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**1.0 PURPOSE AND SCOPE**

1.1.1. This procedure provides instructions for providing early intervention support and services for children living in Department of Children and Families (DCF) foster homes and require the service coordinator to have knowledge of their legal status per Individuals with Disabilities Education Act (IDEA), Part C).


**2.0 REFERENCES**

**2.1 Associated Documents**

- 2.1.1. Early Intervention Record
- 2.1.2. Form 1-3, Insurance Information Collection and Consent to Release Information Form
- 2.1.3. Form 3-1, Individualized Family Service Plan (IFSP)
- 2.1.4. Individualized Family Service Plan (IFSP) Procedure

**2.2 Source Information**

2.2.1. Connecticut Birth to Three Children Supported by the Department of Children and Families (DCF) Procedure, Effective July 1, 1996. Revised January 1, 2021.

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### 3.0 INSTRUCTIONS

#### 3.1 Overview of Department of Children and Families (DCF)

**NOTE**

The Department of Children and Families (DCF) strives to strengthen and support family relationships.

3.1.1. **UNDERSTAND** the mission of Department of Children and Families (DCF) is to protect children, strengthen families, and help young people reach their fullest potential.

1. **WHEN** family relationships become abusive or neglectful **AND** the safety of the child cannot be guaranteed in the family

**THEN KNOW** DCF steps in and performs the following:


- a. Removes the child.
- b. Makes efforts to find a relative known to the child who could serve as a temporary caretaker.
  - In many situations, however, no relative is immediately available or none are appropriate. At this point, arrangements are made for the child to be placed with an unrelated foster family.

3.1.2. **WHEN** a child is referred to Birth to Three System,

**THEN** Service Coordinator **PERFORM** the following:

1. **ENSURE** that there is a person who meets the definition of parent to represent the child's interest per IDEA.
  - Section 602.23 of the IDEA defines parent as (A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent); (B) a guardian (but not the State if the child is a ward of the State); (C) an individual acting in the place of a natural 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 (D) individual assigned under either of those sections to be a surrogate parent.
- a. **IF** a child is placed in a foster home (under this definition)
 

**THEN PERMIT** foster parent to act in the role of the parent to sign.

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3.1.2 (continued)

2. As part of an evaluation team or IFSP team **DETERMINE** who meets the IDEA definition of parent (above) using all information available at the time Early Intervention Services (EIS) are being provided.
  - a. **KNOW** this determination may change as new information becomes available.
  - b. **DOCUMENT** determination in child's Early Intervention record.
  - c. **RECOGNIZE** all children in foster care are under the guardianship of DCF.
    - (1) DCF, as guardian of children in foster care, only may **SIGN** for release of medical records.
    - (2) **KNOW** there are occasional exceptions,
      - For example when children are placed in foster care under an order of temporary care (OTC), or there is a 96 hour hold.
    - (3) **IF** there are questions about the guardianship of a child,
 

**THEN CONTACT** DCF for clarification.
3. **KNOW** Department of Children and Families (DCF) case worker signs for release of child's medical records.

3.1.3. **KNOW** DCF is responsible for legal paperwork that outlines the type of custodianship/guardianship of a child they are involved with.


1. **REFER TO** Attachment 1, Parental Rights (Outside of IDEA) within CT Department of Children and Families (DCF).

3.1.4. Birth to Three program is responsible to **CONFIRM** child's guardianship status.

1. **OBTAIN** consent for initial evaluations from the person who meets the IDEA definition of "parent".
2. **IF** In the extremely rare exception that a child is **NOT** living with someone who fits definition of parent (or a foster parent is unwilling to serve in the role of parent),
 

**THEN** Connecticut Birth to Three System **APPOINT** a surrogate parent.

3.1.5. **REFER TO** Attachment 2, Types of Legal Status of Children Placed in Department of Children and Families (CDF) to consider the types of Legal Status of Children Placed in DCF.

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### 3.2 Sharing Information with DCF

#### NOTE

In 2013, the Uninterrupted Scholars Act (USA) (Public Law 112-278), was signed into law which amends Section 444 of the General Education Provisions Act (20 U.S.C. § 1232g) (commonly known as the Family Educational Rights and Privacy Act (FERPA).

