



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

P.O. BOX 2675
HARRISBURG, PENNSYLVANIA 17105-2675

KEVIN T. CASEY
Deputy Secretary
Office of Developmental Programs

TELEPHONE NUMBER: (717) 787-3700
FAX: (717) 787-6583

May 26, 2010

Dear Colleague:

Please find enclosed the final bulletin entitled *Referral to the Early Intervention Program for Children Under Three Years of Age Placed in ICFs/MR*. This document is being forwarded to you for your information and for sharing with providers and other colleagues.

The purpose of this bulletin is to transmit Announcement EI-09#13, entitled *Childfind System Including Children Who Are Wards of the State, Children Living in Residential Facilities, Children Who Were Abused, and Children Who Are Homeless*, issued by the Office of Child Development and Early Learning, and to clarify the responsibilities of a county Mental Health/Mental Retardation program to refer children under three years of age ("infants and toddlers") to the early intervention system when they place an infant or toddler in an Intermediate Care Facility for the Mentally Retarded ("ICF/MR").

Questions regarding this bulletin should be directed to the appropriate Regional Program Manager.

Sincerely,

A handwritten signature in cursive script that reads "Kevin T. Casey".

Kevin T. Casey

Enclosures



DEVELOPMENTAL PROGRAMS BULLETIN

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE

DATE OF ISSUE
May 26, 2010

EFFECTIVE DATE
May 26, 2010

NUMBER
00-10-08

SUBJECT:

**Referral to the Early Intervention Program
for Children Under Three Years of Age
Placed in ICFs/MR**

BY:


Kevin T. Casey
Deputy Secretary for Developmental Programs

SCOPE:

County Mental Health/Mental Retardation Programs

PURPOSE:

To transmit the attached Announcement EI-09#13, entitled *Childfind System Including Children Who Are Wards of the State, Children Living in Residential Facilities, Children Who Were Abused, and Children Who Are Homeless*, issued by the Office of Child Development and Early Learning, and to clarify the responsibilities of a county Mental Health/Mental Retardation (“MH/MR”) program to refer children under three years of age (“infants and toddlers”) to the early intervention (“EI”) system when they place an infant or toddler in an Intermediate Care Facility for the Mentally Retarded (“ICF/MR”).

BACKGROUND:

The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1487 (“IDEA”), and accompanying regulations require each state to have a child find system in place to identify and refer potentially eligible children under three years of age to the EI system. By federal regulation, referrals to the EI program must be made within two working days of when the child is identified. See 34 CFR § 303.321(d)(2).

DISCUSSION:

The Office of Developmental Programs expects that an infant or toddler would be placed in a large ICF/MR only as a last resort, and only after all other placement options have been exhausted. If other options are unavailable and a County MH/MR program places an infant or toddler in an ICF/MR, consistent with federal requirements, each county MH/MR program must refer the child to the EI Program. The referral must be made to the county in which the facility is located within two working days of the child’s placement. The referral should include information needed to enable the EI Program to contact the child’s parent or guardian, in order to move forward with the referral.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The Appropriate Regional Office of Developmental Programs

PROCEDURE:

Effective immediately, a County MH/MR program must make a referral to the EI program by calling CONNECT at 1-800-692-7288 for each infant and toddler for whom the County MH/MR program authorizes placement in an ICF/MR, within two days of the child's placement, and document that the referral was made.

ATTACHMENT:

Announcement EI-09 #13, Childfind System Including Children who are Wards of the State, Children Living in Residential Facilities Children Who Were Abused and Children who are Homeless



ANNOUNCEMENT: EI-09 #13
OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING
BUREAU OF EARLY INTERVENTION SERVICES

ISSUE DATE: September 11, 2009
EFFECTIVE DATE: September 11, 2009
SUNSET DATE: On-Going

SUBJECT:	Childfind System Including Children who are Wards of the State, Children Living in Residential Facilities Children Who Were Abused and Children who are Homeless
TO:	Infant/Toddler Early Intervention Program Administrators
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 provide clarity, updated information and guidance to local Infant/Toddler Early Intervention (EI) programs relating to Childfind for children:

- with physical risk factors associated with learning or developmental complications;
- who live in residential facilities;
- who are involved in substantiated cases of child abuse or neglect or who are identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure; or
- with disabilities who are homeless or “wards of the state.”

