



State of Florida
Department of Children and Families


Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: October 1, 2010

TO: Regional Directors

THROUGH: Pete Digre, Assistant Secretary for Operations
David L. Fairbanks, Assistant Secretary for Programs

FROM: Alan Abramowitz, State Director, Office of Family Safety 

SUBJECT: Part C of Individuals with Disabilities Education Act (IDEA)
ACTION REQUIRED: Notification to Lead Agencies and Sheriff Grantees
DUE DATE: None

PURPOSE: This memorandum is in reference to federal requirements regarding appropriate individuals to give consent for services provided by Florida's Early Steps system.

BACKGROUND: The Infants and Toddlers with Disabilities Program (Part C of IDEA) is a federal grant program that assists states in operating a comprehensive statewide program of early intervention services for infants and toddlers with disabilities, from birth up to 36 months of age, and their families. Florida's Early Steps is the lead agency for this federal program as administered by Florida's Department of Health.

Part C eligibility is determined in part through an evaluation process for infants and toddlers (from birth up to 36 months) which includes informed clinical opinion of professionals experienced with the development of very young children. If a child is determined eligible, the next step is to create an Individualized Family Service Plan (IFSP) which outlines the services necessary to facilitate the child's development and to enhance the family's capacity to care for the child. The IFSP is a multidisciplinary assessment of the unique strengths and needs of the infant and/or toddler and the identification of early intervention services appropriate to meet their needs.

Early Steps, as the designated lead agency, must provide assurances to the federal government's Office of Special Education Programs that Florida's state policy regarding consent for children in foster care is in compliance with the federal regulations specific to Part C of IDEA.

Part C of IDEA requires parents to provide consent for early intervention services. The Act (34 CFR § 303.19) defines "parent" to include **a natural, adoptive, foster, surrogate, or an individual acting in the place of a natural or adoptive parent (including grandparent, stepparent or other relative) with whom the child lives.** A parent, as defined by Part C of

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IDEA, must sign consent for early intervention services under the "Informed Consent Parent/Guardian" signature block on Form H of the Individualized Family Support Plan (IFSP) document.

In some areas of the state it has been noted that child welfare case managers are providing consent for early intervention services in place of a parent, which is a direct violation of Part C of IDEA. Please refer to the following link for information on allowable individuals to consent to early intervention services: http://www.cms-kids.com/home/resources/es_policy_0710/8-ProceduralSafeguards/Comp8_Handbook.html.

In the context of family centered practice, it is suggested that both the birth and foster parents actively participate in the development of an IFSP if the child is in out-of-home care and if parental rights are intact. Early Steps will obtain a copy of the court order for children placed in foster care. In cases where the case management agency is working toward reunification, every effort should be made to include the child's parent or future caregiver in the development of the IFSP. If receiving consent from the natural parent and foster parent will delay service delivery, either signature will be sufficient for consent. If consent by either party is not achievable, child welfare case managers should notify Early Steps which will identify a surrogate parent.

Early Steps will be depending on the expertise of the child welfare case manager to identify the most appropriate individual(s) to participate in the development of the IFSP and provide consent on the "Informed Consent Parent/Guardian" section on Form H of the IFSP. The policies are intended to ensure that all eligible children and their families have a plan of supports and services that is based on shared assessment information and knowledge, meets the unique needs of each child and family, and is developed in an open forum that supports the collaborative partnership between parents and professionals.

In cases where children are potentially eligible or enrolled in Early Steps and in custody of the Department, both the parent(s), as defined by Part C of IDEA (see page 1, bottom paragraph) **and** the case manager or the DCF designee, must participate in the development of and consent for Early Steps services. Consent for services by the case manager, or their designee, is documented on the signature block of Form H of the IFSP entitled "Consent for Services for Children in Custody of Department of Children and Families under Chapter 39, F.S." This is in addition to the required signature of the parent, as defined by Part C of IDEA.

ACTION REQUIRED: We request that each Region/Circuit notify the CBC Lead Agencies of this clarification and review any current memoranda of agreement among the Child Protection Teams (CPT) and the Department for any discrepancies in adherence to the stated policy.

CONTACT INFORMATION: If you have any questions regarding this information, please contact Johana Hatcher at (850) 488-1929 or johana_hatcher@dcf.state.fl.us.

cc: DCF Contract Managers
CBC CEOs
Circuit Administrators
CPT Managers