3.2.1. **WHEN** an agency or organization is legally responsible for the care and protection of the student, per State or tribal law,

**THEN KNOW** Family Educational Rights and Privacy Act (FERPA) permits educational agencies and institutions to disclose a student's education records, without parental consent, to a caseworker or other representative of a State or local child welfare agency or tribal organization authorized to access a student's case plan

1. **REFER TO** Attachment 3, Requirements for Sharing Information with DCF and the Role of Foster Parent or Surrogate Parent.


### 3.3 Sharing information

#### NOTE

It is the goal of DCF to move children out of foster care quickly. In many cases this means reuniting children with their biological parents.


3.3.1. Sharing information with biological parents for a child in Department of Children and Families (DCF) care (committed), with the consent of DCF case worker, **INFORM** biological parent of child's program.

1. **SEND** copies of reports.
2. **OFFER** an opportunity to participate in Birth to Three visits.
  - a. **KNOW** this can take place during a supervised visitation, regular visitation or at the foster home, with the consent of the foster parent.

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- 3.3.2. Sharing information with foster family for a child in DCF care (committed), with the consent of DCF worker, **INFORM** foster family of child's program.
1. **SEND** copies of reports.
  2. **OFFER** an opportunity to participate in Birth to Three visits.
    - a. **KNOW** this can take place during a supervised visitation, regular visitation or at the foster home, with the consent of the foster parent.
  3. **IF** foster parent is reluctant to have their identifying information shared with biological parent,

**THEN REDACT** all identifying information of foster parent from file (name, address,) when sharing information with the biological parent.
- 3.3.3. Early intervention professionals **PERFORM** the following:
1. **USE** information from multiple sources for an evaluation, including information from:
    - Biological parents (if possible)
    - DCF
    - Medical reports
    - Foster parents.
  2. **UNDERSTAND** it can be challenging evaluating a child when there are multiple viewpoints regarding a child's abilities.
  3. Carefully **WEIGH** all information and **USE** best clinical judgement in evaluating a child in foster care.
  4. **RESPECT** confidential nature of information regarding children and their biological parents.

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### 3.4 Types of Foster Placement

3.4.1. **KNOW** there are two types of foster placements:

1. Core

- These are foster families that are identified and licensed by the department of children and families and are probably the ones providers will come across most frequently.

2. Therapeutic Foster Care

- These are foster homes that have been identified by other licensed child placing agencies. Therapeutic Foster placements are for youth with significant behavioral health needs, or complex medical needs. There is extensive training that goes into being a therapeutic foster home and the placing agency licenses the foster home in addition to them having to meet all DCF Core criteria. There is typically an agency worker that is attached in addition to the DCF social worker who carries the case.

3.4.2. Service Coordinator(s) **KNOW** the difference between types of foster placements so they know if they are working with a DCF or DCF contracted social worker.

3.4.3. **IF** a child is placed in a therapeutic foster home,

**THEN KNOW** child may be working more with agency social worker.


### 3.5 Relocation or Exit of Children under the Guardianship of DCF

3.5.1. **WHEN** a child engaged in the following:

- Referral
- Evaluation
- Service process is being relocated (DCF Policy 36-55-15)

**THEN** Service Coordinator or Program Director **RECEIVE** notification within one week from child's DCF social worker, as written in MOU between Department of Children and Families (DCF) and Office of Early Childhood (OEC).

1. Because of the MOU, DCF is an IDEA participating agency and Early Intervention (EI) Programs may share PII without consent particularly for pending referrals.

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3.5.2. For children involved with DCF, Birth to Three Program **ENSURE**:

- DCF social worker is notified within one week when there is a change in the child's Birth to Three Service Coordinator.
- DCF social worker is notified at least one week before a determination has been made to exit a child, including the reason for the exit.

3.5.3. For all other children being served by DCF, Birth to Three Program **ENSURE** information is released to child's DCF Social Worker when a determination has been made by either the parent or the Birth to Three System to exit a child, including the reason for exit.

1. **OBTAIN** parent permission.

### 3.6 DCF and Transition to Public School

3.6.1. **WHEN** a child approaches 24 months of age,

**THEN** Service Coordinator **OBTAIN** written consent from foster parent or Birth to Three surrogate parent, if one was assigned, to make a referral to the local public school district.

