

## Early Intervention Guidance Document

### Parents and Parental Consent in Early Intervention

There are three situations that are relevant to consider when determining the appropriate person to sign as parent to consent for Early Intervention for a child:

- Child is living with a biological or adoptive parent
- Child is not living with a biological or adoptive parent and there is a judicial order related to the child's custody
- Child is not living with a biological or adoptive parent and there is *no* judicial order related to the child's custody

Service Coordinators should first seek the signature of the biological or adoptive parent to provide consent on behalf of a child for Early Intervention. However, there are times when a biological or adoptive parent's rights have been modified or terminated by the court. If this is the case, ask for the judicial orders or other court documents that identify a specific person or agency that has legal custody of the child. If a judicial order identifies a specific person who has legal custody of the child without limitation, then that person should be contacted to provide consent for Early Intervention services. If a judicial order identifies an agency who has legal custody of the child without limitation, then that agency should be contacted to determine the specific person the agency has assigned to make Early Intervention service decisions on behalf of the child.

If there is not a judicial order identifying a specific person or agency that has legal custody of the child, the biological or adoptive parent should be contacted to provide the necessary consents for Early Intervention. In order to try and locate the biological or adoptive parent, you should do the following:

- Make more than one attempt by more than one medium (i.e., telephone, email, post mail) to contact the parent.
- Document all efforts to contact the parent in the child's record (i.e., case note).

If the biological or adoptive parent does not agree to Early Intervention (e.g., assessment, evaluation, services, transition), the child should be exited from the Early Intervention program. If the biological or adoptive parent does not respond to the attempts to contact within a minimum of fourteen calendar days, a foster parent or an individual acting in the place of a biological or adoptive parent as defined by 34 CFR 303.27 may consent on behalf of the child.

The appointment of a surrogate parent should only be considered in the rare circumstance when:

- The court has not assigned a person or agency that has legal custody of the child;



- A biological or adoptive parent cannot be located or fails to respond to requests for involvement in the Early Intervention process;
- The child does not have a foster parent; or
- The child is not living with someone acting in the place of a biological or adoptive parent.

Only after all the listed alternatives above have been exhausted and all attempts at locating a parent have been documented in your case notes, should you complete the Surrogate Parent Application (HEA 8040). If you have any questions or concerns about the appointment a surrogate parent, contact your EI program consultant.