



Second Look Commission

The Advocate

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A newsletter on children's issues

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Taking a Second Look to Protect Children from Recurring Abuse



Contents

Second Look..... 1
 What the SLC Does..... 5
 Groups Represented 6
 Future of SLC 6

Calendar of Events

Events relating to helping children are available at: www.tn.gov/tccy/webcalen.pdf.

TCCY

For more information on the Tennessee Commission on Children and Youth and its programs, check out the website at www.tn.gov/tccy.

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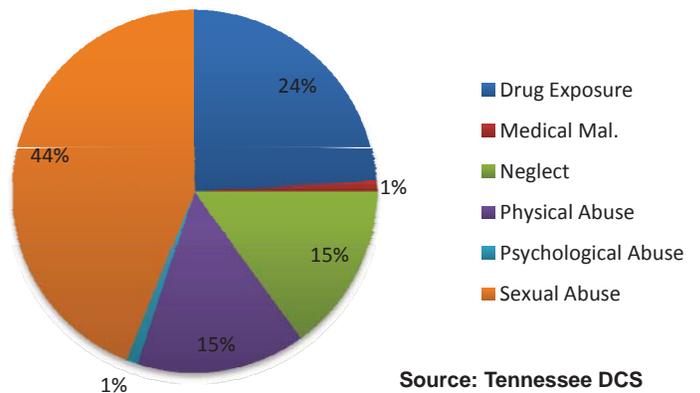
Nothing is more tragic than the severe abuse of a child. Life is even more tragic for some children who experience abuse that necessitates the intervention of Child Protective Services more than once.

The Second Look Commission (SLC), made up of representatives of key stakeholders in

the prevention of and response to child abuse, was created in 2010 to examine cases of children who have suffered a second or subsequent incidence of severe child abuse. The SLC was presented with a list of 675 cases that fit this criteria in FY 2010-11, from which it selected cases to review. The group's purpose is to make findings regarding whether severe abuse cases are handled in a manner that provides adequate protection for the children of Tennessee and make recommendations for addressing the findings. The SLC reviews some of the worst instances of child abuse and neglect in Tennessee and releases an annual report to the legislature with its findings and recommendations.

Many departments, agencies, entities and community members are involved in a wide range of efforts to protect Tennessee's children from child abuse and neglect and properly respond to such abuse when it occurs. All these child advocates collaborate to provide better protection for our children. Despite their ongoing efforts, Tennessee's children are still traumatized by the horrific experiences of repeated incidents of severe child abuse. The SLC report emphasized the need for improved multidisciplinary training for these groups to improve procedures and prevent recurrent severe child abuse.

Types of Child Abuse Experienced in Total Population of Children Experiencing Subsequent Abuse, 2010-11



Source: Tennessee DCS

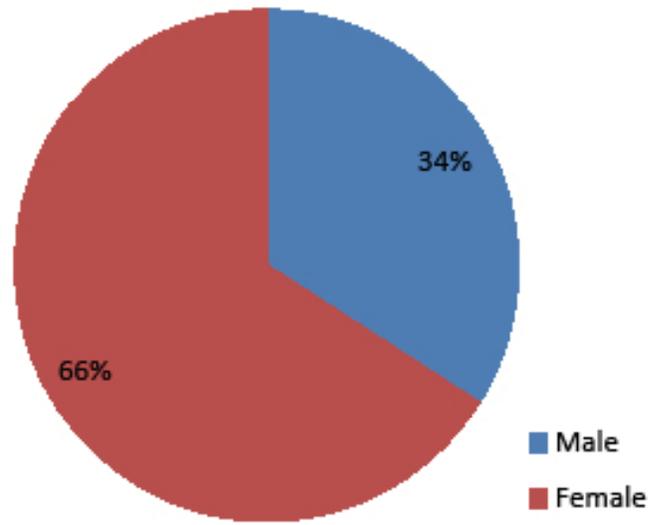
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The SLC’s efforts are important because the future prosperity of any society depends on its ability to foster the health and well-being of the next generation. The basic architecture of the human brain is constructed through an ongoing process that begins before birth and continues into adulthood. Early experiences literally shape how the brain gets built; a strong foundation in the early years increases the probability of positive outcomes. A weak foundation increases the odds of later difficulties.

Chronic stressful conditions such as extreme poverty, child abuse or maternal depression – what scientists now call “toxic stress” – can also disrupt the architecture of the developing brain. This can lead to lifelong difficulties in learning, memory and self-regulation. Preventing child abuse and intervening effectively when it first occurs are keys to avoiding lifelong negative consequences from child abuse, and the SLC was created to help prevent children from facing recurring child abuse.

Over the last two years, the SLC has demonstrated the ability, willingness and desire to fulfill its statutory obligation, and has gone above and beyond in attempting to not just “get it right,” but to function with excellence.

