

Investigating the Justice System in Missouri to Child Homicides to Hostile Environments

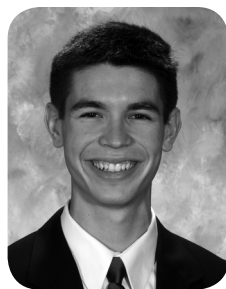
BY ASHLEY BRITTAIN,
ZACHARY A. CROWELL,
JUSTIN D. SMITH
AND MARY M. BECK¹



Ashley Brittain



Zachary A. Crowell



Justin D. Smith



Mary M. Beck
Prof. of Clinical Law
University of
Missouri-Columbia

Introduction

Fewer than 150 years ago, the Supreme Court of Missouri stated that when an adult with the legal authority to discipline a child beat that child to death, the crime would be manslaughter, rather than murder, “unless ... done with an instrument and in a manner likely to produce death.”² While Missouri’s response to child abuse and domestic violence has changed significantly since that time, research uncovered no comprehensive studies of the state’s response to child homicides related to domestic violence.³ This paper seeks to describe the methodology and findings of such a study conducted during the fall of 2009 by students and faculty at the University of Missouri-Columbia School of Law.

Background

In the last several years, through its Family Violence Clinic,⁴ the MU School of Law has attempted to identify systemic gaps in Missouri’s response to domestic violence issues.⁵ Professor Mary M. Beck, director of the Family Violence Clinic, asked students to investigate the Missouri justice system’s response to child homicides where exposure to hostile environments such as domestic violence was a contributing factor. For purposes of clarity, this paper will refer to such deaths as related to a hostile environment. This study is intended to continue and supplement previous research projects conducted

by students in the Family Violence Clinic relating to Missouri’s response to domestic violence.⁶

Methodology

This project looked at the number of investigations of child homicides related to hostile environments, i.e. exposure to domestic violence and/or drugs,⁷ in each Missouri county⁸ for the years of 2006-2008, as well as the number of those investigations resulting in arrest, and the number of those arrests resulting in prosecution.⁹ This approach is meant to assess the response of social service agencies, law enforcement and prosecutors to child homicides related to so-called hostile environments. By looking to data regarding the responses from sectors of government responsible for investigating and punishing those who perpetrate child homicides, the researchers hoped to learn about the average response to such deaths across the state of Missouri, and try to identify any regional variations from that average. Complicated statistical analysis was not conducted, but county and state statistics were compared to evaluate the percentages of hostile environment child homicides resulting in some action by these agencies.

Sources of Data

“In 1989-1990, a cooperative study by the Departments of Social Services [(DSS)] and Health and the University of Missouri found that a significant

Due to space considerations, the statistical tables referenced in this article are only available online at www.mobar.org.

System Response Homicides Related

number of child deaths ... were not being accurately reported.”¹⁰ A task force appointed by the director of DSS to study this issue “made recommendations that became the basis for House Bill 185 ... , which established a statewide county-based system of child fatality review panels.”¹¹ Missouri law now requires DSS to appoint a state child fatality review panel,¹² whose composition mirrors that of multidisciplinary panels required in each county.¹³ Each county panel must examine the deaths of all children under 18 in that county, and include at minimum a coroner or medical examiner, law enforcement personnel, juvenile or family court personnel, emergency medical services personnel, a prosecutor, and personnel from public health and children’s division.¹⁴

While such county panels are not investigatory bodies, they do work to evaluate potential gaps in prevention and services that relate to child fatalities in each community.¹⁵ These panels must report their findings through standardized forms to the State Technical Assistance Team (STAT), a division of the state review panel that is charged with compiling and reporting the data collected each year.¹⁶

The state Child Fatality Review Team (CFRT), through STAT and its annual reports, indicates that approximately 1,100-1,200 children die in Missouri each year;¹⁷ however, the data collected

for this project indicates the number of child fatalities occurring from 2006-2008 varied from 972-1,065 annually.¹⁸ Of these deaths, approximately one-third result in review by the appropriate county panel; such review is merited when the cause of the child’s death is unclear, unexplained or of a suspicious nature.¹⁹