1. **COMPLETE** Form 3-8, Approval to Include my Local School District in Transition Planning.
2. **ENSURE** at the latest, Form 3-8, Approval to Include my Local School District in Transition Planning is completed by the child's age of 2 years, 6 months.

3.6.2. **WHEN** referring a child for preschool special education,


**THEN** Service Coordinator **ENSURE** school district for correct nexus town is notified and receives referral.

1. **IF** there are questions about a child's nexus,

**THEN CONTACT** child's DCF case worker or Educational Liaison at DCF office for that child.

- a. **OBTAIN** a release to notify school district personnel in both town of nexus **AND** town where the child resides when referring a child for preschool special education.



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3.6.3. **IF** during the process of evaluation for special education, DCF relocates the child,

**THEN** Service Coordinator **NOTIFY** DCF worker that DCF needs to make arrangements with LEA conducting evaluation to transport child in order to complete evaluation.

1. **KNOW** an infant or toddler living in a foster home who requires preschool special education at age three remains the educational responsibility of town in which the child's biological parent(s) live, **UNLESS** parental rights have been terminated.

a. **REFER TO** that town as the child's "nexus LEA."

b. **IF** parents live in separate towns,

**THEN KNOW** it is the town in which child would most likely live, if he or she were **NOT** living in a foster home.

- Usually, this is the parent that is most actively involved with the child.

2. **IF** child's parents are:

- Deceased
- The whereabouts are unknown.
- **NOT** within the State of Connecticut.
- Both incarcerated.
- Parental rights have been terminated and child has no legal guardian other than DCF.


**THEN KNOW** the child is considered to have "no nexus" and it is the town in which the child lives that is responsible for his or her education at age three.

3.6.4. **KNOW** the Connecticut State Department of Education (SDE) will appoint a surrogate parent to represent child in special education system under Part B of the IDEA.

1. Service Coordinator or Program **REQUEST** proof from SDE Surrogate that they have been officially appointed by SDE, in the form of written notice of appointment of surrogate from SDE.


3.6.5. Service Coordinator **NOTIFY** responsible LEA upon referral to school district that child is followed by DCF by checking the appropriate area on Form 3-8, Approval to Include my Local School District in Transition Planning.

1. **KNOW** school district should request a current copy of DCF Form 603, Notification to LEA of a DCF Placement from DCF case worker.

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- 3.6.6. **KNOW** that until State Department of Education appoints a surrogate parent to represent child in the special education system, a child’s foster parent or Birth to Three surrogate parent, if assigned, is authorized to grant consent for evaluations necessary to determine eligibility for preschool special education.
- 3.6.7. **KNOW** a Birth to Three surrogate parent may be invited to Planning and Placement Team (PPT) meeting to determine eligibility as someone who knows the child however, SDE appointed surrogate parent is the only one acting in a parental role for the child at this meeting.
- 3.6.8. After child is no longer receiving services from Birth to Three **KNOW** the person appointed by Birth to Three System will **NO** longer function as child’s surrogate parent **UNLESS** State Department of Education (SDE) has officially appointed them.
1. **IF** child is found eligible for preschool special education,
 

**THEN KNOW** a SDE surrogate (requested by the school district) signs consent for initial placement and IEP services.
- 3.6.9. **WHEN** Form 3-8, Approval to Include my Local School District in Transition Planning has been signed **OR** child has reached the age of three,
- THEN KNOW** surrogate parent appointed by SDE has statutory authority to receive all records related to child and may request them from Birth to Three program.
- This may be in addition to records that may have already been sent to the Local Education Agency or school district.
  - The SDE surrogate signs Form 3-3, Release Form for all requested documents.
- 3.7 Determining the Responsible LEA for a Child in Placement**
- 3.8 Birth to Three Surrogate Parents**
- 3.8.1. **IF** a child:
- Does **NOT** live with anyone who meets the IDEA definition of “parent”.
  - Is under guardianship of the Commissioner of the Department of Children and Families
  - Does **NOT** know the whereabouts of the parent(s).
- THEN KNOW** a child requires a surrogate parent (this is a very rare occurrence).
- 3.8.2. **IF** Birth to Three Programs have questions about appointing a surrogate parent,
- THEN CONTACT** Birth to Three System or Lead Agency

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### 3.9 Role of Birth to Three Surrogate


3.9.1. **WHEN** a Birth to Three Surrogate is appointed (in rare circumstances),

**THEN KNOW** the role of that surrogate parent is to serve in place of child's parent as child's advocate for early intervention decisions affecting the child.