Gender of Children in Total Population of Children Experiencing Subsequent Abuse, 2010-11



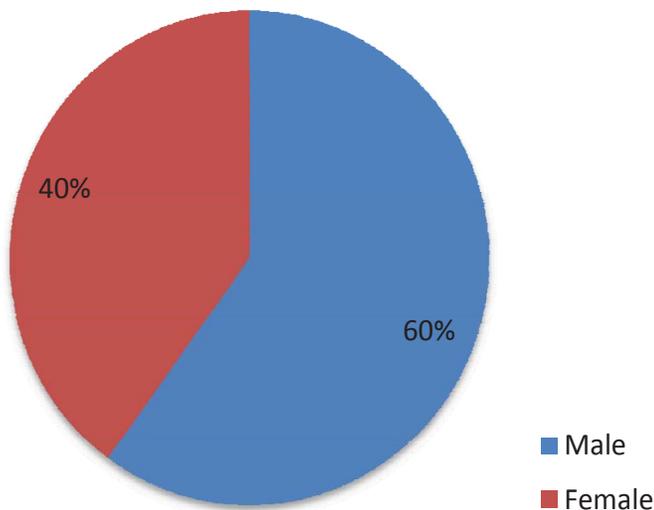
Source: DCS

Findings and Recommendations 2012

Improved Collaboration. The need to strengthen relationships, interaction and investigation and to improve communication and collaboration among stakeholder groups continues.

Explanation. Stakeholders working with drug exposed children should be cross-trained to increase their awareness of other issues that need to be addressed.

Gender of All Children in State Custody, 2010-11



CPORT Data

Recommendations. Develop improved joint and collaborative training for all child abuse investigation stakeholders based on the identification of opportunities to improve practices. Monitor and support, when appropriate, the efforts of In Home Tennessee. This initiative could address additional communications and collaboration issues.

Issue-Driven Investigations. Training should stress issue-driven, rather than incident-driven, investigations.

Explanation. Cases are being closed or efforts terminated before proper services are provided because the incident prompting the investigation was addressed without attention to the underlying issues. In cases reviewed by the SLC, placement determinations were made without full understanding of the family situation, leading to a child

being returned to an unsafe situation. To address this situation, Jon Ebert, an expert who met with the SLC, emphasized the need for engaging all necessary parties, obtaining proper assessments and providing services to all the necessary parties in severe child abuse matters. An intentional effort to engage caregivers and others in the child's life and build relationships should provide them with the proper tools to help the child in the healing process.

Recommendation. Develop training to address the need to engage in issue-driven investigations.

Child Protective Investigative Teams (CPIT) need a more consistent best-practices model developed and implemented across the state.

Explanation. Tennessee has recognized the benefits of a multi-disciplinary approach to investigating child abuse, which is at the core of the CPIT approach, for more than 30 years. Information presented to the SLC raised concerns about disparity from county to county in the level of involvement of all the key parties within CPITs.

Recommendation. Create a Statewide CPIT Coordinator whose only responsibility would be assessing and improving the CPIT process throughout Tennessee and monitoring compliance of the various CPITs in Tennessee. Develop a CPIT advisory board. At a minimum, the CPIT advisory board should include some local CPIT coordinators from across the state.

The creation of a statewide CPIT coordinator position would provide CPITs across the state with the support and resources needed to do the best job possible for Tennessee's children. (A CPIT job description is available on page 10 of the SLC 2012 report online at www.tn.gov/tccy/slc-areport12.pdf.)

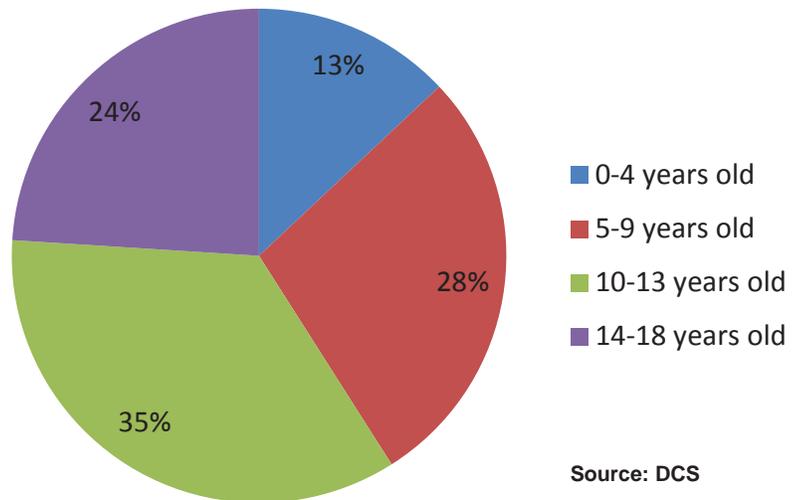
The SLC believes one of the factors contributing to performance inconsistency among CPITs is the lack of statutory consequences for failing to comply with the statutory guidelines establishing and controlling CPITs. The nature of the consequences and manner of enforcement would determine where the CPIT coordinator should be located.

