

ANNOUNCEMENT

EI 20-02



Pennsylvania Office of Child Development and Early Learning
Bureau of Early Intervention and Family Supports

Issue Date: 09/01/2020
Effective Date: 09/01/2020

Subject: Reportable Incidents
To: County MH/ID Administrators, ID Coordinators and Early Intervention Coordinators

From: Tracey Campanini 
Deputy Secretary, Office of Child Development & Early Learning

PURPOSE

To provide guidance to mandated reporters of suspected child abuse and to establish uniform procedures for reporting incidences of suspected child abuse involving infants and toddlers receiving Early Intervention (EI) services to the Office of Child Development and Early Learning (OCDEL).

BACKGROUND

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

The Child Protective Services Law (CPSL), defines **child abuse** as intentionally, knowingly, or recklessly doing any of the following to a child under 18 years of age:

- Causing bodily injury to a child through any recent act or failure to act.
- Fabricating, feigning, or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- Causing sexual abuse or exploitation of a child through any act or failure to act.

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- Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- Causing serious physical neglect of a child.
- Causing the death of the child through any act or failure to act.
- Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102).

Child abuse also includes the following recent acts which constitute abuse even if they do not result in an injury:

- Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child.
- Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.
- Forcefully shaking a child under one year of age.
- Forcefully slapping or otherwise striking a child under one year of age.
- Interfering with the breathing of a child.
- Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of a methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
- Leaving a child unsupervised with an individual, other than the child's parent, when the individual leaving the child knows or reasonably should have known that the person with whom the child was left was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent.

Recent act is defined as an act committed within the preceding two years of its report. Further explanations of these terms can be found in the CPSL, 23 Pa. C.S. § 6303.

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DISCUSSION

An individual who is a mandated reporter must make a report of suspected child abuse, if the individual has reasonable cause to suspect that a child is a victim of child abuse, if the mandated reporter comes into contact with the child in the course of their employment, occupation, or practice of a profession or through a regularly scheduled program, activity or service. This includes when a person has reasonable cause to suspect because of their 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 can also be made through the Child Welfare Portal at <https://www.compass.state.pa.us/cwis/public/home>. If child abuse is suspected, the report is forwarded to the appropriate county children and youth agency for investigation. The county children and youth agency has the sole responsibility for investigating reports of suspected child abuse.

Reports of suspected child abuse are to be made regardless of the relationship between the alleged perpetrator and the child. Previously, mandated reporters were only required to report when the alleged perpetrator met the CPSL's definition of perpetrator. If the alleged perpetrator does not meet the CPSL's definition of perpetrator, the report will be forwarded by ChildLine to the appropriate law enforcement agency for investigation.

A mandated reporter who made the report of suspected child abuse can be informed following the investigation whether the child abuse was indicated, founded or unfounded, and what services were provided, arranged for or will be provided by the county children and youth agency to protect the child.

If a mandated reporter suspects an EI service provider has committed child abuse, this is considered a "reportable incident." In addition to reporting to ChildLine, the mandated reporter must notify the County EI Program within 24 hours of observation or knowledge of the suspected abuse using the attached EI Reportable Incident form. County EI Programs shall forward a copy of the EI Reportable Incident form to their county administrator via fax, e-mail, or US mail, as well as to OCDEL via facsimile at **717-787-1529** within 24 hours of receipt of the form. The mandated reporter who completes the incident report form shall call the County EI

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Program at the number listed in this announcement prior to faxing the report to assure confidentiality of the information.

For infants and toddlers who receive **both** EI services and intellectual disability services, a report should be submitted to OCDEL, using the attached EI Reportable Incident form, **and** to the Office of Developmental Programs (ODP) through the Home and Community Services Information System (HCSIS).

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 must be conducted in a manner that does not interfere with the local children and youth services agency and/or law enforcement agency investigation activities. Training on reportable incident investigations is the responsibility of the provider agency and County EI Program. The timelines and procedures are the same regardless of 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.

Reportable incident 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. Reportable incident investigations shall be concluded within 10 business days of initiation unless mitigating circumstances exist, such as a police investigation or county children and youth agency investigation that prevents the completion within this timeframe. If a reportable incident investigation cannot be concluded within 10 business days of initiation, an extension of the timeframe can be requested. County EI Programs shall contact OCDEL to request an extension of the timeframes for conclusion of an investigation. Upon completion of the investigation, an

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investigation report must be submitted to the Director of the Bureau of Early Intervention Services and Family Supports (BEIS/FS).

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, and
- The date the investigation was concluded.

The alleged perpetrator should not be permitted to work with the infant/toddler that the individual is alleged to have abused (or any child, when the allegation warrants such action) pending the outcome of the investigation.

The provider agency shall forward the investigation report to the County EI Program via facsimile within 5 business days of completion of the report. The County EI Program is 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. The County EI Program shall also forward a copy of the incident report and provider's investigation to 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. OCDEL will review the County EI Program's investigation report, approve the report and notify the County EI Program in writing within 5 business days of that approval. If OCDEL determines additional information is needed, a request for additional

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information will be forwarded to the County EI Program within 5 business days of receipt of the report. If the additional information is satisfactory, OCDEL will notify the County EI Program within 5 business days of approval of the additional information.

CONTACT INFORMATION

Office of Child Development and Early Learning:

Fax Number: 717-787-1529

Phone Number: 717-346-9320

Email: RA-ocdintervention@pa.gov

NEXT STEPS

1. Infant/Toddler EI Program administration should distribute this announcement to all EI staff, provider agencies and independent providers for implementation.
2. This announcement replaces EI-08 #2, titled **Reportable Incidents**.