

**#10 Parent's Rights:** *What are the HMG EI procedures when a child is involved with a Public Children's Services Agency?*

Children come into HMG Early Intervention (EI) from all kinds of circumstances and the federal Individuals with Disabilities Education Act, Part C, provides guidance on who is afforded Parent's Rights and who is not. Because cases are always individualized, it is important to know the rules set forth by federal law, Ohio Administrative Code rules for HMG EI as well as Public Children's Service Agencies (PCSAs). Below are several scenarios with guidance, as well as, rules of thumb for children in HMG Early Intervention.

1. When the PCSA is involved and the child is living at home in the custody of his/her parent:
  - The biological/adoptive parent would sign all the Help Me Grow consents. If the biological parent signs a release of information then information can be shared with the PCSA caseworker.
2. When the PCSA is involved and the child is living with relative/kin, but the **parent retains custody**:
  - The biological/adoptive parent should be asked to sign all Help Me Grow related consents. If the biological/adoptive parent signs a release of information then the information can be shared with the relative caregiver.
  - Public Children Service Agency staff cannot be assigned as a surrogate parent for children in their custody. The only exception is when a PCSA employee has a relative in custody of the PCSA agency, and the child currently resides in PCSA's employee's home with the PCSA employee acting as a parent.
  - In Help Me Grow EI, biological/adoptive parents maintain the right to sign all consents and participate in all meetings and interventions pertaining to their child. The only exception to this rule is if the biological/adoptive parent's parental rights have been severed by the court.
  - If the parent is no longer able to be located and the **child is living with a relative**, then the relative caregiver should sign any consents needed (including any previously signed by the parent and participate in planning for the child's early intervention services). In this case, no surrogate parent needs to be assigned. If the relative caregiver agrees to the service on the IFSP, then they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.
3. When the PCSA is involved and the child is living with relative/kin and that **relative/kin has a form of custody (temporary, legal, guardianship)**:
  - The biological/adoptive parent would sign all Help Me Grow related consents. If a release of information has been signed by the biological/adoptive parent, then information can be shared with the relative caregiver.
  - Public Children Service Agency staff cannot be assigned as a surrogate parent for children in their custody. The only exception is when a PCSA employee has a relative in the custody of the PCSA agency, and the child currently resides in PCSA's employee's home with the PCSA employee as a parent.
  - In Help Me Grow EI, biological/adoptive parents maintain the right to sign all consents and participate in all meetings and interventions pertaining to their child. The only exception to this rule is the biological/adoptive parent's parental rights have been severed by the court.
  - If the parent is no longer able to be located and the **child is living with a relative**, then the relative caregiver should sign any consents needed (including any previously signed by the parent and participate in planning for the child's early intervention services). In this case, no surrogate parent needs to be assigned. If the relative caregiver agrees to the service on the IFSP, then they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.

4. When the PCSA is involved, the child is living in a foster home, and the PCSA has temporary custody:  
The biological/adoptive parent would sign all Help Me Grow consent forms. If the biological/adoptive parent signs a release of information, then information can be shared with the foster parent. All meetings should be held at a time and place where the biological/adoptive parent can be in attendance. The foster parent can attend the meetings only with biological/adoptive parent's approval.
  - If the parent is no longer able to be located and the child is living with a foster parent, a surrogate parent would need to be assigned (usually the foster parent). In this case, the Surrogate Parent should sign any consents needed (including any previously signed by the parent), and participate in planning for the child's early intervention services. If the Surrogate Parent agrees to the service on the IFSP, then they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.
  - If the foster parent does not want to be the surrogate parent then contact your Ohio Department of Health Early Intervention program consultant for guidance.
5. When a child is in permanent custody of the PCSA:  
The following people can sign consents and participate in planning for a child's early intervention services.
  - A Guardian Ad Litem (GAL) that has been assigned to the child and has been identified by the court to have legal authority to make educational decisions can also sign consents and participate in planning for the child's early intervention services.
  - Foster Parents cannot sign consents to participate in HMG Early Intervention unless they complete the paperwork to become that child's surrogate parent. If the parent is no longer able to be located and the child is living with a foster parent, a surrogate parent would need to be assigned (usually the foster parent).
  - The Surrogate Parent should sign any consents needed (including any previously signed by the parent) and participate in planning for the child's early intervention services. If the Surrogate Parent agrees to the service on the IFSP, then they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.

