



NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
EARLY INTERVENTION PROGRAM

Table for Surrogacy Standards

1. ISC's send a complete and timely package of foster care documents. [Surrogacy1](#)
2. Service Coordinators provide full information to the FCC regarding applicable meetings. [Surrogacy2](#)
3. OSC made timely notification of interventionist whenever placement was changed. [Surrogacy3](#)
4. When child's geographical placement is changed, OSC's maintain their activities until a new OSC is identified. [Surrogacy4](#)
5. Evaluations for children with a surrogate are performed only with surrogate consent. [Surrogacy5](#)
6. Evaluations reports are sent to all applicable parties in surrogacy situations. [Surrogacy6](#)



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1. ISC's send a complete and timely package of foster care documents  
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**INTAKE INTO THE EARLY INTERVENTION PROGRAM**  
**RESPONSIBILITIES/PROCEDURES**

LDSS Foster Care Caseworker:

- Receives notification of designation of an initial EI Service Coordinator for the child.
- Facilitates contact with the foster parent or agency providing for the care of the child when not in a foster care home and initial EI Service Coordinator.
- Shares information about previous health/developmental evaluations or other information about the child's development progress with the initial service coordinator.
- Collaborates with the EIO/D, parent/surrogate parent, foster parent when the child and/or family are in apparent immediate need of early intervention services before the evaluation and agrees to the provision of a temporary IFSP - called an interim Individualized Family Service Plan (e.g., a child who has been diagnosed with failure to thrive- the need for nutritional or therapeutic intervention related to feeding).

Parental Rights Terminated or Voluntarily Surrendered

- Immediately advises the EIO/D if parental rights were terminated or if the parent voluntarily relinquished guardianship and custody, and of the terms of any court orders, so that the EIO/D may appoint a surrogate parent for the purposes of the EIP.

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2. Service Coordinators provide full information to the FCC regarding applicable meetings. [Table for Surrogacy](#)

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**New York State Laws and Regulations**

**10 NYCRR 69-4.11 (a) (3) (iii)**

(a) Individualized family service plan (IFSP) participation.

(3) The following individuals may also participate in the meeting as appropriate:

(iii) the local services commissioner for children in the care and custody or custody and guardianship of such commissioner.

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**THE INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)  
RESPONSIBILITIES/PROCEDURES**

EIO/Designee:

- Arranges the IFSP meeting at a time and place convenient for the parent.
- Before an IFSP meeting, sends written notice to required attendees (Parent/Surrogate Parent, EI Service Coordinator, Evaluator, and Foster Parent with parental consent) and invitations to the LDSS Foster Care Caseworker and individuals requested by the parent/surrogate parent.

EI Service Coordinator:

- Discusses with the parent or surrogate parent the IFSP process.
- Informs parent or surrogate parent of the required participants and optional participants, including the foster parent that can be invited to the IFSP meeting.
- Informs parent/surrogate parent of the opportunity during the evaluation to participate in the family assessment process with the evaluator. Both the parent and the foster parent may participate in the voluntary family assessment.
- Participates in the joint development of the IFSP.



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DELIVERY OF EARLY INTERVENTION SERVICES  
RESPONSIBILITIES/PROCEDURES

EIO/Designee:

- Shares service-related information with the LDSS Foster Care Caseworker.

Ongoing EI Service Coordinator:

- Participates in the development of IFSPs.
- Implements the IFSP and monitors the delivery of services authorized in the IFSP.
- Coordinates the provision of all early intervention services.
- Ensures that the IFSP outcomes and strategies reflect the family's priorities, concerns and resources.
- Coordinates the performance of evaluations and assessments.
- Facilitates and participates in the review and evaluation of the IFSP.
- Corrects problems regarding delivery of early intervention services that are identified through reports by the parent/surrogate parent, foster parent, provider, LDSS Foster Care Caseworker, or EIO/D, and if unable to correct problems in a timely manner, contacts the EIO/D.
- Keeps LDSS Foster Care Caseworker informed of the child's progress.
- Participates in due process as appropriate.
- Documents the early intervention service coordination record.

