

MEMORANDUM OF UNDERSTANDING
between the
Connecticut Department of Children and Families
and the
Connecticut Office of Early Childhood

Whereas the federal Child Abuse Prevention and Treatment Act (CAPTA) and Comprehensive Addiction and Recovery Act (CARA) require states to have provisions and procedures for the referral of a child under the age of three who is involved in a substantiated case of child abuse or neglect or is affected by substance use or withdrawal symptoms resulting from prenatal drug exposure to early intervention services funded under Part C of the Individuals with Disabilities Education Act (IDEA 2000); and

Whereas the Office of Early Childhood (OEC) has been designated pursuant to C.G.S. § 17a-248 as the lead agency for the development and implementation of a statewide, comprehensive, coordinated, multidisciplinary and interagency program (known as “Birth to Three”) of early intervention services for infants and toddlers with significant developmental delays or disabilities and their families under the Individuals with Disabilities Education Act (IDEA); and

Whereas the Department of Children and Families (DCF) pursuant to C.G.S. § 17a-3 is responsible for administering a comprehensive and integrated statewide program of services for children who are abused, neglected or uncared for;

Whereas the Office of Early Childhood (OEC), is responsible for administering the Help Me Grow (HMG) program pursuant to C.G.S. § 17b-751d; and

Whereas the OEC has the authority to enter into this Agreement under CGS 4-5 and 4-8,

Now therefore DCF and OEC enter into this Memorandum of Understanding in order to clarify the roles and responsibilities of each agency regarding the referral to early intervention services of children under age three who are involved in substantiated cases of child abuse or neglect and/or who are affected by substance use or withdrawal symptoms resulting from prenatal drug exposure. This MOU promotes the coordinated partnership between the agencies to achieve this goal.

I. DCF Roles and Responsibilities

1. For every child aged 0-3 who is a substantiated victim of abuse or neglect and the case is opened for in-home services, the caregiver will be assisted by the DCF

Social Worker with completing a referral to Help Me Grow (HMG) and enrolling in Ages and Stages Questionnaires (ASQ) or other services. This requires parental consent either in writing or by their initiation of the service.

2. For all children ages 0-3 who are substantiated victims of abuse or neglect but for whom no Child Protective Services case is opened, the caregiver will be assisted by the DCF Social Worker with connecting to HMG through the Child Development Infoline to enroll in developmental monitoring program such as the ASQ or other services. This requires parental consent either in writing or by their direct initiation of the service.
3. Assistance with the referral process will be provided by the DCF Social Worker and may include sitting with the caregiver to help make the referral by telephone, mail or online.

DCF will ensure that all staff are informed of the terms of this MOU and provide supports necessary for effective implementation.

II. OEC Roles and Responsibilities

OEC will ensure that all staff are informed of the terms of this MOU and provide supports necessary for effective implementation.

OEC will Birth to Three referrals from DCF are handled according to documented intake procedures aligned with IDEA requirements, specifically including requesting consent from the parent, foster parent, legal guardian or other caregiver as defined in C.G.S. § 17a-248(8), before proceeding with the referral.

Birth to Three will ensure that its contracted service providers, hereinafter referred to as "Birth to Three program", will be informed of the terms of this MOU.

The Birth to Three program will seek informed written consent from the identified parent as defined in C.G.S. § 17a-248(8) for the initial evaluation, development of the Individualized Family Service Plan (IFSP) and the implementation of services for those children found eligible. The consent of only one parent is required. Parents shall be fully informed of all information relevant to the activity for which consent is sought in the parent's preferred language unless it is clearly not feasible to do so.

If no parent as defined in C.G.S. § 17a-248(8) is available, Birth to Three shall appoint a surrogate parent. If a surrogate parent is appointed, notification shall be made to the family's DCF Social Worker.

III. Definition of Parent

In keeping with the Individuals with Disabilities Education Act (IDEA), Connecticut General Statute § 17a-248(8), defines “parent” as:

- a. a biological or adoptive parent of a child;
- b. a foster parent;
- c. 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);
- d. 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
- e. a surrogate parent who has been appointed in accordance with §303.422 or §639(a)(5) of the IDEA

IV. Surrogate Parents

In the event that no person meets the definitions of parent as outlined in Section III above, Birth to Three must appoint a surrogate parent in order to ensure legal consent for evaluation and services and to ensure that the child’s due process rights under the IDEA are protected. The Birth to Three Family Liaison shall appoint trained, qualified individuals to be surrogate parents and shall reimburse them.

Two additional conditions shall be satisfied in the appointment of surrogate parents:

- a. surrogate parents must have no personal or professional interest that conflicts with the interest of the child being represented and must have the knowledge and skills that ensure adequate representation of the child; and
- b. employees of an agency caring for or educating the child may not serve as surrogate parents.