- Early intervention decisions include identification, evaluation, placement, development and periodic reviews of the Individualized Family Service Plan (IFSP) and due process procedures.

3.9.2. **KNOW** a surrogate parent:

1. Has Access to all early intervention records concerning the child and due process rights.
2. Does **NOT** have authority to request or release medical information or insurance related forms.
3. Will be asked to be present at and participate in IFSP meeting, including their input into the development of the IFSP.
4. Will be asked to sign the following:
  - IFSP
  - Consent forms for evaluations
  - Releases of information
  - Referral to the local public school
  - Consent for initial evaluation by the school district.
5. Does **NOT** have permission to sign or release nor have access to a child's medical records.

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### 3.10 Appointing a Birth to Three Surrogate Parent

3.10.1. **WHEN** the appointment of a surrogate is necessary,

**THEN** Service Coordinator **PERFORM** the following:

1. **REQUEST** from Department of Children and Families (DCF) case worker a copy of DCF Form 603, Notification to LEA of a DCF Placement.
2. **SEND** the following to Family Liaison:
  - DCF Form 603, Notification to LEA of a DCF Placement
  - A completed Form 3-10, Request for Surrogate Parent
3. **IF** request is because the parent's whereabouts are unknown,

**THEN KNOW** DCF case worker may write a letter **OR** supply other documentation in lieu of a Form 603, Notification to LEA of a DCF Placement
4. **KNOW** the Family Liaison performs the following:
  - a. Reviews request and DCF Form 603, Notification to LEA of a DCF Placement or other documentation sent
  - b. Appoints a person to act as surrogate parent.
5. Family Liaison or a Birth to Three Administrator in thier absence, **SIGN** Form 3-10, Request for Surrogate Parent.
6. **SEND** the following to Birth to Three Program:
  - Completed and signed Form 3-10, Request for Surrogate Parent
  - Contact information for appointed surrogate parent.

3.10.2. Birth to Three Program **SEND** a copy of the following to child's DCF staff person:

- Completed and signed Form 3-10, Request for Surrogate Parent.
- Contact information for appointed surrogate parent.



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3.10.3. Prior to initial evaluation **KNOW** a surrogate parent must be appointed since **NO** child may be evaluated until there is consent for the evaluation from one of the following:

- A parent
- A legal guardian
- Person in a parental relationship
- Surrogate parent

**END of Instructions**

#### **4.0 REVISION HISTORY**

<b>Location</b>	<b>Description of Change</b>
All	New Human Factored Procedure in New Template.



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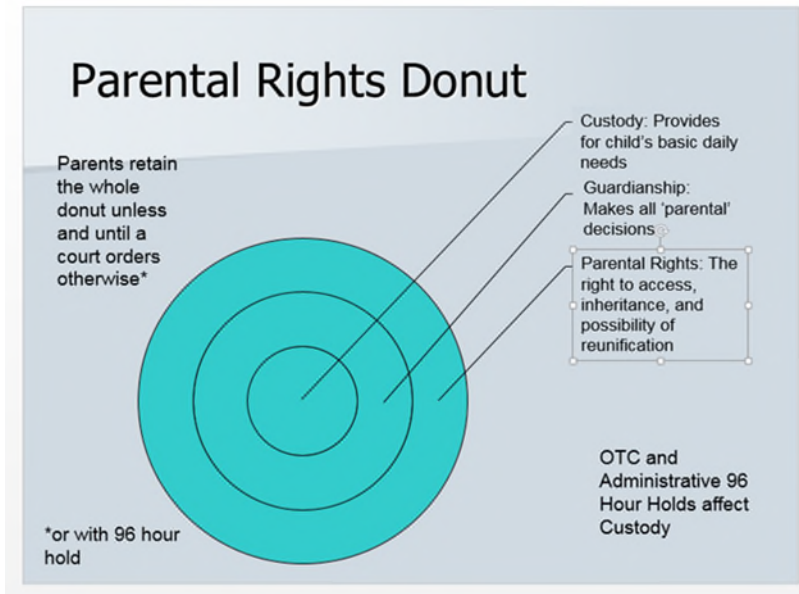
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**Attachment 1, Parental Rights (Outside of IDEA) within CT Department of Children and Families (DCF)**



