



Frequently Asked Questions from the NYC Bureau of Early Intervention - Hunter College Service Coordination Professional Development Institute Training, *NYC Early Intervention Program Policy Series: A Collaborative Approach to EI Children and Families in Foster Care*

I. Questions about ACS and knowing if a child is involved with ACS

1. What does it mean when a child is in foster care?
 - a. **ACS has legal custody, while the foster parent has physical custody. The foster care agency oversees daily care, but the goal is typically reunification with the parent. Unless their rights are terminated, the parents remain the child's legal guardians.**
2. Does foster care mean parental rights are terminated?
 - a. **No. Placement in foster care does not mean parental rights are terminated. Parents usually retain decision-making authority unless a court limits or terminates those rights. Parents should be presumed to be the decision-makers; always check with the agency case planner.**
3. How do we know that a child is involved with ACS when neither the referral source nor the parent informed us of the child's involvement?
 - a. **Children can be known to ACS without being in foster care. If a child is known to ACS but is not in foster care, the EIP process proceeds as with any other child. If you're unsure of the nature of the child's ACS involvement, please speak to the child's case planner for clarification.**

II. Questions related to information in EI-Hub

1. How do we proceed when we have a case in foster care and in EI-Hub it states that we shouldn't contact the birth parent, "Parent not to be contacted" and when we reach out to the foster care agency, they say the parental rights aren't terminated?
 - a. **The Service Coordinator (SC) should always contact the child's case planner to confirm the information, such as 'Parent not to be contacted' noted on the referral. If the child is known to ACS without being in foster care, then the SC proceeds as with any other child. If the case planner confirms that the child is in foster care, then the SC must follow Chapter 2 of the [NYC Policy and Procedures Manual](#) and send the case planner the required EI Foster Care Packet.**

2. Is the EI/OD/EI Regional Office the one to update EI-Hub when the foster parent is assigned as the surrogate? Or is the SC the one to update EI-Hub?
 - a. **The SC must go into EI-Hub in the Family Info tab and select the Family Type Surrogate and enter the person that's assigned as the surrogate.**

III. Questions related to communicating with ACS and foster care team

1. Is parental consent needed to speak with an ACS or foster care worker?
 - a. **If the child is in foster care, SCs should be in contact with the case planner or agency Education Specialist. Parental consent is not needed for the SC to communicate with the foster care agency.**
 - b. **In the event that the SC is working with a family and ACS has been called, the SC will be communicating directly with the parent and will need parental consent to discuss the child's medical history and educational needs. SCs may communicate with the ACS or agency case planner to determine the nature of the ACS involvement**
2. How do SCs proceed in a situation in which the referral was submitted by another source (such as a hospital) and when the SC reaches out to the foster care agency, the agency refused to provide information because 'they do not know who we are'?
 - a. **If the foster care agency case planner is refusing to speak with the SC, the SC should escalate the situation to the foster care agency's education specialist. Foster care agency Early Childhood Education and Supervisor contact information is found in the [Early Childhood Education Contact List](#). The next level of escalation is to contact the ACS Education Unit for assistance at education.unit@acs.nyc.gov and copy the EI Regional Office Assistant Director – Foster Care Liaison.**
3. If a case planner does not respond within 3 days, should the SC utilize the Early Childhood Education Contact List?
 - a. **If, after 2 days, the SC has not heard back from the case planner, the SC should utilize the [Early Childhood Education Contact List](#) to contact the Education Contact and/or the Case Planning Supervisor at the agency.**
 - b. **If the foster care agency cannot be reached within five (5) calendar days of sending the EI Foster Care Packet to the Education Liaison/Foster Care Case Planner, the SC is required to contact the ACS Education Unit for assistance (education.unit@acs.nyc.gov) and copy the Regional Office Assistant Director – Foster Care Liaison. Ensure that all child information is kept confidential in email communication as detailed in the [NYC EIP Policy 2-A: Determining the Need for and Assigning a Surrogate Parent Policy](#).**

IV. Questions related to obtaining parental consent for an EI evaluation

1. Can the foster parent sign any EI consent forms if the parent has their rights intact?
 - a. **The foster parent is not permitted to sign any EI paperwork/consents if they are not assigned as the surrogate parent.**
2. Can a foster parent decline the EI evaluation?
 - a. **The foster parent cannot decline evaluations. In this situation, the SC should follow up with the case planner. If they cannot reach the case planner, they should reach out to the Supervisor and/or the [Early Childhood Education Contact](#) listed for the agency. If this does not resolve the issue, the SC should contact the ACS Education Unit for support at education.unit@acs.nyc.gov.**
3. What if the parent is in prison and hasn't signed their rights over?
 - a. **If the parent is incarcerated and their rights are not terminated, the parent retains the right to participate in the EIP and make decisions. See the NYC ACS document, [Special Education Decision-Making for Children of Incarcerated Parents](#), for guidance about locating and engaging parents who are incarcerated.**