Surrogate parents may give consent for evaluation and services, authorize release of information from the child’s record and have due process rights, but they may not authorize Medicaid billing or obtain medical information. For children under the guardianship of DCF, all insurance forms and requests for medical information must be signed by the DCF Social Worker.

If Birth to Three cannot confirm parent consent after multiple attempts including phone, mail, and other methods as available, the Birth to Three referral will be closed.

If parent consent is declined, the Birth to Three referral will be closed and the caregiver will be offered Help Me Grow and Ages and Stages Questionnaires.

If parent consent to proceed is obtained, Birth to Three will ensure completion of a

timely, multidisciplinary developmental evaluation.

V. Referral Disposition

Birth to Three will notify DCF of the final disposition of each Birth to Three referral made by DCF staff.

VI. Uninterrupted Scholar Act

The Uninterrupted Scholar Act 20 U.S.C. § 1232g(b)(1)(L) which permits educational agencies and institutions to disclose personally identifiable information (PII) from the education 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 (CWA) or tribal organization authorized to access a student's case plan "when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student." *See* 20 U.S.C. § 1232g (b)(1)(L). OEC will share information with DCF following the guidelines of the Uninterrupted Scholars Act when necessary to fulfill other terms of this Agreement.

VII. Relocation, Changes in Coordination and Discharge Process

The child's DCF social worker shall notify a child's Birth to Three service coordinator or program director within one week when a child engaged in the referral, evaluation or service process is being relocated, per DCF Policy 36-55-15.

For children under the care and protection of DCF, the Birth to Three program shall ensure:

1. that the DCF social worker is notified within one week when there is a change in the child's Birth to Three service coordinator, and
2. that the DCF social worker is notified within one week when a determination has been made to exit a child, including the reason for the exit.

For all other children being served by DCF, the Birth to Three program shall ensure that with parent permission, information is released to the child's DCF Social Worker when a determination has been made by either the caregiver or the Birth to Three System to exit a child, including the reason for exit.

VIII. Reports

Every child enrolled in the Birth to Three System is registered with the Connecticut State Department of Education and is assigned a state assigned student identification (SASID) number. This number shall be made available to DCF as part of the exchange of case-specific information between the local Birth to Three program and the DCF Social Worker.

The Connecticut Birth to Three System will send semi-annual reports to DCF with the following information and data:

- a. number of children referred by DCF and the concerns associated with the referrals;
- b. number of children referred by DCF foster families and the concerns associated with those referrals;
- c. results of the determination of eligibility (*i.e.*, whether the child was eligible due to a diagnosed condition, a developmental delay of 2 standard deviations in one or more developmental areas, or a delay of 1.5 standard deviations in two or more areas of development);
- d. number of eligible children receiving services from each type of discipline based on each child's last IFSP during that period;
- e. number of children that exited during that period;
- f. reasons for the exit (*e.g.*, withdrawal by parent, aged out, cannot locate, deceased); and
- g. number of children referred to preschool special education or other providers.

IX. Transition and Referral to Special Education

When a child exiting the Birth to Three System is found eligible for special education and related services, the family's DCF social worker shall expedite any release of information needed by the school district to enroll the child, including a current DCF-603, "Notification to a Local Education Agency of a DCF Placement," and any other information needed to register the child.

If a child is placed in out-of-home care or relocated to another out-of-home placement by DCF during the process of evaluation for initial special education placement, DCF shall ensure that transportation is provided to enable the school district to complete the evaluation and all notice requires of C.G.S. 17a-16a are met.

X. State and Interagency Coordinating Council

Under IDEA Part C, states must establish a State Interagency Coordinating Council (ICC) that includes all participating state agencies as well as parents, providers and others. The role of the ICC includes advising and assisting OEC in the performance of its responsibilities and promoting intra- and interagency collaboration, and advising and assisting the Department of Education and the OEC regarding the transition of toddlers with disabilities to preschool and other appropriate services.

As the Connecticut state agency responsible for both child welfare and children's mental health, the DCF serves as a member of the Council. The specific individual representing DCF on the Council shall be appointed by the Governor of the State of Connecticut.

XI. Dispute Resolution

Each agency shall maintain its own internal dispute resolution process. No disputes within any of the Departments shall delay evaluation of children or the delivery of services to eligible children.

In the event that there is a dispute between the DCF and the OEC, it shall be resolved by the respective Commissioners.

XII. CHANGE IN LEAD AGENCY

In the event that there is a change in the lead agency for the Birth to Three System, this MOU shall remain in full force and effect until such time as it is terminated according to Section XIII of this MOU.

XIII. TERM OF AGREEMENT

This agreement will remain in effect until such time as either DCF or OEC, with 30 days' written notice, terminates it or until such time as it is replaced by a successor Memorandum of Understanding.

		
Joette Katz	Date	Date
Commissioner		
Department of Children and Families		
	David Wilkinson	
	Commissioner	
	Office of Early Childhood	