DAUPHIN COUNTY MH/ID PROGRAM
POLICY AND PROCEDURE

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<th>Policy No.</th>
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**Title:** Procedural Safeguards and Resolving Conflicts

**Policy:** The Dauphin County Early Intervention Program believes that the time invested in successful conflict resolution produces long-term positive results for families and children. Concerns are viewed as challenges to be resolved that will create improvements in our relationship with families, family satisfaction with services, and most importantly, successes for children. To this end, all conflicts will be resolved as quickly as possible. Individuals engaged in conflict resolution are treated with respect and each person’s perspective will be listened to completely.

**Procedure:**

1. There are a number of options available to families when they are dissatisfied with the early intervention services they are receiving including:

   A. The family/caregiver should be encouraged to talk with the person or agency providing services to try to work things out. Ask for a copy of the provider’s grievance procedure. If a family needs help in understanding the procedure, the service coordinator will provide assistance. Most problems can be resolved by talking openly about them.
   
   B. If concerns continue, a family can contact the child’s service coordinator at 232-8761. The service coordinator can provide information and facilitation among team members to resolve issues and concerns.
   
   C. If there is concern related to the service coordinator, contact the Early Intervention Case Management Supervisor at the CMU. The parent or caregiver can request a copy of the CMU’s Grievance Policy and Procedure.
   
   D. A family or caregiver may decide to contact an independent advocate from The ARC of Dauphin County or Pennsylvania Protection and Advocacy.
E. If the concerns have not been resolved by using the above-noted suggestions, families should contact the Dauphin County Mental Health/Intellectual Disabilities Program or the Early Intervention Coordinator. They should request a copy of the Dauphin County Mental Health/Intellectual Disabilities Program’s grievance procedure.

Any changes in program and service provision will be documented on the child’s IFSP. The service coordinator will follow up to make sure the family is satisfied with those changes.

2. As a result of a family’s participation in the early intervention program, additional avenues to resolve complaints and disagreements are available through the Intellectual Disabilities system. The following options are available to parents and accessed through the county Mental Health/Intellectual Disabilities administrator for resolution of individual child complaints and those that are systemic in nature under procedures outlined in Chapter 4226 Regulations.

3. Notifying Parents: Parents are given a copy of the brochure *Problem Solving in Early Intervention* at the intake visit as part of the intake packet, and again at six month and annual IFSP reviews. This brochure outlines these steps in greater detail. In addition, parents complete a Parent’s Rights Agreement. The Parent’s Rights Agreement notifies parents of their right to disagree and to request conflict resolution processes. The service coordinator discusses and the parent signs the PARENT’S RIGHTS AGREEMENT (Attachment #1) at the following times:
   A. At intake visit
   B. Prior to the Initial screening/evaluation process
   C. At each IFSP meeting
   D. All notices of changes in services
   E. At the parent’s request

4. In cases where the parent(s) is dissatisfied with the proposed services and activities, a variety of options are available for families to use for resolving their concerns. Families may choose to use one of these options at any time. Following the agency grievance procedure does not negate the use of any early intervention process for resolving complaints. Procedures outlined in the Office of Child Development and Early Learning Announcement EI-12 #05 will be followed.
   A. **Meeting:** A meeting may be scheduled with the county MH/ID administrator or designee at the parent’s request to discuss and resolve an issue involving their child. Parents may request this meeting through their service coordinator or they may contact county administrative staff directly. The meeting shall be conducted within seven (7) days of the request. It will be the responsibility of the EI Coordinator, within the Dauphin County MH/ID program to track complaints, whether submitted formally to OCDEL or informally to the County, and maintain data regarding local conflict resolution.
   B. **Mediation:** The family or county MH/ID administrator or designee may request a mediation session by contacting the Office of Dispute Resolution either orally or in
writing at 1-800-222-3353 or http://odr-pa.org/. Mediations will follow procedures outlined in Chapter 4226: Early Intervention Services, and must be held within 10 calendar days following the request at a mutually convenient location to the parties of the dispute. Mediation is voluntary on the part of the parents and may not delay or deny a parent the right to a due process hearing. Attorneys are not included as a participant in the mediation meetings. The mediation agreement must be signed by both the parent and representative of the Dauphin County EI program. The goal is to reach a mutual agreement, through negotiation as necessary, which is in the best interest of the eligible infant or toddler and his/her family. The Dauphin County EI program will forward a copy of the signed agreement to the specified Bureau of Early Intervention Services (BEIS) Advisor and the BEIS Central Office within 48 hours of receiving a copy of the signed agreement.

