



ANNOUNCEMENT: EI-08 #02
OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING
BUREAU OF EARLY INTERVENTION SERVICES

ISSUE DATE: March 7, 2008
EFFECTIVE DATE: March 7, 2008

SUBJECT:	Reportable Incidents
TO:	County MH/MR Administrators, MR Coordinators and Early Intervention Coordinators
FROM:	Harriet Dichter Deputy Secretary, Office of Child Development and Early Learning

A handwritten signature in black ink that reads "Harriet Dichter".

PURPOSE:

The purpose of this announcement is to specify the guidelines for mandated reporters and to establish uniform procedures for reporting incidences involving children receiving Early Intervention (EI) to the Office of Child Development and Early Learning (OCDEL).

BACKGROUND:

All EI providers and subcontracted providers, County EI Programs and the OCDEL are partners in the effort to ensure the health and safety of infants and toddlers receiving EI services.

DISCUSSION:

Mandated reporters are defined as persons who, in the course of their employment, occupation, or practice of a profession, come into contact with children and are required to report when they suspect child abuse. This includes when a person has reasonable cause to suspect on the basis of medical, professional, or other training and experience that a child is a victim of child abuse.

Reports of suspected child abuse must be made to **ChildLine**, which is the **Pennsylvania Statewide Child Abuse Hotline, at (800) 932-0313**. Reports meeting criteria of suspected child abuse are then forwarded to the appropriate county children and youth agency for investigation. The county children and youth agency has sole responsibility for investigating reports of suspected child abuse.

Reports are to be made regardless of the relationship between the alleged perpetrator and the child. The requirement of reporting regardless of the relationship between the child and the alleged perpetrator was a change in 2007. Previously, mandated reporters were only required to report when the alleged perpetrator met the criteria within the Child Protective Services Law (CPSL). If the alleged perpetrator does not meet the definition of a CPSL perpetrator, the report will be forwarded by ChildLine to the appropriate law enforcement agency for investigation.

The term child abuse is defined as any of the following when committed upon a child less than 18 years of age:

1. Any recent act or failure to act which causes non-accidental serious physical injury.
2. An act or failure to act which causes non-accidental serious mental injury, sexual abuse or sexual exploitation.
3. Any recent act, series of such acts or failures to act which creates an imminent risk of serious physical injury, sexual abuse or sexual exploitation.

4. Serious physical neglect which endangers a child's life or development or impairs the child's functioning.

For purposes of the definitions above, recent act is defined as an act committed within the preceding two years. Further explanations of these terms can be found in the Child Protective Services Law (Title 23 Pa. C. S., Chapter 63) at § 6303.

A mandated reporter who makes a report of suspected child abuse is entitled to the final status of the child abuse report following the investigation, whether it be indicated, founded or unfounded, and any services provided, arranged for or to be provided by the county children and youth agency to protect the child.

In addition to reporting to ChildLine, the County EI Program shall be notified within 24 hours of observation or knowledge of *suspected abuse alleged to have been committed by an EI service provider*. The attached EI Reportable Incident form shall be used to notify the County EI Program. County EI Programs shall forward a copy of EI Reportable Incident form to the OCDEL via facsimile at **717-346-9330** within 24 hours of receipt of the form. The sender of the incident report shall call the County EI Program or OCDEL at the number listed in this announcement prior to faxing the report to assure confidentiality of the information.

Effective with the date of this announcement:

1. For infants and toddlers that receive **both** EI services and mental retardation services, a report should be submitted to the OCDEL, using the attached EI Reportable Incident form, **and** to the Office of Developmental Programs through the Home and Community Services Information System (HCSIS) according to instructions contained in Incident Management Bulletin #6000-04-01.
2. OMR Bulletin #6000-04-01, titled Incident Management, no longer applies to infants and toddlers enrolled **only** in EI.

Reportable Incident Investigation

EI provider agencies have a responsibility for investigating reportable incidents alleged to involve staff employed or under contract with the provider agency. County EI Programs are responsible for investigating reportable incidents alleged to involve independent providers who are not affiliated with an agency. Reportable incident report investigations will be conducted in a manner so as not to interfere with the local children and couth services agency and/or law enforcement agency investigation activities. Investigation training is the responsibility of the provider and/or County EI Program. The timelines and procedures are the same regardless whether the investigation is completed by the EI provider agency or the County EI Program.

County EI Programs and provider agencies shall have policies and procedures in place that ensure the safety of infants and toddlers receiving EI services during an incident investigation of an EI service provider. These policies and procedures must include disciplinary action or removal of the service provider when warranted.

Incident Report investigations shall be initiated by the EI provider agency or County EI Program within 24 hours of the receipt of the EI Reportable Incident form. Incident Report investigations shall be concluded within 10 business days of initiation of the investigation unless mitigating circumstances exist, such as a police investigation or county children and youth agency investigation, that prevent the completion of the incident investigation within this time frame. Extensions of the timeframes for conclusion of an incident investigation can be requested if the investigation cannot be completed within 10 days of the report of the incident. County EI Programs shall contact the OCDEL to request an extension of the timeframes for conclusion of an investigation.

An investigation report shall include:

- a copy of the EI Reportable Incident form,
- the date on which the investigation began,
- evidence:
 - list of all persons interviewed, including date and time
 - list of statements taken from persons interviewed
 - analysis
 - conclusion
 - recommendations
- the status of the alleged perpetrator,
- a description of the steps taken by the provider or the County EI Program in response to the incident as well as the conclusion reached as a result of the investigation, [The alleged perpetrator should not be permitted to work with the infant/toddler that he/she is alleged to have abused (or any child, when the allegation warrants such action) pending the outcome of the investigation]
- the date the investigation was concluded.

Provider agencies shall forward the investigation report to the County EI Programs via facsimile within 5 business days of completion of the report. County EI Programs are responsible for reviewing the provider agency's investigation report and approving the report or requesting additional information within 5 business days of receipt of the provider's report. County EI Program shall also forward a copy of the incident report and provider's investigation to the OCDEL upon the county's approval of the investigation report.

An investigation report completed by the County EI Program for *independent providers not affiliated with an agency*, shall be forwarded to OCDEL via facsimile within 5 business days of completion of the report. The OCDEL will review the county's investigation report, approve the report and notify the county in writing within 5 business days of that approval. If the OCDEL determines that additional information is needed, a request for additional information will be forwarded to the County EI Program within 5 business days of receipt of the report. If the additional information is satisfactory, the OCDEL will notify the county within 5 business days of approval of the additional information.

CONTACT INFORMATION

Office of Child Development and Early Learning:
Fax Number: 717-346-9330
Phone Number: 717-265-8901

NEXT STEPS:

1. Infant/Toddler Early Intervention Program administration should distribute this announcement to all Early Intervention staff for immediate implementation.
2. This announcement replaces EI-07 #11, titled Reporting and Investigating Alleged Child Abuse.

Attachment