

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

Issue Date: 09/21/2023

Effective Date: 09/21/2023

Subject: Reportable Incidents for Mandated Reporters

To: Infant/Toddler Program Leadership

From: Shante' Brown 
Deputy Secretary, Office of Child Development & Early Learning

PURPOSE

The purpose of this announcement is to provide updated procedures for Infant Toddler Programs reporting any incidence of suspected child abuse by an Early Intervention (EI) provider involving infants and toddlers receiving EI services. The announcement also includes the Child Protective Services Law (CPSL) definition of child abuse and the process mandated reporters must follow to report any incident of suspected child abuse. Announcement EI-21 #01 becomes obsolete on the issue date of this announcement.

BACKGROUND

All EI providers and subcontracted providers, Infant Toddler 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.
- 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.

DISCUSSION

An individual who is a mandated reporter must report suspected child abuse if the individual has reasonable cause to suspect a child is a victim of child abuse and 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 an individual has reasonable cause to suspect

because of their medical, professional, or other training and experience a child is a victim of child abuse.

All providers within the EI system are mandated reporters. Mandated reporters must report suspected child abuse, including neglect and exploitation, to ChildLine, Pennsylvania's Statewide Child Abuse Hotline at: 1-800-932-0313 or through the child human services portal at: www.compass.state.pa.us/cwis. The county children and youth agency is responsible for investigating reports of suspected 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 county children and youth agency's 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" to OCDEL. In addition to reporting to ChildLine, the mandated reporter must notify the Infant Toddler EI Program that has responsibility for providing services to the infant or child within 24 hours of observation or becoming aware of the suspected abuse using part 1 of the attached EI Reportable Incident form. The Infant Toddler EI Program must submit part 1 of the EI Reportable Incident form to OCDEL via facsimile at 717-346-9330 or securely email to ra-ocdintervention@pa.gov within 48 hours of receipt of the form.

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).

The Infant Toddler EI Program is responsible for initiating a review of the reported incident and documenting their activities and findings in parts 2 and 3 of the form. The Infant Toddler EI Program should communicate regularly with their assigned EI Advisor as they complete their review and document activities in part 2 of the form. The Infant Toddler EI program's review must be conducted in a manner that does not interfere with the county children and youth agency's investigation.

The Infant Toddler EI Program's review process must be concluded and a finalized part 2 and 3 must be forwarded to OCDEL within 5 business days of the date the county children and youth agency issued its finding. If OCDEL has any questions on the report or determines additional information is necessary, the Infant Toddler EI Program is responsible for responding to OCDEL within 5 business days of OCDEL's request for additional information. If the additional information is satisfactory, OCDEL will notify the Infant Toddler EI Program within 5 business days of the approval of the additional information.

OCDEL will review the finalized Infant Toddler EI Program's report and notify the Infant Toddler EI Program in writing within 5 business days of OCDEL's approval of the report.

EI provider agencies and Infant Toddler EI Programs are required to have policies and procedures in place that ensure the safety of infants and toddlers receiving EI services during the county children and youth agency's investigation and the Infant Toddler EI Program's review process. These policies and procedures must include disciplinary action or removal of a service provider when needed to ensure the safety of infants and toddlers receiving EI services.

CONTACT INFORMATION

Office of Child Development and Early Learning

Fax Number: 717-346-9330

Phone Number: 717-346-9320

Email: ra-ocdintervention@pa.gov

NEXT STEPS

1. Infant Toddler EI programs shall review current practices and revise any local procedures to ensure the guidance in this Announcement is implemented.