The data used in this study was provided by STAT, and thus is the data relied on by the state for reporting and analytical purposes. However, various factors within the state’s reporting system may create a certain margin of error in the statistics.²⁰ Because each county determines how to classify the cause of each child fatality reported,²¹ homicides resulting from child abuse or related to domestic violence may not be reported to the state as such. Also, although reporting is mandatory, STAT does not receive reports for every child fatality occurring in Missouri.²² Finally, the annual reports from STAT indicate that some child fatalities may be misclassified.²³

Furthermore, as the statistical data collected below indicates, some more populated counties had one or fewer such hostile environment related deaths in the entire three-year period analyzed,²⁴ while other, less populated counties did report such deaths.²⁵ This counterintuitive trend raises questions as to the method for determining the

cause of a child homicide, and how such deaths are classified and reported at the county level. While these factors may have contributed to some margin of error in the overall data used for this study, the overall impact on the study is likely minimal. The researchers found no reason to believe that, for the most part, statistics are not accurately and honestly reported to STAT from Missouri county CFRP panels. If anything, the margin of error in some of the reported data, and possible ambiguities in reporting that now exist, argue in favor of modifying the current process and increasing state funding to ensure more accurate data regarding child homicides in Missouri.

Data

In order to collect data on child fatalities, STAT has developed a “Child Fatality Review Panel Data Form” to be completed for every child death in Missouri.²⁶ Relevant to this study is Section F of the form, which identifies “Factors Contributing to Death.”²⁷ One of the factors identified is “[e]xposure to a hostile environment or a hazardous situation[.]” examples of which the form lists as substance abuse or domestic violence.²⁸

Overall, the number of children under age 18 who died in Missouri was 1,001 in 2006, 1,065 in 2007, and 972 in 2008.²⁹ Table 1 shows the number of child deaths by county related to a hostile environment compared to the number of child deaths as a whole.³⁰ As the table demonstrates, of the 1,001 child deaths in 2006, 38 (0.38 percent) were related to a hostile environment; in 2007, 42 (0.38 percent) of the 1,065 child deaths were related to a hostile environment; and in 2008, 30 (0.31 percent) of the 972 child deaths were related to a hostile environment.³¹

Also relevant to this study is Section H, Subsection 1 on the STAT child fatality review form.³² This section requests data regarding suspected child abuse as the cause of the child’s death.

As discussed below, these child abuse fatality numbers may or may not be included in the overall hostile environment fatality statistics; the following numbers only reflect those fatalities specifically identified as those caused by child abuse, but are not necessarily exclusively classified as such. Based on information provided by STAT, in 2006, 27 child fatalities were suspected to have been caused by child abuse; in 2007, 29 child fatalities were suspected to have been caused by child abuse; and in 2008, 28 child fatalities were suspected to have been caused by child abuse.³³

These numbers differ from the hostile environment numbers in Table 1 for one of three reasons. First, child fatalities involving a hostile environment may not have risen to the level of child abuse.³⁴ Second, the numerical difference may be the result of deaths related to a hostile environment involving exposure to illegal drugs and/or substance abuse.³⁵ And third, because the data collection forms themselves are arguably ambiguous, the forms may not always be completed in a consistent manner.³⁶ For example, some counties may complete both the hostile environment and child abuse sections on the STAT form for child fatalities caused by child abuse, while other counties could only complete the hostile environment section and not the child abuse section, or only the child abuse section and not the hostile environment section. The design of the forms allows for both methods of reporting, and no clear instructions are given on the forms as to which method should be used. Therefore, as the classification of cause of death for these fatalities may vary depending on how the forms are completed, only a case-by-case analysis eliminating these statistical ambiguities could provide an accurate statewide number of child fatalities caused by child abuse. Because the STAT forms are confidential,³⁷ such a case-by-case analysis could not be conducted at this time.

