

## Notification of Child and Family Rights

### Introduction

Infant-Toddler Program service providers must ensure that the parent is informed of and understands his rights under the Infant-Toddler Program. Both oral and written notice should be provided at many points in the family's involvement with the Infant-Toddler Program. Repetition is necessary because the information is complex and the parent may need to hear and discuss his rights in his native language or mode of communication several times in order to fully understand them.

### Requirements

In addition to following the requirements of the Individuals with Disabilities Education Act regarding notification of rights, service providers must adhere to the requirements of the Family Educational Rights and Privacy Act; however, they are not required to meet the notification of rights requirements of the Health Insurance Portability and Accountability Act. (*For additional information, see Policy Bulletin #11 - Confidentiality and Privacy Issues.*)

The *North Carolina Infant-Toddler Program Notice of Child and Family Rights* document is for parents and serves as an official notification of their rights under federal law and regulations. A copy of this document is available at [www.ncei.org](http://www.ncei.org).

Notification of Infant-Toddler Program rights must be provided:

- during initial contacts with the family when the Infant-Toddler Program is being explained and families are asked to give permission for eligibility determination;
- at least annually thereafter, as long as the child is enrolled in the Infant-Toddler Program, and
- whenever an agency proposes to take significant actions that will affect the child or family, such as:
  - when the initial evaluation and assessment is proposed;
  - when the eligibility determination is made;
  - when the Individualized Family Service Plan is being developed or reviewed; and
  - when a change in services is being proposed or refused.

While there are numerous times when these rights must be reviewed and explained, written acknowledgement of the receipt of this information must be obtained from the parent on two specific occasions:

- during initial contacts with the family when the Infant-Toddler Program is being explained, using the required North Carolina Infant-Toddler Program form; and
- on an annual basis, using the *North Carolina Infant-Toddler Program Individualized Family Service Plan*.

The Children's Developmental Services Agency is responsible for ensuring that parents are informed of their rights and that acknowledgment of the receipt of these rights is obtained at the required times. It is the responsibility of the Service Coordinator to obtain the parent's written acknowledgement that his rights were reviewed and explained at the specified times and to record this information in the Service Coordinator's agency record on the child. Service Coordinators and other service providers must document in their agency records other occasions when rights under the Infant-Toddler Program are reviewed and explained to the parent. Copies of all notes documenting the explanation of rights to the parent must be filed in the Children's Developmental Services Agency's record on the child at the time of the notation.

While giving parents a copy of the *North Carolina Infant-Toddler Program Notice of Child and Family Rights* document is required and helpful in sharing information about rights and procedural safeguards, this is not enough. Service Coordinators and other service providers must review the rights verbally with the parent, discussing them in the context of whatever action is being taken, and inquire if the parent understands. To make informed decisions, parents need to fully understand what is being proposed, what options are available, and what the consequences of their choices may be.

Any notification of rights, oral and written, should be by a means of communication understandable to the parent. (*For additional information, see Policy Bulletin #14 – Native Language/Mode of Communication*). Oral notice should be provided in the natural flow of conversation and should emphasize parental freedom of choice. Oral notification of rights at the required points of contact with the parent does not have to include a detailed review of all rights and procedural safeguards. The parent should be reminded that there are numerous rights, but oral review may consist of only those rights that are pertinent to the action being proposed or taken.

The parent should be informed of his rights relating to Preschool Program services during the transition process. The notification should be far enough in advance of transition from the Infant-Toddler Program to permit the parent to ensure that his child, if eligible, receives appropriate Preschool Program services in a timely manner. As the transition process nears the child's third birthday, the Local Education Agency, public school system, will officially share Preschool Program rights with the parent.