

CHAPTER 7: PROCEDURAL SAFEGUARDS

REVISION DATES: 07/01/2021, 12/14/2018

EFFECTIVE DATES: 04/01/2022, 07/01/2019

INTENDED USER(S): All ADES/AzEIP personnel, AzEIP Service Providing Agencies including all employees, contractors, subcontractors, and volunteers.

REFERENCES: 20 U.S.C. §1401(23); 34 C.F.R. Part 99; 34 C.F.R. §303.7, -.27

123, -.400, -.403, and -.449; 34 C.F.R. §99.3, 20 U.S.C. §§1232g, 1439(a)(2), and 1442; 34 C.F.R. §303.401-402, 34 C.F.R. 303.404, 20 U.S.C. §1232, et seq.

(FERPA) and 34 C.F.R. §303.405 - 413., 34 C.F.R. §303.405-409, 34 C.F.R. §303.410-411, 34 C.F.R. §303.401(d)(1), -.414-.415; 34 C.F.R. 99.30(d), 34 C.F.R. §303.416; 20 U.S.C. 1232f; 34 C.F.R. Parts 76 and 80, 34 C.F.R. §420, 20 U.S.C. §§1439(a)(6) and (7); 34 C.F.R. §§303.21 and 303.421, 20 U.S.C. §1439(a)(5); 34 C.F.R. §§303.27; -.422, 20 U.S.C. §1439; 34 C.F.R. §§303.401-449, 20 U.S.C. §1415(e); 34 C.F.R. §303.431, 34 C.F.R. §303.438, 34 C.F.R. §§303.430; 435. 34C.F.R. §§303.432-434

7.9 Identification of the Parent and Use of a Surrogate Parent

- 7.9.1 When a referral is made by the DCS or another referral source, such as the Regional Behavioral Health Authority (RBHA), and the child is a ward of the State or when an AzEIP eligible child becomes a ward of the State, a decision must be made as to who will best represent the early intervention interests of a child.
- 7.9.2 The service coordinator contacts the referral source (such as DCS Specialist) or others for whom there is an appropriate consent to learn the details regarding the parent's whereabouts, the placement of the child, orders of the Court, etc. in order to make a decision as to who should represent the child's interests and, if needed, how to gather additional information. This contact should be the first step when working with a child who is a ward of the State.
- 7.9.3 When a child is involved with the child welfare system of a tribe (and not involved with DCS), the EIP must contact the tribal child welfare worker to assist in determining the early intervention parent. Tribal laws vary by tribe and the EIP should contact ADES/AzEIP to assist in determining the early intervention parent as needed.
- 7.9.4 The service coordinator must attempt to locate the biological parent when parental rights have not been severed. The service coordinator must make at least three (3) phone call attempts at different times of day over the course of three (3) weeks, including evenings. If no phone number is available, the service coordinator must make attempts through mail or other methods identified with the DCS case worker.
 - A. If service coordinator cannot locate the DCS case worker, the service coordinator must elevate to a supervisor at DCS and notify DCS of

the requirement to attempt to engage the biological family in decisions regarding AzEIP eligibility and services.

- 7.9.5 If the service coordinator reaches the biological parent and the parent chooses not to act as the parent for AzEIP services, the service coordinator must identify an individual to act as parent in accordance to requirements outlined in the AzEIP Policy Manual, Chapter 7: *Procedural Safeguards*.
- A. The service coordinator must document contacts with the DCS Specialist (when DCS is the referral source) to attempt to identify the individual most appropriate to represent the child's early intervention interests and, as appropriate, attempts to contact the biological parents. In those circumstances when the biological parent does not attempt to act as the "parent," but his/her rights have not been severed and his/her whereabouts are known, the service coordinator should discuss with the DCS Specialist (with appropriate consent) and the early intervention parent strategies to involve the biological parent throughout the initial process, IFSP development and reviews, and/or the implementation of early intervention services, as appropriate.
- 7.9.6 The service coordinator should proceed with the individual identified to represent the child's interest as the parent.
- 7.9.7 When a child who has been receiving supports and services through AzEIP no longer has a parent who can be located or identified, or the child becomes a ward of the State, the same procedures apply for determining who may represent the child's early intervention interests.