth (Butler Child Advocacy Center, Children's Hospital at Montefiore, Bronx, NY) said that it is important to have a trained pediatrician involved with CPS reports. Dr. Schmunk added that this is a multidisciplinary effort; each organization must talk with one another for each has a different view that will strengthen the services provided.

Ms. Covington referred to Item B: *Investigation by law enforcement of suspected child abuse and child deaths* (page 17) and said the Expert Panel was impressed with law enforcement's quality of death investigation and the excellent working relationships between police and CPS; sighting The Child Protection Enforcement Team (CPET) as an example. She cited the Recommendations of the Expert Panel found on page 18.

Detective/Sgt. Jansson spoke of the importance of communication with CPS. Suggesting that law enforcement from each state is trained in scene protocols of death investigation including reenactment of the death event using dolls.

Ms. Covington referring to Item C: *Investigation by Coroner/Medical Examiner* (page 18), said while outlining the findings, there appears to be a lack of training in death investigation for the coroner's investigators and a need to train deputy coroners in Rural Nevada. Ms. Covington review each of the recommendations listed on pages 19 and 20 of the report.

Dr. Schmunk said that he would like to emphasis the need for training in Rural Nevada, saying the State need to look at funding for this. There is also a need for continuing collaboration between the agencies. He emphasized the difference between a coroner and medical examiner system. He believes the forensic pathologist should make a determination on cause of death.

Assemblyman Anderson expressed concerns about needing legislative action to address police scene investigations. Detective/Sgt. Jansson answered that police scene investigations can be handled by local law enforcement protocols and doesn't need legislative action. Dr. Schmunk added that he doesn't feel legislation will be necessary because law enforcement can follow national standards as guidelines. Detective/Sgt. Jansson said the State of Michigan does mandate that every county have an investigative protocol. Assemblyman Anderson expressed that the Report will present the opportunity to recommend the use of national standards.

Ms. Covington referring to Item D: *Case intake, investigation and assessment by CPS of suspected child abuse and of child deaths* (page 20) said the most significant finding in these cases seems to be the number of times a death was reported to CPS but the intake was accepted as an "information only" event. Also, safety assessments were routinely marked as "safe" even when risk factors were present.

Mr. Fredlund asked about the cases referred to law enforcement and asked if there was a screening process. Ms. Covington said there was no process. Mr. Farr added that Washoe County was already looking into this after Clark County's report came out.

Ms. Covington continued outlining the findings and recommendations (page 21-23) saying that all cases should have been accepted for further investigation.

Ms. Amaranth commented that she strongly suggested siblings (of children who have died) be interviewed and assessed for risk and grief counseling (Recommendation #8) through the development of a Child Advocacy Center. This will also help with sharing information, and mentioned that communication is a challenge.

Ms. Covington continued outlining the findings and recommendations of Item E: *CPS Substantiation of child abuse or neglect* (page 24) and then Item F: *Provision of Services by CPS* (pages 24-26).

Justice Agosti, referred to Recommendation #8, (page 26) and asked for more specific information on the recommendation. Mr. Farr said that it is preferable to have another agency at the State level conduct the review as opposed to CPS because of the appearance of a conflict of interest as they are the ones who licensed and/or approved the foster parents or adoptive parents.

Mr. Fredlund asked about the assessment performed in Michigan; was there difficulty receiving accurate data. One of the Expert Panel members replied there were challenges because of different computer systems being unable to access data.

Returning to the report Ms. Covington outlined Item G: *Actions taken by the civil and criminal divisions of the district attorney's office and the courts* (pages 27-28).

Justice Agosti said that because of the hour, the Panel will take a break and then resume with Public Comment or questions on the Washoe County section of the report. According to the agenda, time will also be allotted for Public Comment concluding the presentation.

Barbara Legier (DCFS) asked to address the Panel. She said that people need to know the next steps for Washoe County are to gather the key stakeholders to review recommendations and form action steps based on the Report.

Justice Agosti invited public comment; recognizing the Dr. Clark (Washoe County Forensic Pathologist), Richard A. Gammick (Washoe Co. District Attorney) and Mike Capello (Director, Washoe County Social Services) as people in the audience.

