

## Procedure for Referral of Infants and Toddlers from Rhode Island's Department of Children, Youth and Families (DCYF) to Early Intervention and FAQ's

### ***Procedure Highlights:***

- Biological families should be involved in the EI process whenever possible (when authorized by DCYF).
- The DCYF 175 form indicates biological parent's level of involvement. This can change as the parents circumstances change.
- This process adheres to IDEA's definition of "parent" which includes biological parents, foster parents and responsible person with whom the child resides.
- EI respects the authority of DCYF to determine the level of involvement of biological parents; they have more knowledge about the present decision making capacity of the parent(s).

### ***DCYF Forms Used for Referrals***

The DCYF Form #175 B form is used for referrals in indicated cases of abuse and/or neglect in which the DCYF worker provides verbal notice to the biological family regarding the mandated referral for developmental screening (this could be through First Connections or Early Intervention) for any family with a child under three.

The #175 form is used for voluntary referrals, where the investigation is not indicated and there is a child under the age of three. A referral may be made with a written consent of the family in order to make available services and supports to children and families.

### ***Frequently Asked Questions***

- ***How do I develop the IFSP with both foster and biological families?***

Information and input from both families is important for an effective IFSP. EI providers have to collect information from both the biological family and foster family in an effort to combine all they know about the child. Outcomes can be written for both the biological family and foster family. Include relevant assessment information from both sources throughout the IFSP (e.g. medical history, strengths and concerns, development, outcomes, etc)
- ***What happens when a child I am working with is taken into DCYF custody?***

The Service Coordinator should follow the path of the child. Contact DCYF CAPTA Liaison to obtain a DCYF 175 form that will inform EI about where the child resides, parental status, and the new contact information. Welligent should be updated. Through the conversation with the DCYF worker and the 175 Form, the EI provider will clarify the role of the biological parent(s).

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- ***What happens to the IFSP when a child I am working with is reunited?***

We follow the child. As soon as possible, schedule an IFSP update to review the current IFSP and make changes to reflect his current environment and needs. The SC should speak with the DCYF case worker to find out about the status of the case with the department and whether EI is mandatory. If it is not mandated, the biological parent may decide whether to continue with EI or not.

- ***Who can sign what?***

<i>Consent for Evaluation</i>	Person indicated in 175 as decision maker, i.e. biological family or foster family
<i>Release to obtain Medical Information</i>	Biological family or DCYF if bio family TPR or WU
<i>Release to share Information about EI eligibility and services with DCYF</i>	If the child is in foster placement, the Uninterrupted Scholars Act guides the sharing of EI information with DCYF.  If the child is lig with their biological family a release must be signed by the parent in order to share any EI information, including eligibility status, with DCYF.
<i>Release to share Information about child and EI services with Child Care Provider</i>	Biological family or DCYF if bio family TPR or WU
<i>Services Rendered Forms</i>	Whoever is present for the visit (including day care providers, etc.)
<i>IFSP</i>	Person indicated on 175 as decision maker, i.e. biological family or foster family
<i>KIDSNET Consent Form</i>	Biological Family or DCYF if bio family TPR or WU
<i>Child Income Attestation</i>	Biological Family or DCYF if bio family TPR or WU
<i>Notification to school district in preparation for</i>	Notification for children in DCYF care is always sent (i.e top left hand corner with demographic information only).

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<i>IFSP, COSA and other documents sent to the school district during the transition process</i>	Biological Family, DCYF if bio family TPR or WU, or Educational Advocate

- ***What do I do if the bio family becomes unavailable after we have started IFSP services?***

The DCYF case worker should be contacted immediately and informed of the situation. Services should continue as we try to re-engage the biological family. A new 175 update would be required for EI to allow foster family to consent to changes in the IFSP, specifically, services and outcomes, signing SRF's for those programs who require it,

- ***How do we know if foster family wishes to have their name and address remain confidential?***

This is something that should be discussed with the case worker and documented in the child's EI record. Providers should put the DCYF contact information on all documents. The foster family contact information should be included on EI documents only on a case by case basis.

Note: EI programs should have internal policies and practices in place to safe guard the privacy and confidentiality of family/ foster family information.

- **Will biological family have a role in identifying the primary decision maker or will the foster parent be designated?**

This is something the DCYF worker works out with the biological family. For instance, the child may be placed with another family member. The 175 form will inform EI of who is responsible for the child, and their EI services.