EI Service Provider:

- Participates in planning for child's discharge or transition from the EIP to other services.

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TRANSITION/DISCHARGE FROM THE EARLY INTERVENTION PROGRAM  
RESPONSIBILITIES/PROCEDURES

For all children transitioning from the EIP

EI Ongoing Service Coordinator:

- Explains transition process to parent/surrogate parent and LDSS Foster Care Caseworker.
- Sets up a meeting to discuss the transition plan to preschool or other early childhood services.
- Participates in the IFSP and other meetings to discuss and plan for transition.



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- If applicable, includes in the IFSP steps to be taken supporting the potential transition. The plan for transition should include procedures to prepare the child and family for changes in service delivery or to other appropriate early childhood and supportive services.
- Reviews information concerning the transition process with the parent/surrogate parent and LDSS Foster Care Caseworker.
- Links the child and parent/surrogate parent to other community services the child is potentially eligible for.
- Obtains parental consent for the transfer of appropriate evaluations, assessment, IFSP, and other pertinent records.

**LDSS Foster Care Caseworker:**

- Coordinates with the EI Ongoing Service Coordinator and the parent/surrogate parent on the referral process.
- Notifies the EIO/D and EI Ongoing Service Coordinator that the referral has been made.
- Attends the IFSP meeting and transition conference meeting.
- Documents the foster care record with the child's plan for transition from the EIP and discharge activities.
- In coordination with EI Ongoing Service Coordinator, facilitates the child's transition from the EIP as necessary.

**EIO/Designee:**

- Discusses with the parent/surrogate parent the transition process.
- Notifies the LDSS Foster Care Caseworker and parent/surrogate of procedures to determine whether the child is eligible for services under Section 4410 of the NYS Education Law, which serves children ages 3-5 years with disabilities and developmental delay.
- Coordinates with the LDSS Caseworker to work with the parent/surrogate parent to develop a transition plan.
- For children referred to the CPSE, obtains parent/surrogate consent to transfer evaluations, assessments, IFSPs and other pertinent early intervention records to the CPSE.
- Arranges for a conference, with parental consent, with the service coordinator, the parent/surrogate parent, and the chairperson of the committee on preschool special education or designee to review the child's program options and to establish a transition plan, if appropriate.
- Invites the local social services commissioner/designee to participate in the conference.

The Transition of Children from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services



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**Appendix I, pp. 61-62**

**APPENDIX I - TRANSITION ROLES AND RESPONSIBILITIES FOR  
CHILDREN IN FOSTER CARE**

Transition Planning for All Children in Foster Care

EI Ongoing Service Coordinator:

- Explains transition process to parent/surrogate parent and LDSS Foster Care Caseworker.
- Sets up a meeting to discuss the transition plan to preschool or other early childhood services.
- Participates in the IFSP and other meetings to discuss and plan for transition.
- If applicable, includes in the IFSP steps to be taken supporting the potential transition. The plan for transition should include procedures to prepare the child and family for changes in service delivery or to other appropriate early childhood and supportive services.
- Reviews information concerning the transition process with the parent/surrogate
- Parent and LDSS Foster Care Caseworker.
- Links the child and parent/surrogate parent to other community services the child is potentially eligible for.
- Obtains parental consent for the transfer of appropriate evaluations, assessment, IFSP and other pertinent records.

LDSS Foster Care Caseworker:

- Coordinates with the EI Ongoing Service Coordinator and the parent/surrogate parent on the referral process.
- Notifies the EIO/D and EI Ongoing Service Coordinator that the referral has been made.
- Attends the IFSP meeting and transition conference meeting.
- Documents the foster care record with the child's plan for transition from the EIP and discharge activities.
- In coordination with EI Ongoing Service Coordinator, facilitates the child's transition from the EIP as necessary. For children potentially eligible for the Preschool Special Education Program

EIO/Designee:

- Discusses with the parent/surrogate parent the transition process.
- Notifies the LDSS Foster Care Caseworker and parent/surrogate of procedures to determine whether the child is eligible for services under Section 4410 of the NYS Education Law, which serves children ages 3-5 years with disabilities and



