


ISSUE DATE <p>May 12, 2020</p>	EFFECTIVE DATE <p>Immediately</p>	NUMBER <p>00-20-01, 3130-20-03, 3350-20-02, 3490-20-03, 3680-20-01, 3700-20-02, 3800-20-02</p>
SUBJECT <p>Notification Protocol for Formal Licensing Actions and Incidents</p>	BY  <p>Jonathan Rubin, Deputy Secretary Office of Children, Youth & Families</p>	

SCOPE

Juvenile Court Judges' Commission
 Juvenile Court Administrative Judges
 Administrative Offices of Pennsylvania Courts
 Chief Juvenile Probation Officers
 County Children and Youth Administrators
 Child Residential and Day Treatment Programs
 Licensed Supervised Independent Living Programs
 Private Children and Youth Agencies
 Adoption Services Agencies
 Foster Family Care Agencies
 Youth Development Centers
 Youth Forestry Camps
 Pennsylvania Department of Education

PURPOSE

The purpose of this bulletin is to revise the procedures of the Department of Human Services (Department), Office of Children, Youth and Families (OCYF) for sending notification of critical events that have occurred in a child residential or day treatment facility, an approved foster and pre-adoptive home, or a Youth Development Center (YDC) or a Youth Forestry Camp (YFC) that may represent a risk of harm to the children and youth placed in those settings. This bulletin rescinds and replaces OCYF Bulletin #00-19-02, titled Notification Protocol for Formal Licensing Actions and Incidents, which was issued in August 2019.

BACKGROUND

The Department is committed to protecting the health and safety of children placed in residential facilities, day treatment programs, resource family homes, YDCs and YFCs. Office of Children, Youth and Families (OCYF) Bulletin #00-19-02, titled Notification Protocol for Formal Licensing Actions and Incidents, was issued for the purpose of providing notifications to better inform decision making regarding the out-of-home placement of children and youth up to age 21.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO: The appropriate OCYF Regional Office.
 Central Region (717) 772-7702 | Northeast Region (570) 963-4376 | Southeast Region (215) 560-2249 | Western Region (412) 565-5728

ORIGIN OF BULLETIN:
 Office of Children Youth and Families
 (717) 787-4756 / ra-dpwocyfnet@pa.gov

Visit the Office of Children, Youth and Families website at www.KeepKidsSafe.pa.gov

Stakeholder meetings continued post implementation of OCYF Bulletin #00-19-02 to evaluate the effectiveness of the protocol. OCYF convened a meeting of representatives from key entities covered within the scope of this bulletin to discuss the intent of the notification protocol and to develop recommendations for improvements to the process. The improvements discussed at that meeting included revisions to the types of incidents triggering notification and enhanced data reporting and information sharing with county agencies and dependency and delinquency judges which requires legislative amendments. Specifically,

- Removal of staff under an approved plan of supervision and any notifications listed that are duplicative of one another, will no longer trigger a notification. Duplicative notifications are identified as those that would also equate to a citation and issuance of a licensing inspection summary (LIS) as these actions already trigger a notification.
- Pending Child Protective Services Law (CPSL) amendments and issuance of a new bulletin, a quarterly report will be provided to county agencies and dependency and delinquency judges providing aggregate child abuse and substantiation data for child residential or day treatment facilities, approved foster or pre-adoptive homes and youth development centers and youth forestry camps. If/when the CPSL is amended, county agencies and dependency and delinquency judges will also receive substantiation information at the conclusion of an investigation regardless of whether they are the placing county for the child or youth for these same placement settings.

Individuals who are responsible for making placement decisions for a specific child or youth who is the subject of a child abuse report will continue to receive notification of the initial report and the outcome of the investigation as permitted under 23 Pa. C.S. § 6340 (relating to release of information in confidential reports).

DISCUSSION

The Department will provide notification of these incidents to individuals who are responsible for making placement decisions for children and youth so they may determine what, if any, impact the incident has on their placement decisions.