V. Questions related to communication with foster parents

1. If a surrogate parent is not needed and the birth parent participates, is the SC and/or eval site expected to communicate with the foster parent to schedule evaluations? If so, is consent to obtain/release needed to communicate with the foster parent? If consent to obtain/release is needed, is it ok for the foster parent's contact information to be indicated on the consent form?
 - a. **Since foster parents have physical custody of the children in their care, they help to ensure that children meet their developmental milestones by attending and participating in EI services and will need to be involved in scheduling the evaluation. Consent to communicate with the foster parent is not needed. Since the birth parent is participating and their rights are intact, the birth parent will sign consent for the evaluation. The foster parent's/child's address may need to be redacted from forms shared with the parent.**

VI. Questions related to communication with birth parents

1. Can the SC discuss surrogacy with the birth parent or does it have to be the foster care case planner?
 - a. **Absolutely! The SC can discuss surrogacy with the birth parent. Sometimes the birth parent may feel more comfortable discussing it with the SC than**

with the foster care agency. Whomever is best positioned to have that conversation with the parent, should have the conversation.

2. If the birth parent does not want to collaborate with the foster care agency, can the birth parent participate in the EIP without foster care agency involvement?
 - a. **Given the fact that the child is in the legal custody of ACS, the agency will need to be involved with the EIP. However, if the birth parent wants to participate in evaluations or the IFSP meeting or speak with the SC, they can do all those things without the agency being present.**
2. How is the relationship between the foster mom and birth mom - can they talk or see each other during the EIP? If surrogacy is assigned to the foster mom, can the birth parent make different decisions during the IFSP meeting and whose decision is final?
 - a. **Birth parents and foster parents may see each other frequently. In most circumstances, they see each other at the agency multiple times a week for visits. Every situation is different, but in most cases, there is going to be some type of communication between the birth parent and foster parent.**
 - b. **If the foster parent has been assigned as the surrogate parent and there is a dispute between the birth parent and the foster parent, the SC would need to follow up with the case planner to discuss the situation. Unless the birth parent's rights are terminated, the birth parent can revoke their designation and participate in the Early Intervention process at any time. In addition, the assignment of a surrogate parent does not supersede the birth parent rights.**

VII. Questions about scenarios when a parent is not available

1. How do we proceed if the parent cannot be reached because they are incarcerated, in a rehabilitation program or cannot be found and the child is in foster care but the parent rights are intact?
 - a. **Efforts need to be made to reach out to that parent who is incarcerated. See the NYC ACS document, [Special Education Decision-Making for Children of Incarcerated Parents](#). The case planner for the foster care agency should be able to contact a parent who is in a rehabilitation or drug treatment program as they are in constant contact with those programs and should be able to reach them.**
 - b. **In cases where the parent can't be found, diligent efforts must be made to reach the parent. If they cannot be reached, then the foster parent can be assigned as the surrogate. Four attempts are required either by home visits, mail, email, phone, or social media and must be documented on the [Foster](#)**

Care Surrogacy Recommendation and EI/OD Assignment form before we can determine that the parent's whereabouts are unknown.

2. How does it work if the parent is deceased and a grandparent is caring for the child but there is no official guardianship documentation established (child is not in foster care) for the grandparent?
 - a. **This is considered a case within parental relationship. The SC should contact the EI Regional Office in the borough where the child lives to speak with the Regional Director or an Assistant Director.**

Bronx Regional Office main phone 718-838-6887

**Regional Director - Alicia Caley
Assistant Director (Foster Care Liaison) - Maribel Rosa
Assistant Director - Marilu Johnson
Assistant Director - Seema Sinha**

Brooklyn Regional Office main phone 718-694-6000

**Regional Director - Sharon Gooding
Assistant Director (Foster Care Liaison) - Ann-Marie Haynes
Assistant Director - Irma Ayala
Assistant Director - Luis Filpo
Assistant Director - Marly Noel
Assistant Director - Wanda Augustia**

Manhattan Regional Office main phone 212-436-0900

**Regional Director (Foster Care Liaison) - Ricardo Torres
Assistant Director - Princessa Harvill
Assistant Director - Sharon King**

Queens Regional Office main phone 718-553-3954

**Regional Director - Agatha Guadagno
Assistant Director (Foster Care Liaison) - Jomo Chulungee
Assistant Director - Karla De La Cruz**

Staten Island Regional Office main phone 718-568-2300

**Regional Director - Elizabeth Martinez
Assistant Director (Foster Care Liaison) - Amelia Henry
Assistant Director - Nicole Michelson**

3. If the child is in kinship foster care, are there any required steps to take?
 - a. **If a child referred to EI is in kinship foster care the same process applies as if the child was living with a non-related foster parent, even if the child is residing with a grandparent, aunt, or uncle.**

4. What can be done for a child whose family/parents are detained by ICE and whose whereabouts are unknown and there is no way of locating or contacting them? Or once the parent is located, they are in another state or out of the country?
 - a. **If a parent is detained by ICE and their whereabouts are unknown, the SC can move forward with assigning a surrogate. If a parent is deported, and once they reach their country of origin they are in touch again, that parent can designate someone to make decisions and the SC can complete the Parent Designation of Person Acting in Place of Parent form.**