Domestic Violence. The failure to identify and properly address domestic violence issues by severe child abuse prevention stakeholders exposes children to abuse and neglect.

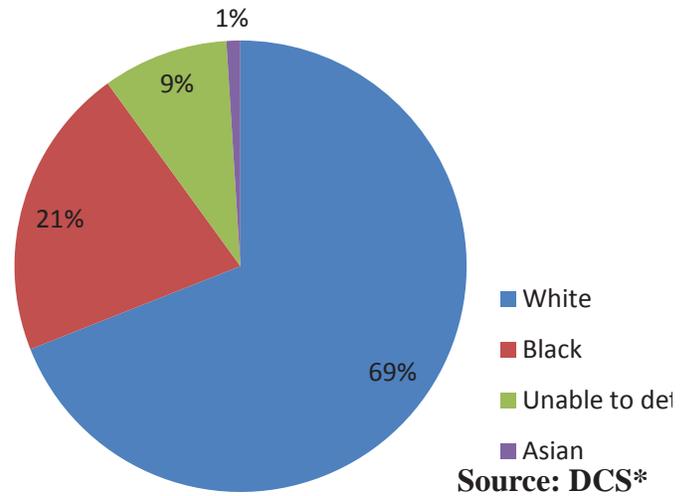
Explanation. The Centers for Disease Control (CDC) reported women experience about 4.8 million intimate-partner-related physical assaults and rapes, and men are the victims of about 2.9 million intimate-partner-related physical assaults. Domestic violence is one of the most chronically underreported crimes, according to the U.S. Department of Justice.

Domestic violence has adverse impacts not only for the abused partner, but also for the children witnessing the violence. The prevalence of children witnessing partner violence is clear, with 15.5 million U.S. children in families in which partner violence occurred at least once in the past year. Nationally, 7 million children lived in

Age of Children in Total Population of Children Experiencing Subsequent Abuse, 2010-11



Race of Children in Total Population of Children Experiencing Subsequent Abuse, 2010-11



families where severe partner violence occurred. The adverse impacts on children are extensive and severe. A Michigan study of low-income preschoolers found children who have been exposed to family violence suffer symptoms of post-traumatic stress disorder, such as bed-wetting or nightmares, and are at greater risk of having allergies, asthma, gastrointestinal problems, headaches and flu.

Domestic violence is a Tennessee problem as well. According to information provided during Governor Haslam’s 2012 Public Safety Forum, “Domestic violence makes up over half of all reported violent crimes in Tennessee year after year.” In 2010, the Violence Policy Center ranked Tennessee third in the nation for the rate at which women were killed. Reported domestic violence appears to have gone down since 2010, but it continues to cost the state. The Tennessee Economic Council on Women published a report in 2006 outlining the annual financial costs of domestic violence to the state: \$33 million in health care costs and \$15 million for prison costs for domestic violence murderers. The Council pointed out the minimum cost to place a child in state custody and provide basic services (testing and counseling) was \$5,000.

Recommendation. Establish additional family justice centers in Tennessee and establish enhanced penalties if the victim of domestic violence is pregnant or if a child is present during the domestic violence.

Methamphetamine Exposure. There is a need to develop and implement a statewide, multidisciplinary best-practices policy or protocol for all severe child abuse prevention stakeholders to assess and treat children possibly exposed to methamphetamine or refer such children to an appropriate provider.

Explanation: Half of the cases investigated by the SLC involved methamphetamine. An article published on the U.S. Department of Justice website, “*Children at Clandestine Methamphetamine Labs: Helping Meth’s Youngest Victims,*” (June 2003) clearly sets forth some the dangers for children who live at or near methamphetamine laboratories. These included:

Chemical contamination. The chemicals used to cook meth and the toxic compounds and byproducts resulting from its manufacture produce toxic fumes, vapors, and spills.

Fires and explosions. Approximately 15 percent of meth labs are discovered as a result of a fire or explosion.

Abuse and neglect. Children living at methamphetamine laboratories are at increased risk for severe neglect and are more likely to be physically and sexually abused by members of their own family and known individuals at the site.

Hazardous lifestyle. Hazardous living conditions and filth are common in meth lab homes. Explosives and booby traps (including trip wires, hidden sticks with nails or spikes, and light switches or electrical appliances wired to explosive devices) have been found at some meth lab sites.