C. **Due Process Hearings:** Parents must make a request for a due process hearing to the county MH/ID administrator or designee. Parent is defined as a biological or adoptive mother or father, a legal guardian, a person acting as a parent such as a stepparent or grandparent, or a surrogate parent who has been appointed to act for the parent.

i. A written request for a due process hearing may be submitted by the parents to the county MH/ID administrator, or directly to the Office of Dispute Resolution. Oral requests will also be accepted through direct contact with the county MH/ID administrator or designee, or a service coordinator.

ii. County MH/ID administrator or designee may request a due process hearing by directly submitting a written request to the Office of Dispute Resolution.

iii. Parents will be given a copy of their Parental Rights at designated times or upon request. (attachment #1)

iv. When a parent makes an oral request for a Due Process Hearing, the Dauphin County Mental Health/Intellectual Disabilities Program Administrator or designee must obtain the parent signature on a PRA within two (2) working days following the date of the oral request.

v. The hearing request must be forwarded to the Office of Dispute Resolution by the county MH/ID administrator immediately to ensure that the hearing is not delayed.

vi. Upon receipt of the Due Process Hearing Request, the ODR will schedule the hearing at a reasonably convenient time for the concerned parties. A delay or postponement of a hearing shall occur only under extenuating circumstances and be granted only by the hearing officer. The reason(s) shall be documented in writing with notification to the involved parties.

vii. The ODR shall offer pre-hearing support and technical assistance independent of any assistance offered by the county MH/ID program.

viii. A hearing officer will conduct a hearing and render a decision within thirty (30) calendar days and prepare a written report. The time frame commences on the date the parent(s) signature is obtained on the written hearing request form.
ix. The ODR will arrange for an independent child evaluation at no cost to the family to assist in the resolution of the dispute.  
x. The ODR will notify all parties when a parent withdraws a hearing request.  
xi. Copies of the final hearing officer’s decision and report will be submitted to the involved parties including the Office of Child Development EI regional office.  
xii. A hearing officer’s decision is binding, unless reversed through a formal appeals process. Parents and MH/ID have the right to appeal the decision to the Secretary of Public Welfare within a fifteen (15) day period. The Secretary’s decision can be appealed to state and federal court. Filing an appeal will automatically stay the implementation of the decision unless the parent and MH/ID agree otherwise.

During the pendency of any proceedings involving a complaint, unless the MH/ID and the parents agree, the child will continue to receive the appropriate early intervention services currently being provided. If the complaint involves an application for initial services, the child will receive those services that are not in dispute. Parents are notified of these rights when the IFSP is signed.

D. **Individualized Family Service Plan Facilitation:** Individualized Family Service Plan (IFSP) facilitation is a voluntary process that can be utilized when all parties to an IFSP meeting agree that the presence of a neutral third party would help facilitate communication and the successful drafting of the infant/toddler’s IFSP. This process is not necessary for most IFSP meetings. It is most often utilized when there is a sense from any of the participants that the issues at the IFSP meeting are creating an impasse. The family can request mediation through the Infant/Toddler Early Intervention program or contact ODR at: 1-800-222-3353 or http://odr-pa.org/

References: Chapter 4226: *Early Intervention Services OCDEL Announcement, EI-12 #5- Mediation, Due Process, and IFSP Facilitation Procedures for Infant/Toddler Early Intervention.*

Also see EI Manual, September 2008, October 2010, and November 2011, September 2013
## Parents Rights Agreement

**Event/Reason for Agreement:**

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- I/we have been informed that information gathered is confidential (Family Educational Rights and Privacy Act).
- I/we received information explaining Early Intervention, our rights, and Procedural Safeguards.
- I/we understand that parents have the right to accept or decline any or all of the proposed services and activities.
- I/we have been informed of the screening process and the right to request a Multidisciplinary Evaluation (MDE) anytime during the screening process.
- I/we give permission for a screening for my child (if a current screening is not available) to determine the need and focus of an MDE.
- I/we give permission for a MDE for my child (if a current evaluation is not available) to determine eligibility for Early Intervention.
- I/we have been informed that an Individualized Family Service Plan (IFSP) meeting shall be held within 45 days from the date of referral to the Infant/Toddler Early Intervention Program, if my child is found eligible during the MDE.
- I/we participated in the MDE and IFSP meetings to discuss, plan, and implement Early Intervention services or tracking services.

I/we request:

- All activities and services listed on the IFSP.
- Another meeting to continue to discuss the issues presented today.
- All tracking activities.
- All recommended activities and services to be delayed.
- Only the following IFSP listed activities or services to start:

The screening results indicate:

- Your child is meeting age appropriate developmental milestone for the following reason:

- Your child is not meeting age appropriate developmental milestones for the following reasons:
I/we authorize the following team members/agencies to be provided copies of the ER/IFSP:

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I/we are dissatisfied with the proposed services and activities and request:

- [ ] □ A discussion with the county administrator responsible for the Early Intervention program.
- [ ] □ A mediation session conducted by the Office for Dispute Resolution.
- [ ] □ A due process hearing conducted by the Office for Dispute Resolution.

Parent Signature(s):

________________________________________________________________________

________________________________________________________________________

Revised 3/2012