



**To:** Service Providing Agencies and their Service Coordinators



**Date:** 03-29-2024



**Subject:** Serving Children in Early Intervention When Parents Share Custody

## Arizona Early Intervention Program Technical Assistance Bulletin

### AzEIP Policy 3.0.1

Early intervention enhances the confidence and competence of parents and other caregivers in the lives of infants and toddlers, birth to three, with developmental delays and disabilities. Early intervention service providers support parents and caregivers to identify and use strategies that help their children engage in and learn from everyday interactions, activities, routines, and events using Team Based Early Intervention Services (TBEIS).

### Purpose

This bulletin is meant to provide Arizona Early Intervention Program (AzEIP) recommended practices on supporting families who share custody.

### AzEIP Procedure 7.1.9

The parent is the individual who makes early intervention decisions, including whether or not to participate in AzEIP, consent to screening, evaluation, assessment, consent to the provision of services, and consent to share early intervention records for a child. The parent is defined as:

- a biological or adoptive parent of a child
- a foster parent, unless Arizona law, regulations, or contractual obligations with an Arizona or local entity prohibit a foster parent from acting as a parent
- 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)
- a person 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
- a surrogate parent who has been appropriately appointed

### Procedure Clarification

It is the responsibility of the Service Providing Agency (SPA) to determine who can make early intervention service decisions for a child, including deciding whether to participate in AzEIP, consent to screening, evaluation, assessment, the provision of services, and consent to share early intervention records. SPAs must ensure both parents' names and contact information is accurate and entered into I-TEAMS, AzEIP data system, upon receipt of a referral or a transfer.



The SPA may presume that the parent has authority to consent, inspect and review records relating to his or her child while the child is in early intervention, unless the agency has been provided documentation that the parent does not have authority under applicable state laws governing such matters as custody, foster care, guardianship, separation, and divorce. Any court documentation provided to AzEIP must be maintained in the child's record.

The child's AzEIP team includes both parents who work together to create an Individualized Family Service Plans ( IFSP). Services are based on the support the family needs to meet their child and family outcomes based on the needs of both parents.

- Each parent may identify different outcomes for their child and family.
- Services are based on the support the family needs to meet their child and family outcomes based on the needs of both parents.
- Services can be provided at both parent's residences to meet the family's needs.

If parents are in disagreement with early intervention activities, the providers would obtain custody paperwork to identify how they can support the child and family.

- If one parent has the majority educational legal rights, the providers would refer to that parent for final decisions on early intervention activities.
- If both parents have equal legal rights and disagree, the parents are to work together to try to reach an agreement.
- If that is not possible, the service providing agency may not proceed until a court or other legal entity resolves the dispute.
- The SPA should provide prior written notice if waiting to identify or provide services until the family dispute has been resolved.
- SPA utilizes the "Family Dispute" delay code if there is a delay due to a family dispute for non-timely completion of an Early Intervention (EI) activity.

#### Communication with family

- SPA sends information to both parents equally, in the same manner whenever possible, when parents have joint legal custody and reside in different households.
- When responding to communication from one parent, SPA staff shall communicate the information to both parents.

#### Individualized Family Service Plans (IFSP)

- Both parents are to be invited to all IFSP review meetings at mutually agreeable times and locations, unless both parents agree that one person shall be the representative decision maker.
- The Service Coordinator (SC) is not responsible for scheduling separate meetings when parents or guardians do not wish to interactively participate in the same IFSP.
- The SPA may grant separate meetings if one party has a Protective Order against the other party. If the SPA is aware of a Protective Order, the SC will obtain a copy of the Protective Order and store it in the child's record.

If the SPA has questions, comments or concerns regarding supporting a family, they can contact their AzEIP Continuous Quality Improvement Coordinator at [AzEIPQualityImprovement@azdes.gov](mailto:AzEIPQualityImprovement@azdes.gov).

1789 West Jefferson Street Phoenix, Arizona 85007 (602) 532-9960