The purpose of this project was to determine the extent to which hostile environment-related deaths resulted in arrest and prosecution of the person(s) responsible. Table 2 contains the number of hostile environment-related deaths reported on the STAT form, the number of those hostile environment reports that resulted in arrest, and the number of those hostile environment arrests that were prosecuted.³⁸ Table 3 converts the information in Table 2 into percentages to show the percentage of reports that resulted in arrest and prosecution in each county.³⁹

As Table 2 and Table 3 show, not every child fatality related to a hostile environment resulted in an arrest. In fact, 57.89 percent in 2006, 71.43 percent in 2007, and 83.33 percent in 2008 resulted in arrest, for an average of 70 percent. If cases are removed from the data pool where the perpetrator committed suicide after killing the child or children, thus making arrest or prosecution impossible,⁴⁰ the arrest percentage increases to a more respectable 66.66 percent in 2006, 75.00 percent in 2007, and 86.20 percent in 2008, for an average of 75.93 percent. Even then, however, about one of every four suspected child fatalities related to a hostile environment failed to yield an arrest or prosecution.

Reports of child fatalities related to hostile environments that do not result in arrest or prosecution occur predominantly in Missouri's metropolitan areas. In particular, among the 25 cases between 2006 and 2008 where the perpetrator lived and was not arrested or prosecuted after the child was killed, 10 cases were in St. Louis County, six cases were in the City of St. Louis, three cases were in Jackson County, and two cases were in Clay County, which encompasses North Kansas City.⁴¹ In St. Louis County and the City of St. Louis, the arrest rate for reports of child fatalities related to hostile environments in 2006 and 2007 never broke 50 percent, and

was as low as 20 percent in the City of St. Louis in 2006. This is especially unusual considering that the arrest rate for Jackson County in 2006 was just under 100 percent after taking into account perpetrator suicides. Why Jackson County's arrest rate is almost double that of both St. Louis County and the City of St. Louis is unknown.

Although not every report of a hostile environment-related child fatality resulted in an arrest, every arrest during 2006-2008 for a child fatality related to a hostile environment resulted in a prosecution. But as discussed earlier, not every report results in an arrest, which means that not every report results in a prosecution. Because this research team did not evaluate each prosecution on an individual basis, the type of charges brought and whether the prosecution ultimately resulted in a conviction and sentence for the perpetrator is unknown. Even without knowing this information, Missouri prosecutors should be commended for bringing charges each and every time someone was arrested for a child fatality related to a hostile environment during the time period analyzed.

Recommendations

1. County Officials Must Uniformly Classify and Accurately Report Hostile Environment Child Homicides

As discussed above, some counties fail to report or properly classify child homicides. This failure may lead to inaccurate reporting of child deaths related to a hostile environment, as well as child deaths caused by child abuse. In turn, this lack of accurate reporting may prevent the state from identifying systemic gaps in child fatality reduction and prevention, thereby undermining the very purpose of the Child Fatality Review Team program.

The first step toward accurate monitoring of hostile environment child homicides in Missouri is to ensure that

all counties are properly reporting child deaths to STAT. In order to ensure that STAT receives reports of child deaths from each and every county, the state of Missouri must demand stricter adherence to reporting requirements at the county level, while also implementing consequences for those counties that fail to submit these reports to STAT.

The next step toward more accurate reporting is to reduce confusion regarding the STAT reporting forms. For example, each county should be informed of the differences between two sections discussed above: the “hostile environment” section⁴² and the “suspected child abuse” section.⁴³ Because domestic violence may encompass child abuse, counties should mark both the “hostile environment” section and the “child abuse” section of the form when a child homicide is caused by domestic violence related to events that rise to the level of child abuse. When a child death occurs where exposure to a hostile environment is a contributing factor, but does not rise to the level of child abuse, counties should only mark the hostile environment section.

The Child Fatality Review Team could also separate the “hostile environment” category into two separate categories, where one encompasses only child abuse and/or domestic violence, while the other encompasses substance abuse and other hostile environment situations. This could aid the state in more accurately monitoring, reducing and preventing child homicides by more specifically tracking their causes.