VIII. Questions related to the Multidisciplinary Evaluation (MDE) and EI timeline

1. If the parent or foster parent (with surrogate rights) does not have any specific concerns, can the evaluation agency proceed with a screening instead of a full MDE? Foster care agencies often request the full MDE regardless of whether the parent has specific concerns.
 - a. **If the parent or foster parent (assigned surrogate) does not have any specific concerns but the foster care agency made a recommendation for a MDE, the SC should follow up with the case planner/education contact to discuss the parent or foster parent (surrogate) point of view and inform them that the parent is expressing to move forward with a screening. Typically, if a foster care agency is requesting a full MDE, it is because a pediatrician or other provider did their own developmental screening that raised concerns. Ultimately, the parent or assigned surrogate must make the decision as to how they would like to move forward. Since changes to regulations limit the child to one MDE per calendar year, the parent or assigned surrogate must be given all the information by the SC and Evaluation Agency so that the parent or assigned surrogate can make an informed choice.**
2. Are we still accountable to the 45-day timeline for foster care/ACS cases?
 - a. **Yes, ACS involved/foster care cases are still accountable to the 45-day timeline.**

IX. Questions related to forms

1. How should the EI Foster Care Packet be submitted to the NYC EIP?
 - a. **Within 24 hours of receipt, the SC must send the completed Request for Foster Care Surrogacy Determination Letter (required), Foster Care Surrogacy Recommendation and EIOD Assignment form (required), Parent Designation of Person Acting in Place of Parent form (if applicable), to the following HIN ID (per NYC Regional Office) via HCS Secure File Transfer (SFT) in the child's borough of residence. SC should indicate in the correspondence's subject line: "Parent rights determination attached. EIOD approval needed/not needed for Child ID: XXXXX."**

Brooklyn RO HIN ID: BKRO

Bronx RO HIN ID: BXRO
Queens RO HIN ID: QRO
Manhattan RO HIN ID: MRO
Staten Island RO HIN ID: SIRO

The Regional Office Assistant Director will review the information submitted and sign the [Foster Care Surrogacy Recommendation and EIOD Assignment form](#), complete the “Surrogate Parent Appointment Panel” in EI-Hub, attach the above-mentioned Assignment form in the surrogacy panel, and notify the SC.

For additional guidance, see [NYC EIP Policy 2-A: Determining the Need for and Assigning a Surrogate Parent Policy](#), and note therein the Steps to Determine Need for Surrogate Parent form.

2. Is the [Parent Designation of Person Acting in Place of Parent form](#) required if Grandma is the one attending an IFSP meeting?
 - a. If the parents’ rights are not terminated, and there is no surrogate parent assigned, the parent(s) must attend the IFSP meeting. A grandparent will not be permitted to take the place of a parent unless, the grandparent is assigned as the surrogate parent or the [Parent Designation of Person Acting in Place of Parent](#) form is completed and signed by the parent. This form can be used for children not involved with ACS, if a parent wants to designate someone to take the place of a parent. The SC must attach the form in EI-Hub and notify the EI Regional Office.
3. Is a letter from the foster care agency stating the child is in kinship foster care sufficient to proceed with the grandmother. Should surrogacy forms still be obtained?
 - a. A letter from the foster care agency is not sufficient. If the child is in foster care, the SC must reach out to the Case Planner and send the foster care packet to the Case Planner so that the appropriate designation can be determined. The parent has the right to participate in the process, and it is their choice whether they would like the foster parent to serve as the surrogate parent or the parent would like to remain the sole decision-maker for their child.
4. If the case planner notifies the SC that the ACS case is closed, does the SC process the case as normal? Does the case planner need to provide the SC with any forms indicating the case is closed so the information in EI-Hub can be changed?
 - a. If the child is discharged from foster care, the agency should let the SC know. The agency can send a discharge letter.

5. What if the parent is deceased? What kind of forms are needed?
 - a. If the parent is deceased, section D. Surrogate parent assignment is necessary in the Foster Care Surrogacy Recommendation and EIOD Assignment form should be completed by checking 3. Parent cannot participate in EIP process (or is deceased) and did not designate a surrogate. The case planner should complete, the section *If 'D' is checked, complete the following, which asks for the surrogate parent's name, relationship to the child, address and phone numbers. This form must always be signed and dated by the case planner.

X. Questions related to the transition to CPSE

1. Can the foster parent sign the Committee on Preschool Special Education (CPSE) referral if she is assigned as the surrogate? If parents' rights have not been terminated?
 - a. A foster parent who is assigned as a surrogate parent for Early Intervention, is not automatically the surrogate parent for the Department of Education (DOE)/CPSE process. Typically, the process starts with the referral to CPSE - the agency would initiate the referral and ask for the foster parent to be assigned as the surrogate parent if the birth parents' whereabouts are unknown. The DOE has a separate process for establishing surrogacy in their system. The CPSE would then need to assign the foster parent (or someone else) as the surrogate parent before moving forward with scheduling the evaluations.
 - b. In the situation where a child is in foster care and the parents' rights are not terminated or limited, the parent retains their right to provide consent to refer their child to the DOE/CPSE.