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- developmental delay.
- Coordinates with the LDSS Caseworker to work with the parent/surrogate parent to develop a transition plan.
  - For children referred to the CPSE, obtains parent/surrogate consent to transfer evaluations, assessments, IFSPs and other pertinent early intervention records to the CPSE.
  - Arranges for a transition conference, with parent/surrogate consent, with the service coordinator, the parent/surrogate parent, and the chairperson of the committee on preschool special education or designee to review the child's program options and to establish a transition plan, if appropriate.
  - Invites the local social services commissioner/designee to participate in the transition conference.
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3. OSC made timely notification of interventionist whenever placement was changed.  
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**COMMUNICATION AND COLLABORATION BETWEEN THE EARLY  
INTERVENTION PROGRAM AND THE CHILD WELFARE SYSTEM**

**EIP Professional's Role**

It is important for the EIP to inform the LDSS Foster Care Caseworker about the child's early intervention eligibility status, service plan, and progress, so that the LDSS can more effectively carry out its responsibilities for general management of the child's foster care program, taking into consideration what is happening to the child while s/he is receiving early intervention services.

**LDSS Foster Care Professional's Role**

It is important for the LDSS Foster Care Caseworker to keep the EIO/D and EI service coordinator apprised about the child's placement, location, health/medical status and permanency plan status. Ongoing awareness of the child's whereabouts and custodial situation will allow the local EIP to develop and implement a supportive and appropriate service plan, and to appropriately claim and receive reimbursement from the State Program. This collaborative relationship will enable EIP staff to be a resource to child welfare professionals when a child in foster care is identified as having a disability or is suspected of having a delay in development, and/or when a parent or foster care parent has concerns about coping with a child with a disability.

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**LDSS Foster Care Caseworker:**

- Shares information about previous health/developmental evaluations and/or other information that will influence the EI evaluation of the child with the initial EI Service Coordinator and/or evaluator.
- If circumstances warrant (e.g., child severely disabled or child has significant delays), LDSS Foster Care Caseworker may alert the LDSS attorney to request a court order, when necessary and appropriate, to arrange for provision of evaluation and services.
- Provides and shares information regarding the foster care placement that may impact on the EI service delivery and feasibility of services.



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DELIVERY OF EARLY INTERVENTION SERVICES  
RESPONSIBILITIES/PROCEDURES

EIO/Designee:

- Coordinates with providers and ensures that a complete record of the child's participation in the EIP is maintained.
- Shares service-related information with the LDSS Foster Care Caseworker.

Ongoing EI Service Coordinator:

- Coordinates the provision of all early intervention services.
- Corrects problems regarding delivery of early intervention services that are identified through reports by the parent/surrogate parent, foster parent, provider, LDSS Foster Care Caseworker, or EIO/D, and if unable to correct problems in a timely manner, contacts the EIO/D.
- Keeps LDSS Foster Care Caseworker informed of the child's progress.
- Documents the early intervention service coordination record.

EI Service Provider:

- Notifies EI Service Coordinator when child is unavailable for services.

LDSS Foster Care Caseworker:

- Participates in the ongoing development of IFSPs.
- Notifies the EIO/D and ongoing EI Service Coordinator, if the child changes placement/location so that early intervention services are not disrupted.
- Notifies the EIO/D and ongoing EI Service Coordinator regarding the child's permanency goal, visitation schedule and court orders, so these can be considered when planning for or delivering early intervention services.
- Documents information about the child's participation in the EIP in the UCR.

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DELIVERY OF EARLY INTERVENTION SERVICES  
RESPONSIBILITIES/PROCEDURES

EIO/Designee:

- Coordinates with providers and ensures that a complete record of the child's participation in the EIP is maintained.
- Shares service-related information with the LDSS Foster Care Caseworker.



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- Monitors early intervention services and promptly corrects problems such as late service delivery, use of unqualified personnel, gaps in service delivery, delivery of unauthorized services, etc.