Finally, in order to ensure that counties properly classify child fatalities involving suspected child abuse or domestic violence, all counties should strive to properly investigate the circumstances surrounding the child’s death so that evidence of abuse is not overlooked. Proper investigation by county officials could include the following procedures: checking previous hospital records for

any evidence of prior physical abuse of the child; examining the body of the child in order to detect evidence of previous physical abuse; interviewing family members or neighbors who had close contact with the family and child; interviewing school officials and teachers of the child; tracking any prior hotline investigations for child abuse and neglect; and reviewing court records for previous evidence or allegations of domestic violence or abuse, particularly any civil protective orders or prior criminal prosecutions for domestic assault or child endangerment in Missouri regarding the parties involved.

While these procedures may currently be followed in some counties, the confidentiality of the child fatality review panels and their reports makes such an assessment of their procedures impossible at this time.⁴⁴ Although the presently mandated confidentiality of child fatality review panels protects the privacy of victims and their families, increased transparency as to the methods used by each county panel (as opposed to the details of specific investigations) may increase accountability and ensure more effective reduction and prevention of child fatalities.

2. A Domestic Violence Fatality Review Program Should be Created

As discussed earlier, approximately 30 Missouri children died in hostile environments annually between 2006 and 2008.⁴⁵ The number of innocent children dying at the hands of abusers is alarming. A domestic violence fatality review program should be implemented to minimize this trend.⁴⁶

Domestic violence fatality review is a process used to identify deaths caused by domestic violence, for the purpose of examining systemic interventions into known incidents of domestic violence occurring in the family of the deceased prior

to the death. The review considers changes in the systemic response [to such incidents in order] to prevent future domestic violence deaths, [and] develops recommendations for coordinated community prevention and intervention initiatives.⁴⁷

Several states have implemented such programs, such as New Jersey,⁴⁸ Washington,⁴⁹ and California.⁵⁰ Just as the Child Fatality Review Program began in Missouri in response to inaccurate child death reports, another program should be implemented to examine the number of child deaths associated with child abuse and/or domestic violence in Missouri, in order to reduce and prevent these types of deaths from occurring in the future.

3. County Officials Must Arrest and Prosecute Responsible Persons

Even if all of these recommendations were taken into consideration and implemented, the benefits would not be derived without the cooperation of county officials to bring the perpetrators to justice. As a result, county officials must arrest and prosecute each and every person responsible for the death of a child.

The data discussed above indicates that not every child fatality caused by a hostile environment results in an arrest. About one of every four suspected child fatalities caused by a hostile environment does not result in arrest or prosecution. This is especially true in Missouri’s metropolitan areas, including the City of St. Louis, St. Louis County, Jackson County, and Clay County.

Many factors may contribute to this ratio, including a lack of sufficient evidence or witness cooperation in individual cases to arrest or prosecute, a lack of law enforcement or prosecutorial resources to pursue every investigation of child homicide resulting from hostile environments, or a lack of law enforce-

ment training at the investigative level. The lack of sufficient, uniformly classified statistical data makes such an assessment impossible at this time. The Missouri legislature should consider mandating collection and reporting of arrest and prosecution statistics specifically for child homicides resulting from domestic violence and abuse in a uniformly classified manner, to enable more accurate statistical analysis in the future.

Conclusion

Missourians rely on law enforcement to do a proper investigation and to arrest the individual or individuals who are responsible for the death of a child. By that same token, prosecuting attorneys are charged with bringing forth sufficient evidence and prosecuting the individual or individuals responsible for these crimes accordingly. Proper arrests and prosecutions for child fatalities involving abuse and related to exposure to hostile environments such as domestic violence sends a message to perpetrators that this type of behavior will not be tolerated, and sends a message to the citizens of Missouri that the protection of each and every child is the state's top priority.⁵¹ While the state has shown a substantial dedication to prosecuting every individual arrested for hostile environment-related child homicides, further action may be needed to identify and rectify systemic gaps in reduction and prevention of these fatalities.

Endnotes

1 Ashley Brittain is a 2007 graduate of the University of Missouri-Columbia and a J.D. candidate (Class of 2010) at the University of Missouri-Columbia School of Law.