The surrogate parent paperwork is available here:

<http://www.ohiohelpmegrow.org/~media/HelpMeGrow/ASSETS/Files/Professionals%20Gallery/Forms%20and%20emplates/9-28-12%20Fillable%20Forms/8040%20Surrogate%20Parent%20Packet%2092812.ashx>

**Family Assessment:** The family directed assessment is an important component in understanding the child's routines and in developing functional outcomes. Please note the following guidance:

- The parent needs to give written consent for the Family-Directed Assessment
- The SC should offer the parent the option of their participation in the Family-Directed Assessment as well as obtain their consent to obtain that information from the individuals that are currently living with the child (or other family members). This information should be documented in the case note, with a reference to see the case note written on the Notice and Consent for Screening/Evaluation/Assessment (HEA#8018)
- If the parent agrees, the SC can interview others that elect to participate. The agreement to participate should also be documented in the case note with a reference to see the case note written on the Notice and Consent for Screening/Evaluation/Assessment (HEA#8018)

**IFSP:** The IFSP should be completed with the parent. The SC should discuss with the parent the best location for the IFSP meeting and method to encourage their involvement. The parent should be asked whether they want to include the caregiver (relative or foster parent) for their child either at the same meeting or via another process. When a parent prefers that the meeting be held with the caregiver (and they are not interested or unable to attend), the parent still must agree to and sign the IFSP for it to be valid. In this instance, the IFSP date would be the date signed by the parent. This request must be documented in the case notes.

**Transition:** If the child is in foster care and the biological parent is involved, then the biological parent should be involved in all transition related activities. The biological parent should sign all transition related Help Me Grow Early Intervention documents. The LEA from the school district where the biological parent resides/ resided at the time of removal would need to be the LEA invited to the transition planning conference. If the child is in foster care and the biological/adoptive parent is not able to be located, then the surrogate parent would participate in all transition related activities, and sign all transition related Early Intervention documents.

**Transition Meetings/Visits:** All meetings and visits should occur in locations where the biological parent(s)/caregiver(s) can be in attendance.

Who is the authorizing signature for a child who is not living with a biological/adoptive parent? The term “parent” refers to the child’s biological or adoptive parent. The biological/adoptive parent has the authority (legal right) and should be the person signing HMG and other early intervention documents.

- If the biological/adoptive parent’s parental rights have been severed by the court, they are not required to sign HMG documents.
- If the biological/adoptive parent cannot be identified, or cannot be located; then the service coordinator must assign a surrogate parent.
- If the child is living with a person who meets the federal EI definition of parent (see intro paragraph in Ohio Administrative Code 3701-8-07), then the SC would not assign a surrogate. If you are unsure as to whether or not a parent’s rights have been terminated by the court, contact the county PCSA agency that has custody of the child. It is important for the service coordinator to document all activities relating to identifying and locating a biological parent.

How do we determine that a parent cannot be located? All efforts should be made to contact the biological/adoptive parent if their parental rights have not been terminated by the court. HMG is a voluntary program. In order to try and locate a parent, the following actions are considered duly diligent:

- If you have a phone number for the parent, it is recommended that at least 3 attempts be made to call the parent. Document all phone call attempts in the case record on the case note form.
- If there is no phone number, then a letter or email must be sent to the parent. Indicate a deadline to reply back.
- The PCSA caseworkers should be contacted to see if there are alternative phone numbers or addresses to contact the family. If so, attempts should be made with those numbers and addresses.
- The PCSA caseworkers should be contacted to see if the parent (s) have visitation with their child/children. The SC can make arrangements to meet with the parent before, during or after their visitation with their child.
- If the SC has tried the strategies above, and documented all their efforts in the child’s case record then the SC has made reasonable attempts to locate the parent.