Ongoing EI Service Coordinator:

- Coordinates the provision of all early intervention services.
- Corrects problems regarding delivery of early intervention services that are identified through reports by the parent/surrogate parent, foster parent, provider, LDSS Foster Care Caseworker, or EIO/D, and if unable to correct problems in a timely manner, contacts the EIO/D.
- Keeps LDSS Foster Care Caseworker informed of the child's progress.
- Documents the early intervention service coordination record.

EI Service Provider:

- Notifies EI Service Coordinator when child is unavailable for services.

LDSS Foster Care Caseworker:

- Notifies the EIO/D and ongoing EI Service Coordinator, if the child changes placement/location so that early intervention services are not disrupted.
- Notifies the EIO/D and ongoing EI Service Coordinator regarding the child's permanency goal, visitation schedule and court orders, so these can be considered when planning for or delivering early intervention services.



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4. When child's geographical placement is changed, OSC's maintain their activities until a new OSC is identified. [Table for Surrogacy](#)

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If child is found eligible

- Informs the parent/surrogate parent about the IFSP meeting and process, including who may attend.
- Informs the parent/surrogate parent about selection of an ongoing EI Service Coordinator at the IFSP meeting and the role of the ongoing EI Service Coordinator.

EIO/Designee:

- Addresses concerns raised by the initial EI Service Coordinator, evaluator, LDSS Foster Care Caseworker, parent, surrogate parent and foster care parent.

LDSS Foster Care Caseworker:

- Shares information about previous health/developmental evaluations and/or other information that will influence the EI evaluation of the child with the initial EI Service Coordinator and/or evaluator.
- If circumstances warrant (e.g., child severely disabled or child has significant delays), LDSS Foster Care Caseworker may alert the LDSS attorney to request a court order, when necessary and appropriate, to arrange for provision of evaluation and services.
- Provides and shares information regarding the foster care placement that may impact on the EI service delivery and feasibility of services.

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**DELIVERY OF EARLY INTERVENTION SERVICES**  
**RESPONSIBILITIES/PROCEDURES**

EIO/Designee:

- Provides oversight and ensures the delivery of authorized early intervention services.



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- Monitors early intervention services and promptly corrects problems such as late service delivery, use of unqualified personnel, gaps in service delivery, delivery of unauthorized services, etc.
- Oversees circumstances when child is unavailable for services, so that the IFSP team can make a review of the appropriateness of the IFSP.
- Shares service-related information with the LDSS Foster Care Caseworker.

**Ongoing EI Service Coordinator:**

- Implements the IFSP and monitors the delivery of services authorized in the IFSP.
- Coordinates the provision of all early intervention services.
- Coordinates the performance of evaluations and assessments.
- Facilitates and participates in the review and evaluation of the IFSP.
- Corrects problems regarding delivery of early intervention services that are identified through reports by the parent/surrogate parent, foster parent, provider, LDSS Foster Care Caseworker, or EIO/D, and if unable to correct problems in a timely manner, contacts the EIO/D.
- Keeps LDSS Foster Care Caseworker informed of the child's progress.
- Documents the early intervention service coordination record.

**LDSS Foster Care Caseworker:**

- Participates in the ongoing development of IFSPs.
- Notifies the EIO/D and ongoing EI Service Coordinator, if the child changes placement/location so that early intervention services are not disrupted.
- Notifies the EIO/D and ongoing EI Service Coordinator regarding the child's permanency goal, visitation schedule and court orders, so these can be considered when planning for or delivering early intervention services.
- Documents information about the child's participation in the EIP in the UCR.



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5. Evaluations for children with a surrogate are performed only with surrogate consent.  
[Table for Surrogacy](#)

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**Federal Laws and Regulations**

**34 CFR 303.404**

Section 303.404 Parent consent.

(a) Written parental consent must be obtained before--

- (1) Conducting the initial evaluation and assessment of a child under Sec. 303.322; and
- (2) Initiating the provision of early intervention services (see Sec. 303.342(e)).

(b) If consent is not given, the public agency shall make reasonable efforts to ensure that the parent--

- (1) Is fully aware of the nature of the evaluation and assessment or the services that would be available; and
- (2) Understands that the child will not be able to receive the evaluation and assessment or services unless consent is given.