Zachary A. Crowell is a 2006 graduate of the University of Missouri-Columbia and a J.D. candidate (Class of 2010) at the University of Missouri-Columbia School of Law.

Justin D. Smith is a 2007 graduate of the University of Missouri-Kansas City and a J.D. candidate (Class of 2010) at the University of Missouri-Columbia School of Law.

Mary M. Beck is a professor of clinical law

at the University of Missouri-Columbia School of Law, where she directs the Family Violence Clinic. She earned undergraduate and graduate nursing degrees at St. Louis University in 1970 and 1971, respectively, and graduated from the University of Missouri-Columbia School of Law in 1988.

2 *State v. Shock*, 68 Mo. 552 (1878).

3 Whether child homicides can be caused by or result from domestic violence, or rather merely have exposure to domestic violence as a "contributing factor," is unclear under Missouri law. "Domestic violence" is not defined by statute in Missouri for purposes of defining criminal conduct. All statutory sections cited herein refer to the 2000 version of the Missouri Revised Statutes. Some statutes (*e.g.*, §§ 375.1312, 455.200-455.230, 455.542-455.547, 488.610) define or refer to definitions of domestic violence as acts against only adults, although these definitions are limited to those statutory sections. "Domestic assault" is defined in §§ 565.072-565.073 RSMO Supp. 2008 as conduct against adults. However, other statutes (*e.g.* § 452.376) refer to domestic violence and "abuse" as defined in § 455.010, which does not limit its definition to adults only. Section 455.501 RSMO Supp. 2010 defines child abuse, but does not expressly exclude "domestic violence" as an act against children. Missouri case law similarly seems to define "domestic violence" in some contexts as acts against adults only, and other times as acts against children. *See e.g. Gant v. Gant*, 892 S.W.2d 342, 345 (Mo. App. W.D. 1995) (defining "domestic violence" as acts between adults); *Mund v. Mund*, 7 S.W.3d 401, 403 (Mo. 1999) (defining "domestic violence" as including acts against children). The confusion surrounding the term "domestic violence," or its possibly interchangeable nature with terms like "abuse" and "child abuse," complicate the analysis of data in this study. While there is support for the notion that many definitions of domestic violence would not apply to acts against children, and thus there could never be a child homicide "caused" by domestic violence, some of Missouri's statutory and common law seem to contemplate the application of the term "domestic violence" to acts against children. Because of the confidentiality of the child fatality review panels as discussed below, it is unknown how those parties responsible for filling out the child homicide data for reporting to the State are influenced by the definitional differences between domestic violence, abuse, and child abuse, and the manner in which the legislature and the courts use those terms. Finally, how exposure to domestic violence could be a contributing factor to a child homicide, but not be caused or result from acts of domestic violence, is also unclear. As discussed below, some counties appear to report some child homicides as related to domestic violence and child abuse, and some to only one or the other. Again, the

confidentiality of the panels which report this data makes the determination of how these deaths are classified impossible at this time.

4 The MU School of Law has operated its Family Violence Clinic since 1992, in which, under the supervision of a law professor, Rule 13 certified law students represent indigent victims of domestic violence.

5 *See* Rebekah E. Bromberg & Brendan O. Kelley, *Investigating the Response to Domestic Violence in Four Missouri Counties*, 60 J. Mo. Bar 70 (2004); Brandi L. Byrd, M. Meghan Davidson, Mary M. Beck, Niels C. Beck, & Gregory F. Petroski, *Investigating the Justice System Response to Domestic Violence in Missouri*, 63 J. Mo. Bar 222 (2007).