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**Attachment 2, Types of Legal Status of Children Placed in Department of Children and Families (CDF)**

**NOTE**

The following types of Legal Status of Children Placed in DCF is from DCF/CT Foster Adoption Manual Chapter 5-  
<https://portal.ct.gov/DCF/CTFosterAdopt/Manual/Chapter5#96-HourHold>)

**A. CONSIDER** the following types of Legal Status of Children Placed in DCF Licensed Homes:

1. 96-Hour Hold
  - A 96-hour occurs when DCF or a hospital exercises the responsibility and authority, without court involvement, to take immediate temporary custody of the child. The parent remains the legal guardian. Therefore, the parents have the right to make medical and other types of decisions for the child. However, during a 96 hour hold, DCF shall provide the child with all necessary care, including medical care, which may include an examination by a physician or mental health professional with or without the consent of the child's parents, guardian or other person responsible for the child's care, provided reasonable attempts have been made to obtain consent of the child's parents or guardian or other person responsible for the care of such child. If it is determined that the child should remain in care beyond 96 hours, DCF must file a motion for Order of Temporary Custody with Juvenile Court.
  
2. Order of Temporary Custody (OTC)
  - An Order of Temporary Custody (OTC) occurs when the juvenile court makes a decision to assign immediate care and custody of the child to the Commissioner of the Department of Children and Families. DCF or another suitable agency or person has custody of the child. However, the parent remains the legal guardian.
  
3. Commitment
  - This occurs after the juvenile court has determined that a child has been abused, neglected or is uncared for. The court places the child under the guardianship of the Commissioner of DCF until commitment is revoked by the court. DCF has authority to make all decisions for the child, although parents are consulted when appropriate. The commitment is reviewed at least annually.
  
4. Termination of Parental Rights



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Attachment 2, Types of Legal Status of Children Placed in Department of Children and  
Families (CDF) (continued)**

- This occurs when the parental rights of the child’s parents have been terminated. Juvenile court generally appoints DCF as the statutory parent. The parents whose rights have been terminated have 20 days to appeal the decision. The child is legally free for adoption after the appeal period or until the appeal has been concluded by the court, and may be considered for adoption. DCF has authority over all decisions and parents have no rights nor are they consulted about decisions.

5. Voluntary Placement

- DCF does not have guardianship. This occurs when the birth parent/guardian gives permission for the out-of-home placement of the child and they are given the name and address of the person with whom the child is living. During the 90-day maximum voluntary placement, the parent(s) retain rights and responsibilities to and for the child, including authorization of medical care, educational placements, consent to marriage, enlistment in armed forces, baptism, and other legal decisions. DCF may authorize necessary medical care if the parent(s) cannot be reached but may not authorize any procedures requiring anesthesia. At any time during the 90 days, the parent(s) have the right to the return of the child. If returning home places, the child in immediate physical danger, DCF will take appropriate legal action





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**Attachment 3, Requirements for Sharing Information with DCF and the Role of Foster Parent or Surrogate Parent**

Status of Child	DCF Roles and Responsibilities	B23 Roles and Responsibilities	Bio Parent Roles and Responsibilities	Foster Parent Roles and Responsibilities
Order of Temporary Custody- Child is in foster care	Responsible for the care of the child including the provision of routine and necessary health care.  Responsible for decisions regarding medical and mental health treatment.	Release records requested by DCF.  Form 1-3 needs to be completed but no signature is required.  Include as part of the IFSP team and notifications. No consent is required as based on the MOU between the OEC and DCF, DCF is a participating agency (34 CFR § 303.414(a)(1) and (b))	The biological parents retain rights to be involved, receive PWN and participate in EIS	Foster parents typically meet the definition of Parent and can sign all Part C documents. If as "a" parent under IDEA they consent to EIS, then EIS may be provided even if the bio parent does not consent.  Signs all releases but does not need to give consent to release information requested by DCF
Committed-Child is in foster care		Release records requested by DCF.  Include as part of the IFSP team and notifications. No consent is required as based on the MOU between the OEC and DCF, DCF is a participating agency (34 CFR § 303.414(a)(1) and (b))  Form 1-3 needs to be completed but no signature is required	May not sign releases.  The biological parents may be involved, discuss with DCF.	