The county entities receiving such notifications are the juvenile dependency and delinquency courts, juvenile probation offices and county children and youth agencies. In addition to the county placement decision makers, the Department also provides notification to the entities identified in this bulletin and Attachment A.

Criteria for Notification

The Department will send notification to those entities identified in Attachment A within five business days of the following events:

- Law enforcement events that result in the filing of charges related to:
 - Any alleged criminal conduct by staff in the course of their duties;
 - Any alleged criminal conduct or delinquent act otherwise available pursuant to the Juvenile Act by youth placed in a child residential or day treatment facility and alleged to have occurred at the facility; or
 - Any alleged criminal conduct committed jointly by youth and staff while off facility grounds.
- Criminal or juvenile court resolution of charges related to:
 - Any alleged criminal conduct by staff in the course of their duties;
 - Any alleged criminal conduct or delinquent act otherwise available pursuant to the Juvenile Act by youth placed in a child residential or day treatment facility and alleged to have occurred at the facility; or
 - Any alleged criminal conduct committed jointly by youth and staff while off facility grounds.

- All deaths.
- Other events that pose significant risks to residents, including but not limited to:
 - Lack of supervision or failure to intervene;
 - Sexual assault of a child perpetrated by another child in the same placement;
 - Physical site conditions that pose a health or safety risk; or
 - Use of restrictive procedures in a punitive manner.
- The issuance of a licensing inspection summary due to a regulatory citation.
- The approval of a plan of correction in response to a licensing inspection summary.
- Formal licensing actions that have been taken such as:
 - Emergency removal of residents;
 - Injunction to close or cease operation of an unlicensed program;
 - License revocation;
 - License non-renewal;
 - Issuance of provisional license; or
 - Voluntary closure.
- Any unexpected event which results in or is likely to result in the removal of children from the facility or reduced capacity such as:
 - Natural disaster;
 - Work stoppage; or
 - Fiscal crisis.
- Critical updates or resolution of unexpected events that triggered an initial notification that resulted in or could have resulted in the removal of children from the facility or reduced capacity such as:
 - Natural disaster;
 - Work stoppage; or
 - Fiscal crisis.
- A YDC or YFC exceeding 110% capacity and subsequent reduction to under 110% of capacity.
- An incident at a YDC or YFC that would be the functional equivalent of a regulatory violation under 55 Pa. Code, Chapter 3800 and the development of an improvement plan.

The Department will also send notification to the facility or agency that is the subject of the notification report at the time it distributes the notification to the other entities.

In addition to the above notifications, the Department will notify the county children and youth agency and/or the juvenile probation office responsible for the placement of a child when the child is identified as the subject in a report of suspected child abuse. The county agency will be responsible for notifying the respective dependency or delinquency court who has placing authority. The notification will be made within five days of the report of suspected abuse and within five days of a determination of the alleged abuse.

Inquiries regarding incident specific information should be directed to the identified agency and not to OCYF.

This bulletin applies to licensees that provide or arrange for placement for children and youth up to age 21 under Title 55 Pa. Code, Chapters 3130 (relating to administration of county children and youth social service programs), 3350 (relating to adoption services), 3680 (relating to administration and operation of a children and youth social service agency), 3700 (relating to foster family care agency), and 3800 (relating to child residential and day treatment facilities), as well as to YDCs and YFCs. These notification requirements also apply to educational programs located within a Chapter 3800 program, YDC or YFC.

ATTACHMENT A

The Department notification of incidents as described in this bulletin is provided to the following entities in addition to the county courts, juvenile probation offices and county children and youth agencies:

- Pennsylvania Partnership for Juvenile Services
- Pennsylvania Council of Children, Youth and Family Services
- Juvenile Court Judges' Commission
- Pennsylvania Commission on Crime and Delinquency
- Rehabilitation and Community Providers Association
- Disability Rights Pennsylvania
- County Commissioners Association of Pennsylvania
- Pennsylvania Department of Education
- Administrative Office of Pennsylvania Courts, Office of Children and Families in the Courts