6 Unlike the previous research projects conducted by clinic students, this project did not look at civil protective orders; while such orders would likely be relevant to some child homicide cases, many child homicides occur in the context of domestic violence without any prior judicial intervention. STATE TECHNICAL ASSISTANCE TEAM, PREVENTING CHILD DEATHS IN MISSOURI, THE MISSOURI CHILD FATALITY REVIEW PROGRAM ANNUAL REPORT FOR 2007 56 (2007), available at <http://www.dss.mo.gov/re/cfrar07/cfrar07.pdf>. Also, many protective orders are issued for abuse cases that do not result in homicides, and thus the connection between the number of protective orders and child homicides in a given county was considered too tenuous to be included in the study. Finally, because the child homicide statistics used were confidential and redacted, the existence of protective orders could not be linked to any of the child homicides this study examined.

7 Because of the manner in which Missouri agencies collect and report this data, this project looks at child homicides where exposure to hostile environments was a contributing factor, *i.e.* exposure to domestic violence and drugs. While this approach concededly does not focus solely on child homicides related to exposure to domestic violence, the hostile environment statistics analyzed were the only data which included uniformly classified child homicide investigations, arrests and prosecutions; therefore, these statistics were the only data which could be meaningfully compared for purposes of this project. Although the Missouri State Highway Patrol does maintain arrest statistics, such statistics indicate only arrests for homicides related to domestic violence, and not the hostile environment classification; as such, the numbers could not be compared against investigations or prosecutions in a meaningful way. Also, no state office related to prosecution had any data regarding the number of prosecutions for child homicide resulting from domestic violence, and many counties do not maintain such data independent of that reported to and published by Missouri's State Technical Assistance Team (STAT). For the same reasons, conviction rates of prosecutions for these

deaths was not analyzed, nor are implicated by this study.

8 Missouri has 114 counties and the City of St. Louis.

9 For purposes of this study, child homicides resulting from gang violence were not included in the data analyzed; also, while the Missouri Child Fatality Review Team discusses child abuse and neglect deaths in their annual reports, this study focused only on those resulting from exposure to abuse, domestic violence and drugs, not those resulting from other forms of neglect or inadequate care.

10 Mo. Dept of Soc. Servs., MISSOURI CHILD FATALITY REVIEW PROGRAM-BACKGROUND, <http://www.dss.mo.gov/stat/back.htm>.

11 *Id.* “This bill was passed in May 1991 and signed into law by Governor John Ashcroft in June 1991. The law, RSMo 210.192, became effective on August 28, 1991.” *Id.*

12 Section 210.195 RSMo 2000.

13 STAT, PREVENTING CHILD DEATHS IN MISSOURI 1.

14 *Id.*

15 *Id.*

16 *Id.* at 4; STAT is a division of the Child Fatality Review Team responsible for collecting and reporting data, as well as training other agencies in child fatality issues and exercising some law enforcement authority.

17 STAT, PREVENTING CHILD DEATHS IN MISSOURI 1.

18 See Table 1 (data provided by STAT).

19 STAT, PREVENTING CHILD DEATHS IN MISSOURI 4; additionally, “all sudden[,] unexplained deaths of infants one week to one year of age are required to be reviewed.” (emphasis omitted).

20 Despite this possible margin of error, the current statutory structure and reporting system in the state of Missouri does not allow for any other manner of analyzing the incidence of child homicides related to domestic violence in the state. Thus, the results of this study are presented to encourage some revision in the manner of data collection and classification, as well as a systemic response more directly tailored to domestic violence, within the state, rather than to criticize any Missouri agency or entity charged with responding to domestic violence and crimes against children.

21 STAT, PREVENTING CHILD DEATHS IN MISSOURI 55.

22 *Id.* at 5, indicating that other sources of data revealed higher numbers of child fatalities than reported by county panels.

23 *Id.* at 55.

24 See Boone, Cass, Platte, and St. Charles counties in Table 1.

25 See Table 1.

26 See “Child Fatality Review Panel Data Form,” published by STAT, available at http://www.dss.mo.gov/stat/pdf/886-3218_10-06.pdf.

27 *Id.*

28 *Id.*

29 See Table 1.

30 *Id.*

31 *Id.*

32 *Id.*

33 *Id.*

34 Examples of these types of situations may include when a child dies of drug poisoning after the adult failed to keep the drug out of the child’s reach or when an infant suffocates as a result of the adults allowing the infant to sleep in a full-size bed with the adults.