Social problems. Children developing within the chaos, neglect and violence of a clandestine methamphetamine laboratory environment experience stress and trauma that significantly affect their overall safety and health, including their behavioral, emotional and cognitive functioning. (<http://www.ojp.usdoj.gov/ovc/publications/bulletins/children/pg5.html>)

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Recommendation. The state should provide the necessary support to aid in the development and implementation of a statewide multidisciplinary best practices policy or protocol to be used when dealing with children who may have been exposed to methamphetamine or any stage of producing methamphetamine.

Multiple referrals of child abuse often occur prior to investigation and determination of the first incident of indicated abuse. This was a finding in the 2011 report.

Explanation. In response to the finding in last year's SLC report, DCS has initiated pilot programs in three DCS regions to address multiple referral issues. Matters in which a child of a certain maximum age (which currently varies by region) receives a third referral result in a regional review. A consultative group of individuals from the region comes together to conduct a full history review and provide guidance to the Child Protective Services worker. Among other things, the consultative group addresses immediate safety of all children involved and long-term goals for the matter when appropriate.

Recommendation. Monitor ongoing efforts of DCS to address the finding.

Other Recommendations. The SLC also recommended the creation of a statewide child abuse resource directory for stakeholders to help them find expertise in child abuse prevention, education and services.

The final recommendation was for a policy review to determine whether DCS has sufficient policies in place to reduce the likelihood of a child being placed in or remaining in the home of a non-relative, indicated perpetrator.

By creating the Second Look Commission, the Tennessee General Assembly recognized the need to improve how severe child abuse cases in Tennessee are handled. Through the creation and continuation of the SLC, Tennessee is proactively addressing issues related to severe child abuse. The SLC has identified several areas of needed improvement in the investigation and disposition of severe child abuse cases in Tennessee. As recommendations are implemented, the SLC will monitor the impact of the changes over time. 

What the Second Look Commission Does

The SLC has statutory authority to hold closed meetings of representatives of key stakeholder groups to critically analyze confidential information in individual cases and to compel participants in the investigation and disposition of the cases reviewed to appear before it. The governing statute requires the SLC to meet at least quarterly. Since its inception, the SLC has held 12 open meetings and 9 investigatory meetings. Each meeting lasts between one and six hours, with investigatory meetings generally taking longer. However, the meetings are just a portion of the time and effort put forth by the members of the SLC, who prepare for the meetings by reading case summaries and researching the situations. The SLC has one paid staff person. 

***Data on the population of children experiencing subsequent incidence of child abuse were provided by the Tennessee Department of Children's Services. DCS has experienced problems with its data tracking system.**

The Future of the Second Look Commission

TCCY

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The Second Look Commission was created by the legislature in 2010. Like all newly created entities, the SLC is subject to a “sunrise” review to determine if it is needed. In 2012, the SLC was placed on “wind down” and deferred until 2013. The SLC will be reconsidered in the legislature this year. Without legislative action during the current session of the General Assembly, the Second Look Commission will cease to exist on June 30, 2013.

The SLC is efficient. The director, the only paid staff member, performs a substantial portion of the administrative tasks of the SLC so the members can devote their expertise and limited resources to addressing the more substantive aspects of the SLC’s purpose. With help from the Administrative Office of the Courts, the SLC has minimized travel expenses by making videoconferencing available in East and West Tennessee for its members.

Specialized, collaborative and concentrated efforts must be devoted to analyzing and responding to these tragedies. The SLC provides such efforts with minimal costs and maximum expertise.

It is a critical entity because involvement of all groups represented on the SLC is essential for assuring Tennessee responds effectively to child abuse and neglect. Through its knowledgeable and diverse membership and consultative input from various key stakeholders in preventing child abuse, the SLC continues to identify weaknesses and opportunities for improved handling of severe child abuse cases as set forth in this report. However, identifying weaknesses and making recommendations are just the beginning of improving how severe child abuse cases are handled. The data and various processes must be tracked and evaluated over time to determine whether recommendations are implemented.

The state needs the SLC to continue to evaluate cases of severe child abuse, make recommendations for improvement and work toward their implementation. ❏

Groups Represented on the Second Look Commission

Among the members of the Second Look Commission are representatives from the General Assembly; DCS; Tennessee Bureau of Investigation; law enforcement, urban and rural; child advocacy centers; district attorneys; public defenders; courts; ; medical care; and health and mental health professionals. ❏

Get Involved with TCCY

- **Children’s Advocacy Days** will be March 12-13 at War Memorial Auditorium. Register at <http://bit.ly/14E45LB> .
- **Jim Pryor Child Advocacy Award and Youth Excellence Award** nominations are due by February 15. Join us at Children’s Advocacy Days to help us honor the winners.
- Sign up to receive updates about **Legislation related to children and youth** at <http://www.tn.gov/tccy/listserv.shtml>. ❏