Richard A. Gammick (Washoe County District Attorney) addressed the Panel saying that stakeholders have met in anticipation of this Report to develop an approach to use this Report to move forward. Stating recommendations of the Report that are

already in effect such as: HUD has provided funding (\$1 million) for a child care center (for child assault cases) that will contain examination and discussion rooms where teams will meet to review cases; there is also the Internet Crimes Against Children Taskforce; standardized child interview protocol to ensure consistency for judges and juries; and 24-hour operations for investigation with the US Attorney's office. Mr. Gammick indicated that there is disagreement with some of the Report's findings and recommendations, but they look forward to seeing what they can change – especially with the reenactment of a child death event (with dolls).

Justice Agosti asked Mr. Gammick to be specific about his concerns regarding the Report's findings and recommendations with which he took issue so they could be addresses while the Expert Panel was present. Mr. Gammick declined to identify specifics, stating he needed more time to study the report. Justice Agosti asked if there were any questions from the Panel. There were no questions from the Panel.

Dr. William C. Torch a Board Certified Pediatric Neurologist from the Neurodevelopment and Neurodiagnostic Center (Reno, Nevada), then addressed the Panel thanking them for this work. He shared with the Panel his personal story of working in the Bronx and then moving to Nevada. After reading the report he has several concerns/comments some of which include a sampling study – saying that it was only the tip of the iceberg not the complete system. Dr. Torch provided child abuse statistics by state, and mentioned that he was writing a book on the subject. He offered his assistance to the Panel.

Justice Agosti asked the Panel if they had any questions for Dr. Torch. Hearing none she recognized the next person. Candace Hunter a Nursing Supervisor for Washoe County District Health Department stepped forward and introduced herself.

Ms. Hunter thanked the Panel for this time and provided her background. She acknowledged it can be difficult for an organization to look deeply at their system but feels that this will benefit all. The Washoe County District Health Department has a long history of collaborating within Washoe County CPS which has improved the system through lowered caseloads for social workers and a standardized approach to child death review among other improvements. She also said that it is important to have enough funding for resources and the necessary legislation.

Ms. Hunter said there is a correction needed on page 19 of the Report that states SIDS referrals for grief counseling are not routinely implemented. Ms. Hunter said this counseling has been available and offered for at least five years. Ms. Hunter said there is also a correction needed on page 37, number 3. She explained that the pediatric nurse works for Washoe County Social Services not the Health Department.

Ms. Hunter said that she was asked by Melissa Krall (Director of Community Outreach REMSA in Washoe County) who wanted to know if there are systems where revisions are made in conjunction with child death review before death determination is made. Dr. Schmunk answered that it can be done by a coroner or a medical examiner, but a good investigation should be conducted before a cause of death is determined.

Justice Agosti thanks Ms. Hunter and then accepted comment from Mr. Capello (Director, Washoe County Social Services) who thanked the Panel for their work. Mr. Capello said that Becky Gephardt is a nurse-practitioner with his department who responds when a social worker (doing a child abuse investigation) in the field requests he. She is not meant to be a criminal investigator.

There were no questions of Mr. Capello by the Panel. Justice Agosti asked for further public comment. Dr. Torch again addressed the Panel saying that on page eight of the report there is a discrepancy in the numbers reported. Justice Agosti said that it may be helpful for him to know that one of the BRP-CDR findings is that record keeping has not been good.

Justice Agosti asked for further public comment. Saying that public comments will again be invited on the full report once Ms. Covington's presentation is completed; there being none she returned to Ms. Covington to present the Findings for Rural Nevada (page 29).

Ms. Covington outlined Item A: *Identification of and the reporting of CPS, of suspected child abuse and child deaths* (page 29). Ms. Amaranth added that a mobile van should be available from the Child Advocacy Center.

To continue Ms. Covington outlined Item B: *Investigation by law enforcement of suspected child abuse and child deaths* (page 30) and stressed that training by the State for rural law enforcement is the most needed element.

Ms. Covington outlined Item C: *Investigation by Coroner/Medical Examiner* (page 31). Dr. Schmunk said the Legislature will have to address county funding issues. Although a state facility is centrally located, the county still pays for the autopsy which may lead to cases not being sent to a state facility because of increased costs for medical testing that private pathologists may not conduct. Dr. Schmunk further said there are two existing facilities (Reno and Las Vegas) and that a system needs to be determined for Rural Nevada. Justice Agosti said the way the rural Drug Courts address this issue could be a model.

Dr. Schmuck asked if a rural case is brought to Washoe County for forensic testing, do they bill for services rendered? Vernon McCarthy, Washoe County Coroner answered that they do bill the County.