Note 1: In addition to the consent requirements in this section, other consent requirements are included in (1) Sec. 303.460(a), regarding the exchange of personally identifiable information among agencies, and (2) the confidentiality provisions in the regulations under part B of the Act (34 CODE OF FEDERAL REGULATIONS 300.571) and 34 CODE OF FEDERAL REGULATIONS part 99 (Family Educational Rights and Privacy), both of which apply to this part.

Note 2: Under Sec. 300.504(b) of the part B regulations, a public agency may initiate procedures to challenge a parent's refusal to consent to the initial evaluation of the parent's child and, if successful, obtain the evaluation. This provision applies to eligible children under this part, since the part B evaluation requirement applies to all children with disabilities in a State, including infants and toddlers.

**CFR 303.19**

Section 303.19 Parent.



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(a) General. As used in this part, "parent" means--

- (1) A natural or adoptive parent of a child;
- (2) A guardian;
- (3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
- (4) A surrogate parent who has been assigned in accordance with Sec. 303.406.

(b) Foster parent. Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part C of the Act if--

- (1) The natural parents' authority to make the decisions required of parents under the Act has been extinguished under State law; and
- (2) The foster parent--
  - (i) Has an ongoing, long-term parental relationship with the child;
  - (ii) Is willing to make the decisions required of parents under the Act; and
  - (iii) Has no interest that would conflict with the interests of the child.

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**New York State Laws and Regulations**

**10 NYCRR 69-4.7**

(j) The initial service coordinator shall review all options for evaluation and screening with the parent from the list of approved evaluators including location, types of evaluations performed, and settings for evaluations (e.g., home vs. evaluation agency). Upon selection of an evaluator by the parent, the initial service coordinator shall ascertain from the parent any needs the parent may have in accessing the evaluation.

(k) The initial service coordinator shall at the parent's request assist the parent in arrangement of the evaluation after the parent selects from the list of approved evaluators.

- (l) If the parent has accessed an approved evaluator prior to contact by the initial service coordinator, the initial service coordinator shall contact the parent to assure that the parent has received information concerning alternative approved evaluators and ascertain from the parent any needs the parent may have in accessing the evaluation.

**10 NYCRR 69-4.16 (g)**



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(g) The early intervention official shall afford the surrogate parent the same rights and responsibilities as accorded to the parent by the Early Intervention Program and shall represent the child in all matters related to:

- (1) screening, evaluation, and assessment of the child;
- (2) development and implementation of the Individualized Family Service Plan, including annual evaluations and periodic reviews;
- (3) the ongoing provision of early intervention services;
- (4) the right to request mediation or an impartial hearing in the event of a dispute; and,
- (5) any other rights established in the Early Intervention Program.

**10 NYCRR 69-4.17 (a) (7)**

(a) The early intervention official shall make reasonable efforts to ensure that the parent is fully informed in their dominant language of and understand the rights and entitlement afforded them under the Early Intervention Program, including the right to:

- (1) elect or decline to have the child screened and/or evaluated to determine eligibility for early intervention services and to participate in the voluntary family assessment process;
- (2) elect or decline to participate in the Early Intervention Program without jeopardizing their right to future participation in the Early Intervention Program;
- (3) accept or decline any early intervention service without jeopardizing other early intervention services;
- (4) confidentiality of personally identifiable information;
- (5) review and correct records;
- (6) be notified by the early intervention official within a reasonable time prior to a proposal or refusal to initiate or change the identification, evaluation, or delivery of appropriate early intervention services to the child and family unit;
- (7) participate in and invite the participation of others in all decision-making meetings regarding a proposal, or refusal, to initiate or change the identification, evaluation, or delivery of services to the child and family unit;



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**Early Intervention Provider Contract**

**Article 3.14 (n)**

(n) For children in foster care, no Evaluation may be performed pursuant to this Agreement until the Department, acting in conjunction with the Commissioner of Social Services or his/her designee, has made a determination regarding the availability of the child's Parent and the need to appoint a surrogate parent for purposes of the Early Intervention Program, including providing consent for the Evaluation and participation in the Evaluation process.