BACKGROUND:

A comprehensive Childfind system is necessary to assure identification of all eligible children for Early Intervention, particularly children not living with their parents in their own home. The Individuals with Disabilities Education Act (IDEA), in its 2004 reauthorization, strengthened its requirements for states to identify all eligible children, particularly children who are homeless, “wards of the state” or involved in cases of abuse. Infant/Toddler EI programs have the proactive responsibility for all children, including the populations discussed in this announcement, to identify children eligible for EI services and to ensure that potentially eligible children are evaluated and receive needed EI services in a timely manner and that families receive the procedural protections available through the EI system.

DISCUSSION:

The comprehensive Childfind system shall be an effective and coordinated effort by Infant/Toddler EI programs, as well as state agencies responsible for administering various education, health, and social service programs.

Each local EI program shall conduct awareness activities to inform the public of its services and the manner in which to request such EI services. This effort must include information regarding signs or other risk factors that could indicate potential developmental delays or disabilities. Each EI program must provide annual public notification, published or announced in newspapers, electronic and other media, or both, to inform members of the public, including parents and referral sources, of child identification activities and procedures. This public announcement must include the assurance of confidentiality of information pertaining to infants and toddlers with developmental delays or

disabilities, and should also include information about the **CONNECT Helpline (800-692-7288)**. Each local agency should use Childfind materials developed by the Office of Child Development and Early Learning (OCDEL), Bureau of Early Intervention Services. These materials can be selected from the PaTTAN website under Early Intervention.

<http://www.pattan.net/Publications.aspx?ContentLocation=/teachlead/EarlyIntervention.aspx> .

Children Who Are “Wards of the State”

The term “ward of the state” under IDEA means a child in the custody of a County Children and Youth agency who does not have a foster parent, for example, a child in substitute care who lives in a setting other than a foster home, such as a group home or residential facility.

EI Process

When County Children and Youth Agencies become aware, through use of the screening instrument called Ages and Stages or otherwise, of children who are wards of the state and have needs that can potentially be addressed by EI services, they should notify the local EI program through CONNECT at **1-800-692-7288** or by directly contacting the local EI program to make a referral. (See OCYF Bulletin *Developmental Evaluation and Early Intervention Referral Policy*, issued September 1, 2008). The interagency agreement between County Children and Youth agencies and local Infant/Toddler EI programs related to referral of children should include referral of children who are “wards of the state.”

If the whereabouts of the parent of a child in substitute care are unknown and the child does not have a foster parent, the local EI program must appoint a surrogate parent to participate in the EI process for the child. If a parent or a foster parent can be located but is unwilling or unable to participate in the EI process for the child, the County Children and Youth caseworker must request that the Court appoint an EI decision-maker for the child. The Court can appoint the caseworker to consent to an evaluation to determine eligibility for EI services, but if the child is found eligible, another EI decision-maker who is not an employee of any agency providing for the care or education of the child must be appointed. (See OCYF Bulletin # 3130-08-01, Educational Stability and Continuity for Children in Substitute Care, for more detail about surrogate parents.)

Children Living in Residential Facilities

“Children living in residential facilities” describes children who are in a 24-hour living setting in which care is provided for one or more children. Children living in residential facilities may or may not be “wards of the state,” depending upon whether they are in the custody of a County Children and Youth Agency

EI Process

The EI program determines that an infant or toddler is eligible for EI services through the EI evaluation process and, in accordance with applicable timelines, convenes an Individual Family Service Plan (IFSP) meeting, and determines the young child’s needs and the services the child and family require. Residential facilities also provide evaluations, service plans, and therapies as part of the comprehensive services that they are legally required to provide for children in their facility. In ensuring that the child’s service needs are met, the EI program and the residential facility should coordinate their evaluation, planning, and service delivery activities so that the child has one evaluation and service plan that meets the requirements of IDEA and the facility’s responsibilities. With the exception of service coordination, special instruction and, generally during transition, services to families to help them enhance the development of their children, it is expected that the residential facility will provide the services specified in the IFSP as part of the comprehensive

service plan that the facility is obligated to provide. The EI program ensures that the services in the IFSP are provided. If the residential facility does not provide the services identified in the IFSP, the EI program should contact OCDEL at 717-346-9320, so that OCDEL staff can intervene, including by working directly with the program office(s) in the Department of Public Welfare (DPW) that has oversight of the residential facility.