Assemblywoman Parnell mentioned that weather conditions may not allow cases to be transferred. Mr. Farr said that he sees Washoe County being a resource for rural counties especially with technology.

Ms. Covington returned to the report outlining Item D: *Case intake, investigation and assessment by CPS of suspected child abuse and of child death* (page 31-33). Mr. Farr added that it is hard to get qualified CPS workers in rural areas thus the positions are not being filled. Mr. Fredlund responded that there is not a 24/7 referral system in Rural Nevada and that is why law enforcement is used.

Ms. Covington outlined Item E: *CPS substantiation of child abuse or neglect* (page 33-34).

Dr. Schmuck added that the vast distances in rural Nevada creates problems for CPS investigations.

Ms. Covington continued outlining with Item F: *Provision of Services by CPS* (page 34-35) and then Item G: *Actions taken by the civil and criminal divisions of the district attorney's office and the courts* (page 36);

Ms Covington then addressed *Overarching Systems Issues* (page 37-38), including *Findings and State-Level Recommendations*; ending with *I. Child Death Review (MDT) Issues, Findings and Recommendations* (page 39-40).

Justice Agosti thanked Ms. Covington and the Panel for this Report; recognizing their level of compassion and dedication to the project. She then asked Ms. Legier to address agenda item number five.

5. Overview of the action planning process in response to the report by the National Expert Panel to review Child Deaths - Barbara Legier, Division of Child and Family Services

Barbara Legier (DCFS) reported that all the entities will be meeting to review the report, analyze its findings and recommendations, and develop an action plan and provide information for the BRP-CDR on how each entity will address the recommendations in the report. She will contact each entity to arrange this meeting.

6. Public comment.

Justice Agosti asked for public comment. She recognized Vernon McCarty, Washoe County Coroner, who thanked the Panel and Dr. Schmuck for their work. He stressed the need for POST (Police Officers Standards Training) training in the rural counties for law enforcement. Justice Agosti asked if he was saying that the State mandate protocols for the rural counties that would assure proper processes.

Mr. McCarty also said there needs to be a medical examiner system, managed by a chief medical examiner, with medical examiners serving the State, north and south, and funding available to have the rural counties served by the north. He mentioned that the State has a program in place to fund crime laboratory services for rural areas where crime lab services are not available. A similar mechanism might also be used to provide for medical examiner services. Training also needs to be in place so a rural county does not automatically send cases to the north when it should also be handling it locally.

Justice Agosti asked if the Panel had questions of Coroner McCarty. Hearing none, she thanked him for his comments and recognized the next person to comment.

Fernando Serrano (DCFS) thanked his staff and Barbara Legier for all her work with the National Experts and Chrystal Main, and added thanks to Mike Willden for his leadership.

Doug Lyon (Organizational Effectiveness Administrator, Clark Co. Mgr's Office) said that he was asked to relay a message from Darryl Martin (Assistant Clark Co. Manager) and Mr. Tom Morton, Director- Clark County Department of Family Service. They were unable to attend the meeting today, but wanted the Panel to know they are concerned and want to support Mike Capello, Mike Willden and Fernando Serrano in these efforts.

Justice Agosti thanked Mr. Lyon, and acknowledged the commitment of the Clark County Commission and their willingness to help.

Ms. Covington stated that she is impressed with the report on change. Mr. Fredlund shared that he has heard from Rory Reid, Chair of the Clark County Commission, and that Chairman Reid will do what is necessary to address this issue.

Mr. Serrano acknowledged the work of Pat Hedgecock (State of Nevada Division of Children and Family Services (DCFS) -Rural Manager).

Justice Agosti thanked everyone involved and for their participation at today's meeting. There being no other persons wishing to address the Panel. Justice Agosti said the next meeting will be by teleconference on January 9, 2007 at 1:30 p.m.

Justice Agosti asked the Panel members for comments of any nonaction items. Lieutenant Wayne Yarbrough said the MCAP team would be pleased to see what is happening on the Panel today. Dr. Montcalm thanked the Panel members. Assemblywoman Parnell added thanks to all caseworkers. Justice Agosti also thanked the Panel for their participation and the National Expert Panel for their work. Mr. Fredlund finished by saying it has been a privilege serving on this Panel.

7. Adjournment

Justice Agosti then adjourned the Panel meeting at approximately 3:45 PM