



Identifying
the Parent in
Early
Intervention

2019



Participants will:

Understand the definition
of parent

Identify the three scenarios
that affect the
determination of who can
act as parent

Understand the steps to
get parent consent

Who can be
considered a
parent in Early
Intervention?
(34 CFR
303.27)



A biological or adoptive parent of a child

A foster parent, unless State law, regulations, or contractual obligations with a State 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);

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

A surrogate parent who has been appointed in accordance with § 303.422 or section 639(a)(5) of the Act.

Who can be
considered a
parent in Early
Intervention?
(34 CFR
303.27)



Biological/adoptive parent presumed to be the parent unless he or she does not have legal authority to make educational or early intervention service decisions for the child

Who can be
considered a
parent in Early
Intervention?
(34 CFR
303.27)



Judicial decree or order identifies a specific person or persons to act as the “parent” of a child or to make educational or early intervention service decisions on behalf of a child: the person or persons must be determined to be the “parent” for purposes of part C.

Exception: if an EIS provider or a public agency provides any services to a child or any family member of that child, that EIS provider or public agency may not act as the parent for that child.

How do I determine who can act as parent? three scenarios

[EI WEBSITE](#)
[Parents and
Parental
Consent in EI
Flowchart](#)



Child living with biological parent



Child not living with biological parent and
there is a judicial order



Child not living with biological parent and
there is not a judicial order



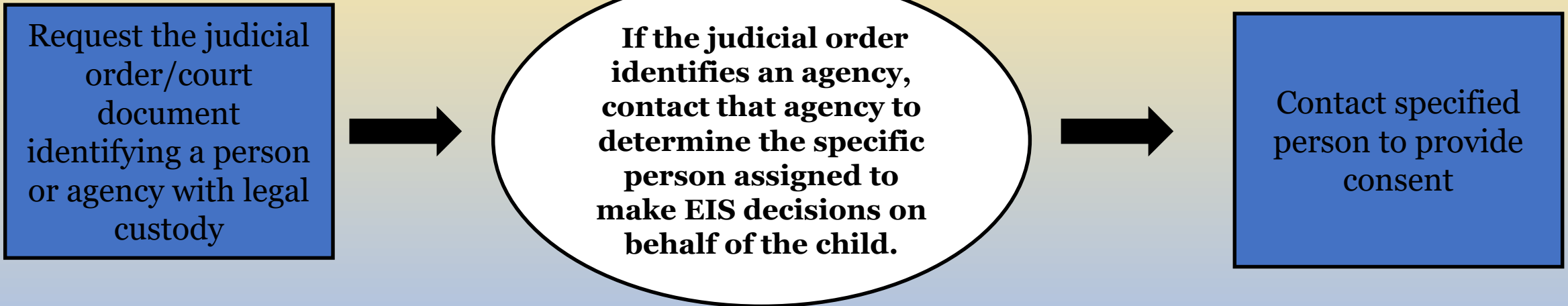
Scenario 1: Child living with biological or adoptive parent

Seek signature of the biological or adoptive parent to provide consent

Document all efforts to contact the parent



Scenario 2: Child not living with biological parent and there is a judicial order.





Scenario 3: Child not living with biological parent and there is not a judicial order.

Contact the biological or adoptive parent

Make more than one attempt by more than one medium

Document all efforts to contact the parent

What if the parent does not consent to Early Intervention?

Exit the child
from Early
Intervention

What if the biological or adoptive parent does not respond to contact attempts?

More than one contact attempt made by more than one medium

14 days

Foster parent or individual acting in place of biological or adoptive parent (34 CFR 303.27) may consent



What is legal custody?

ORC 2151.011(A)(21)



legal status that vests in the custodian the right to:

have physical care and control of the child

protect, train, and discipline the child

determine where and with whom the child shall live

provide the child with food, shelter, education, and medical care

all subject to any residual parental rights, privileges, and responsibilities.

Legal
custody



Right to
make EI
decisions



When would we appoint a surrogate parent?

The court has not assigned a person or agency that has legal custody

Biological or adoptive parent cannot be located or fails to respond to requests for involvement in EI

The child does not have a foster parent

The child is not living with someone acting in the place of a biological or adoptive parent

Contact your program consultant if you have questions or concerns

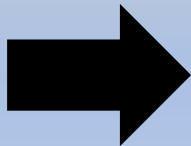
Submitted questions



Next Steps

FAQs

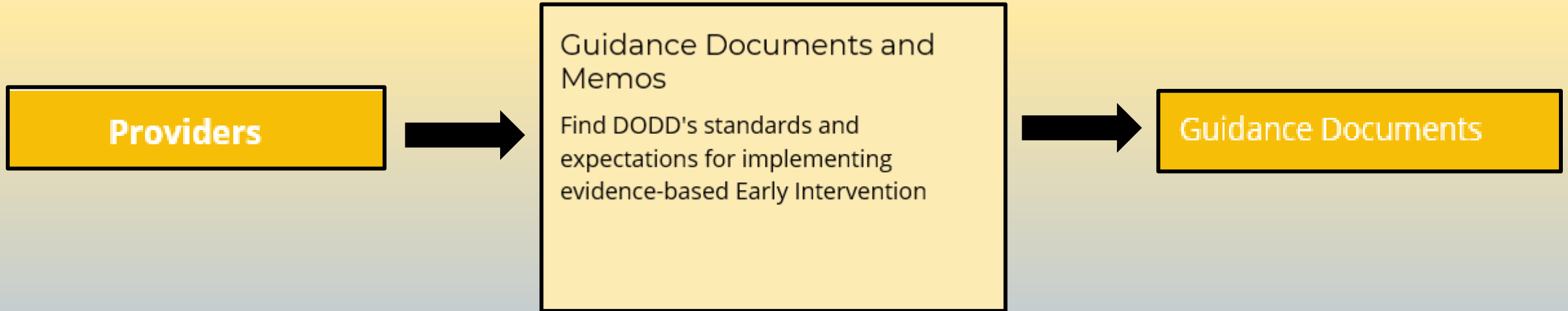
Rule Webinars



Date	Time	Rule	Submit questions 14 days prior
Apr 9, 2019	8:30-10 a.m.	Procedural Safeguards	Mar 26, 2019
Apr 23, 2019	8:30-10 a.m.	Credentialing	Apr 9, 2019
May 7, 2019	8:30-10 a.m.	Program (Screening, Eligibility and Assessment)	Apr 23, 2019
May 14, 2019	8:30-10 a.m.	Program (IFSP)	Apr 30, 2019
May 21, 2019	8:30-10 a.m.	Program (Service Coordination)	May 7, 2019
May 28, 2019	8:30-10 a.m.	Program (Transition/Exit)	May 14, 2019

Guidance

www.ohioearlyintervention.org



[Parents and Parental Consent in Early Intervention](#)

[Identification of a Parent in Early Intervention Flowchart](#)



THANK
YOU