- **How is the biological parent informed about Early Intervention when the family becomes involved with DCYF?**

During the time of investigation, the DCYF investigator goes over several pieces of information with the biological parent, one being the referral to EI for evaluation or First Connections for developmental screening. As part of the placement process, the foster family is informed of their role in EI by the DCYF case worker. During the first EI visit with the child and foster family, it

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would be best practice for the service coordinator to review the role of the foster parent in EI, as they would do with any new family.

- **If EI is unable to reach the biological parent, what do we do?**

After prudent attempts to contact the biological parent are unsuccessful, the DCYF caseworker must be notified.

- **What should we do if the foster parent declines EI Services or requests to “opt out” of transition?**

It is not within a foster families rights to deny a child of EI or potentially special education services. If this happens, EI should support the foster parent in the understanding of the process and benefits to the child. If the foster family continues to refuse, EI should contact the DCYF worker to discuss next steps based on the needs of the child.

- **What is the Uninterrupted Scholars Act?**

The Uninterrupted Scholars Act (USA) is an amendment to FERPA, and applies to children in foster care. It does not apply to children living with their biological parents. The USA allows educational agencies (i.e Early Intervention) and institutions to disclose personally identifiable information (PII) from the education records (i.e. EI records) of students in foster care placement, without parental consent, to an agency caseworker or other representative of a State or local child welfare agency (with State or tribal law, for the care and protection of the student.

The USA also amended FPA to allow educational agencies and institutions to disclose a student's education records (i.e. EI records) pursuant to a judicial order issued in specified types of judicial proceedings in which the parent is already a party, without requiring additional notice to the parent by the educational agency or institution.

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### IDEA Definition of Parent and When a Surrogate Parent Would be Necessary

§303.422

Each lead agency or other public agency must ensure that the rights of a child are protected when—

- (1) No parent can be identified;
- (2) The lead agency or other public agency, after reasonable efforts, cannot locate a parent; or
- (3) The child is a ward of the State under the laws of that State.

For all children meeting these criteria, the EIS provider must:

- (1) Assign of an individual to act as a surrogate for the parent. This assignment process must include a method for— (i) Determining whether a child needs a surrogate parent; and (ii) Assigning a surrogate parent to the child.
- (2) Consult with DCYF.

In the case of a child who is a ward of the State, the surrogate parent, instead of being appointed by the lead agency under paragraph (b)(1) of this section, may be appointed by the judge overseeing the infant or toddler's case provided that the surrogate parent meets the requirements in paragraphs (d)(2)(i) and (e) of this section.

### Criteria for selection of surrogate parents.

- (1) The lead agency or other public agency may select a surrogate parent in any way permitted under State law.
- (2) Public agencies must ensure that a person selected as a surrogate parent—
  - (i) Is not an employee of the lead agency or any other public agency or EIS provider that provides early intervention services, education, care, or other services to the child or any family.
  - (ii) Has no personal or professional interest that conflicts with the interest of the child he or she represents; and
  - (iii) Has knowledge and skills that ensure adequate representation of the child.
- (e) *Non-employee requirement; compensation.* A person who is otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.



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(f) *Surrogate parent responsibilities.* The surrogate parent has the same rights as a parent for all purposes under this part.

(g) *Lead agency responsibility.* The lead agency must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

**(a) Parent means—**

(1) A biological or adoptive parent of a child;

(2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;

(3) A guardian generally authorized to act as the child's parent, or authorized to make early intervention, educational, health or developmental decisions for the child (but not the State if the child is a ward of the State);

(4) An individual acting in the place of a biological or adoptive parent

(including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(5) A surrogate parent who has been appointed in accordance with § 303.422

or section 639(a)(5) of the Act. (b)(1) Except as provided in paragraph

(b)(2) of this section, the biological or adoptive parent, when attempting to act

as the parent under this part and when more than one party is qualified under

paragraph (a) of this section to act as a parent, must be presumed to be the

parent for purposes of this section unless the biological or adoptive parent

does not have legal authority to make educational or early intervention service decisions for the child.

(2) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through

(a)(4) of this section to act as the "parent" of a child or to make educational or early intervention

service decisions on behalf of a child, then the person or persons must be determined to be the "parent"

for purposes of part C of the Act, except that if an EIS provider or a public agency provides any services

to a child or any family member of that child, that EIS provider or public agency may not act as the

parent for that child.