**Remember, if the parent can be located and does not agree to HMG services, the child should be exited from HMG.** Any concerns related to neglect or the child’s safety should be discussed with a supervisor and documented in the child’s Help Me Grow Case record.

**Parents who are in Prison or a Treatment Facility are considered to be locatable** – Use the case manager at the prison facility where the parent is incarcerated to assist you in obtaining any consents or allowing the parent to participate in planning for their child’s service. A list of the prisons in Ohio is attached along with the phone number for the prison and contact person if available. If the service coordinator has trouble reaching the case manager at the prison facility they should contact Rona Dorsey at (614) 752-1159. Rona is the head of Unit Management for the Department of Rehabilitation and Corrections. The case manager can arrange for papers to either be mailed or faxed to them and they can arrange for the parent’s signature. Case managers can also help arrange for a time when the SC can meet with the parent (in person, using Skype, or over the phone).

What about when a biological/adoptive parents moves in and out of the picture?

**When the parent was locatable, but is no longer able to be located:**

- All attempts to locate the parent should be made
- All services should continue with the other caregivers during the attempts to locate the parent.
- If the parent is no longer able to be located and the **child is living with a relative**, then the relative caregiver should sign any consents needed (including any previously signed by the parent and participate in planning for the child’s early intervention services). In this case, no surrogate parent needs to be assigned. If the relative caregiver agrees to the service on the IFSP, then they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.
- If the parent is no longer able to be located and the **child is living with a foster parent**, a surrogate parent would need to be assigned (usually the foster parent). In this case, the Surrogate Parent should sign any consents needed (including any previously signed by the parent, and participate in planning for the child’s early intervention services. If the Surrogate Parent agrees to the service on the IFSP, then they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.

**The parent was originally unable to be located, but is now locatable:**

- Consents must be updated to include the signature of the biological parent. The biological parent must participate in planning for the child’s early intervention services. If the parent agrees to the services on the IFSP, they should sign and date the IFSP with the current date. If they prefer, they may request a periodic review of the IFSP.

**Authorizing Rule:** 3701-8-07 (3)

**Attachment:** List of prisons and Contact Information in Ohio

**Attachment 1: CONTACT INFORMATION for the PRISONS IN OHIO**

Allen Correctional Institution (ACI)	418-224-8000	<a href="mailto:Cori.Smith@odrc.state.oh.us">Cori.Smith@odrc.state.oh.us</a>
Belmont Correctional Institution (BeCI)	740-695-5169	<a href="mailto:Kathy.Cole@odrc.state.oh.us">Kathy.Cole@odrc.state.oh.us</a>
Chillicothe Correctional Institution (CCD)	740-774-7080	<a href="mailto:Carl.Lovely@odrc.state.oh.us">Carl.Lovely@odrc.state.oh.us</a>
Corrections Medical Center (CMC)	614-445-5960	<a href="mailto:Donna.Baker@odrc.state.oh.us">Donna.Baker@odrc.state.oh.us</a>
Correctional Reception Center (CRC)	614-877-2441	<a href="mailto:Jeff.Martin@odrc.state.oh.us">Jeff.Martin@odrc.state.oh.us</a>
Dayton Correctional Institution (DCI)	937-263-0060	<a href="mailto:Vanessa.Portis-Reed@odrc.state.oh.us">Vanessa.Portis-Reed@odrc.state.oh.us</a> <a href="mailto:Kamilah.Gilbert@odrc.state.oh.us">Kamilah.Gilbert@odrc.state.oh.us</a>
Franklin Pre-Release center (FPRC)	614-445-8600	<a href="mailto:Donna.Baker@odrc.state.oh.us">Donna.Baker@odrc.state.oh.us</a>
Grafton Correctional Institution (GCI)	440-748-1161	<a href="mailto:Nancy.Vega@odrc.state.oh.us">Nancy.Vega@odrc.state.oh.us</a>
Lake Erie Correctional Institution (LAECI)	440-599-4100	<a href="mailto:John.tanner@cca.com">John.tanner@cca.com</a>
Lebanon Correctional Institution (LeCI)	513-932-1211	<a href="mailto:Ellen.Myers@odrc.state.oh.us">Ellen.Myers@odrc.state.oh.us</a>
London Correctional Institution (LoCI)	740-852-2454	<a href="mailto:Vickey.Justus@odrc.state.oh.us">Vickey.Justus@odrc.state.oh.us</a>
Lorain Correctional Institution (LorCI)	440-748-1049	<a href="mailto:Debbie.Bush@odrc.state.oh.us">Debbie.Bush@odrc.state.oh.us</a>