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6. Evaluations reports are sent to all applicable parties in surrogacy situations.  
[Table for Surrogacy](#)

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**New York State Law and Regulations**

**10 NYCRR 69-4.8 (a) (9) (i)**

(a) Evaluations and screening.

(9) Results of the child's evaluation and assessment shall be fully shared with the parent following the completion of evaluation and assessments, in a manner understandable to the parent.

(i) The evaluation team shall prepare an evaluation report and written summary and submit the summary and the report, to the following individuals as soon as practicable subsequent to the evaluation and within a sufficient timeframe to enable convening of the Individual Family Service Plan meeting within 45 days of the date that the early intervention official received the referral: the parent, early intervention official, and initial service coordinator; and with parental consent, the child's primary health care provider and the local social services commissioner or designee for those children in the care and custody or custody and guardianship of the local social services commissioner.

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Initial EI Service Coordinator:

- Promptly arranges to meet with the parent/surrogate parent to inform them of their rights and entitlements under EIP, and arrange for a multidisciplinary evaluation.
  - Assists the parent/surrogate parent to prepare for the evaluation by explaining the evaluation process, including the opportunity to engage in a voluntary family assessment process with the evaluator.
  - Explains the role of EI Service Coordinator and how it differs and does not replace the role of the LDSS Foster Care Caseworker; impress upon the parent/surrogate parent the need to keep the LDSS Foster Care Caseworker informed about the child's progress in the early intervention system.



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- Obtains parent/surrogate parent consent to share information with the foster parent, if other than the surrogate parent, and consent to the participation of the foster care parent in the planning for and delivery of early intervention services.
- Assists the parent/surrogate parent to select an evaluator.
- When available, forwards information to the evaluator about previous health/developmental evaluations or other information about the child's health/developmental progress that was obtained from the LDSS Foster Care Caseworker, that may influence the EI evaluation of the child.
- Forwards the consent to share information with the foster parent to the EIO/D.

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EARLY INTERVENTION EVALUATION PROCESS  
RESPONSIBILITIES/PROCEDURES

EI Evaluation Provider:

- If the Foster Care Parent has not been assigned as the surrogate parent, obtains consent from the parent/surrogate parent to contact the foster parent to gain a complete picture of the child's daily development and needs for use in the evaluation process.
- Conducts the multidisciplinary evaluation.
- Offers and explains to the parent, surrogate parent and/or foster care parent the opportunity to engage in the voluntary family assessment component of the evaluation that determines resources, priorities, and concerns of the family related to enhancement of the child's development. The parent, surrogate parent, and the foster care parent may all have the opportunity to engage in the family assessment process with the evaluation team. Participation in the family assessment is voluntary on the part of the parent, surrogate parent and/or foster care parent.
- If consent has not been obtained, encourages the parent or surrogate parent to provide parent consent to send the evaluation report to the child's primary health care provider.
- Reviews the results of the evaluation with the parent or surrogate parent.
- Issues an evaluation report and summary in time to conduct the IFSP meeting within 45 days of referral of the child to the EIO/D.
- Sends the evaluation report/summary to the parent/surrogate parent, EIO/D, initial EI Service Coordinator and LDSS Foster Care Caseworker. With consent, forwards a copy of the evaluation report/summary to the child's primary health care provider and to the foster care parent, if the foster parent is not the surrogate parent.



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EI (Initial) Service Coordinator:

- If parent/surrogate parent consent was not obtained to forward the evaluation summary/report to the child's primary health care provider and the foster care parent, makes another attempt to obtain such consent. If child is found ineligible

EIO/Designee:

- Coordinates with providers and ensures that a complete record of the child's participation in the EIP is maintained.

Shares service-related information with the LDSS Foster Care Caseworker. **NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE EARLY INTERVENTION PROGRAM**

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Ongoing EI Service Coordinator:

- Coordinates the performance of evaluations and assessments.
- Keeps LDSS Foster Care Caseworker informed of the child's progress.
- Documents the early intervention service coordination record.

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