35 By subtracting the number of child abuse fatalities (e.g., 28 in 2008) from the number of hostile environment fatalities (e.g., 30 in 2008), the solution (e.g., 2 in 2008) might equal the number of hostile environment fatalities that were caused by something other than child abuse, such as substance abuse.

36 At the time this article goes to press, Missouri has proposed but not implemented a new form for reporting child fatalities to STAT which may resolve some of these ambiguities. However, because this form has not been implemented, its impact on future reporting issues is unknown. The forms referred to in this study, and which were used to report the data analyzed in this study, contained the ambiguities described *infra*.

37 Section 210.194.4, RSMo 2000.

38 Table 2 (data provided by STAT). Any pending arrest or prosecution was counted the same as if the arrest or prosecution had been completed, because the purpose of the study was to evaluate county responses to child fatalities caused by child abuse or related to hostile environments, and a pending arrest or prosecution demonstrates a county’s desire to take action.

39 Table 3 (data provided by STAT). As in Table 2, pending arrests and prosecutions were counted the same as completed arrests and prosecutions. For the reader’s benefit, the population for every Missouri county during 2006-2008 has been provided in Table 4 (U.S. Census estimates, available at <http://factfinder.census.gov/>).

40 According to information provided by STAT, in 2006 the perpetrator killed himself in the only hostile environment death in Barry County and four of the hostile environment-related deaths in Jackson County. In 2007, the perpetrator killed himself in the two hostile environment deaths in Cape Girardeau County. And in 2008, the perpetrator killed himself in the only hostile environment death in Wright County.

41 The remaining cases were found in Barton County (1), Miller County (1), Pettis County (1), and Polk County (1).

42 See Child Fatality Review Panel Data Form for reviewable deaths, Section F.

43 See Child Fatality Review Panel Data

Form for reviewable deaths, Section H, Subsection 1.

44 For example, child fatality review panel meetings are closed to the public, and members of these panels are required to confine any comments or public statements about the panel’s operation “to the fact that the panel met and that each panel member was charged to implement their own statutory mandates.” STAT, PREVENTING CHILD DEATHS IN MISSOURI 3. Therefore, the procedures followed by these panels could not be evaluated at this time.

45 See Table 1.

46 The authors acknowledge that a lack of available funding may create substantial difficulties in implementing this proposal, but would also encourage the legislature to appropriate funding to improve the methods of domestic violence related to data collection and reporting in Missouri, and implement a domestic violence review program that would look at the impact of domestic violence on adults and children, whether resulting in abuse, neglect, or death.

47 The National Center for Child Fatality Review, <http://ican-ncfr.org/> (follow “fatal/severe family violence”); then (domestic violence fatality review).

48 “The NJ Domestic Violence Fatality and Near Fatality Review Board (DVFNFRB) allows the community to honor victims of domestic violence-related fatalities and learn from their deaths in an effort to improve systemic and community responses to domestic violence.” <http://www.state.nj.us/dca/divisions/dow/programs/dvfnfrb.html>

49 The Fatality Review convenes community groups to examine domestic violence-related deaths. Focusing on events leading up to the death, panels identify gaps in policy, practice, training, and resources. The Fatality Review makes policy recommendations to address those gaps and improve the community response to domestic violence. <http://www.wscadv.org/projects.cfm?ald=390C83A4-C298-58F6-00EC20DCACFA40D5>

50 “The County of San Diego Domestic Violence Fatality Review Team (DVFRT) is a coordinated effort between the County of San Diego Health and Human Services Agency’s Office of Violence Prevention, and the County of San Diego District Attorney’s Office. This multi-disciplinary team’s purpose is to make recommendations for system’s change, in order to prevent future deaths from intimate relationship violence.” http://www.sdcounty.ca.gov/hhsa/programs/phs/office_violence_prevention/domestic_violence_fatality_review_team.html.

51 Chapter 1 of Missouri Revised Statutes provides that “[t]he child welfare policy of this state is what is in the best interests of the child.” § 1.092 RSMo 2000.