## Help Me Grow Early Intervention Program Guidance Document

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Madison Correctional Institution (MaCI)	740-852-9777	<a href="mailto:Virginia.Workman@odrc.state.oh.us">Virginia.Workman@odrc.state.oh.us</a>
Mansfield Correctional Institution (ManCI)	419-525-4455	<a href="mailto:Scott.Basquin@odrc.state.oh.us">Scott.Basquin@odrc.state.oh.us</a>
Marion Correctional Institution (MCI)	740-382-5781	Steve.Brinkley@odrc.state.oh.us
Noble Correctional Institution (NCI)	740-732-5188	<a href="mailto:Joel.Burris@odrc.state.oh.us">Joel.Burris@odrc.state.oh.us</a>
North Central Correctional Institution (NCCI)	740-387-7040	<a href="mailto:Chris.Shortland@mtctrains.com">Chris.Shortland@mtctrains.com</a>
North Coast Correctional Treatment Facility	440-748-5000	<a href="mailto:Hector.Santiago@mtctrains.com">Hector.Santiago@mtctrains.com</a>
Northeast Pre-Release Center (NEPRC)	216-771-6460	Dave.Brown@odrc.state.oh.us
Oakwood Correctional Facility (OCF)	419-224-8000	<a href="mailto:Cori.Smith@odrc.state.oh.us">Cori.Smith@odrc.state.oh.us</a>
Ohio Reformatory for Women (ORW)	937-642-1065	<a href="mailto:Elizabeth.Wright@odrc.state.ohio.us">Elizabeth.Wright@odrc.state.ohio.us</a>
Ohio State Penitentiary (OSP)	330-743-0700	<a href="mailto:JoAnn.King@odrc.state.oh.us">JoAnn.King@odrc.state.oh.us</a>
Pickaway Correctional Institution (PCI)	614-877-4362	<a href="mailto:Ricky.Seyfang@odrc.state.oh.us">Ricky.Seyfang@odrc.state.oh.us</a>
Richland Correctional Institution (RiCI)	419-526-2100	<a href="mailto:Carla.Bernard@odrc.state.oh.us">Carla.Bernard@odrc.state.oh.us</a>
Ross Correctional Institution (RCI)	740-774-7050	<a href="mailto:Melody.Haskins@odrc.state.oh.us">Melody.Haskins@odrc.state.oh.us</a>
Southeastern Correctional Institution (SCI)	740-653-4324	<a href="mailto:Dee.Dailey@odrc.state.oh.us">Dee.Dailey@odrc.state.oh.us</a>
Southern Ohio Correctional Facility (SOCF)	740-259-5544	<a href="mailto:Larry.Greene@odrc.state.oh.us">Larry.Greene@odrc.state.oh.us</a>
Toledo Correctional Institution (TOCI)	419-726-7977	<a href="mailto:Darlene.Mitchell@odrc.state.oh.us">Darlene.Mitchell@odrc.state.oh.us</a>
Trumbull Correctional Institution (TCI)	330-898-0820	<a href="mailto:Andrea.Carroll@odrc.state.oh.us">Andrea.Carroll@odrc.state.oh.us</a>
Warren Correctional Institute (WCI)	513-932-3388	<a href="mailto:Julia.Bush@odrc.state.oh.us">Julia.Bush@odrc.state.oh.us</a>