If a child participates in an EI program and transfers to or from a residential facility, the EI program should facilitate a smooth transition to or from the residential facility and, if the child is discharged to a setting in a different county, to the new EI program.

Children Who Are Subjects of Abuse

Pennsylvania law defines child abuse as any of the following when committed upon a child under 18 years of age by a perpetrator:

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 or sexual abuse or exploitation.
3. A recent act, failure to act or series of such acts or failures to act which creates an imminent risk of serious physical injury or sexual abuse or exploitation.
4. Serious physical neglect which endangers a child's life or development or impairs a child's functioning.

Children who are involved in a substantiated case of child abuse or neglect or who are identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure as defined IDEA Amendments of 2004.

EI Process

Following the provisions in IDEA 2004 and the Child Abuse Prevention and Treatment Act (CAPTA), EI programs should continue their collaborative efforts with local County Children and Youth Agencies including the establishment of interagency agreements with their County Children and Youth Agencies regarding the identification and referral process for these children.

Local processes must ensure that all children referred to the local County Children and Youth Agencies who are under the age of three (also recommended for children over age 3) and are involved in substantiated case of child abuse or neglect receive a developmental screening (*The Ages and Stages Questionnaire*). If following the screening process, it is determined that the child is exhibiting developmental concerns, the County Children and Youth Agency should refer the child and family to the local EI program for further evaluation. If it is determined that the child is not exhibiting any developmental concerns, the County Children and Youth Agency will inform the family that the child is eligible for tracking services available through the local EI program if the child is under three years of age. If the family is interested in the tracking program, the County Children and Youth Agency will assist the family in making the referral to the local EI program.

Children Who Are Homeless

The definition of a homeless child according to the McKinney-Vento Act, reauthorized in 2002, is an individual who lacks a fixed, regular, and adequate nighttime residence and includes children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are

abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or are migratory and qualify as homeless because they are living in circumstances described above.

EI Process

There are Homeless Liaisons that are available to help link eligible homeless infants, toddlers and preschool children to a variety of social service and education programs. The Department of Public Welfare (DPW) Homeless Liaisons can help link children and families to a variety of prevention and intervention services to address their homelessness. The DPW Homeless liaisons collaborate with other social services agencies such as Head Start, Early Head Start, and local EI programs to develop a continuum of services for homeless children and families.

A list of resources (Homeless Assistance Program Overview, Continuum of Services Flow Chart, and Homeless Assistance Program Client Eligibility information) can be found on the DPW website at: <http://www.dpw.state.pa.us/ServicesPrograms/Other/HomeAssist/003671178.htm>. A Homeless Assistance contact list can be found at: <http://www.dpw.state.pa.us/servicesprograms/other/003670183.htm>.

A listing of resources (Blue Folder, Child Accounting Guidelines, Homeless Children's Rights Poster in English and Spanish, Parent Pack, Shelter Directory, Statewide Directory, and What You Should Know About Homeless Children) pertaining to educational rights of homeless children can be found at the PA Homeless Children's Initiative web site: <http://homeless.center-school.org/> and clicking on Resources. A Homeless liaison list can be found within the Statewide Directory. This directory is mailed the last week of August to every school district in Pennsylvania. The Homeless Liaisons and their contact information are listed by county; to find out who your District Homeless Liaison is, call 717-783-6468. This resource also contains information on what Homeless Liaisons do to help homeless students, internet resources regarding homelessness and Federal Guidance from the U.S. Department of Education. These resources can be mailed to your organization at no cost simply contact the PA Homeless Children's Initiative at the web address listed above.

When the Homeless Liaisons or others become aware of children who are homeless and have needs that can potentially be addressed by EI services, they should notify the local EI program through CONNECT at **1-800-692-7288** or by directly contacting the local EI program to make a referral.

NEXT STEPS:

Each EI program shall review the coordinated Childfind System in its area to assure that its procedures for locating children are consistent with this Announcement and shall take steps to assure that they are consistent.