



**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES**

**4126 Technology Way – 3rd Floor
Carson City, Nevada 89706
(775) 684-4400**

**Manual Transmission Letter (MTL)
Family Programs Office: Statewide Policy Manual**

ALL STAFF MEMO

2007 – MTL #0502
10/19/2007

TO: Tom Morton, Director - Clark County Department of Family Services
Barbara Legier, Deputy Director - Division of Child and Family Services – Central Office
Pat Hedgecoth, Deputy Director - Division of Child and Family Services – District Offices
Mike Capello, Director - Washoe County Department of Social Services

From: Cynthia R. Freeman, Ph.D.
Social Services Chief III

Subject: Policy Distribution

Enclosed please find Policy 0502 CAPTA-IDEA Part C for distribution to all applicable staff within your organization. This policy is effective 09/27/2005 and replaces 200 CAPTA-IDEA Part C Policy(s).

This policy has been placed into the new Family Programs Office Policy Format. Please read the policy in its entirety and note any areas of Jurisdictional Action that are additionally required by your agency to be in compliance with the policy enclosed.

It is the responsibility of the Agency Director listed above to disseminate the policy enclosed to appropriate staff within your organization and to ensure compliance.

Please contact me at 775-684-4410 or cfreeman@dcsf.state.nv.us if you have any questions.

0502.0 Child Abuse Prevention and Treatment Act (CAPTA) – Individuals with Disabilities Education Act” (IDEA) Part C

0502.1 Policy Approval Clearance Record

State Policy	This policy supersedes: 200 CAPTA-IDEA Part C Policy	Number of pages in Policy: 6
Review by Representative from the Office of the Attorney General n/a	Date: ____/____/____	Date Policy Effective: 09/27/05 DMG approved 09/27/05 Re-Formatting Revisions 10/19/07 Policy Lead:
DCFS Administrator Approval Signature: On File	Date: 10/19/07	Caroline Thomas MSW, LSW & Marji Walker MSW, LSW 9/27/05 Betsey Crumrine LCSW 10/19/07

0502.2 Statement of Purpose

0502.2.1 Policy Statement: The purpose of this policy is to identify and respond to the needs of children under the age of three with developmental delay(s) or a diagnosed condition that has a high probability of resulting in a developmental delay.

0502.2.2 Purpose: Child welfare agencies will refer children under the age of three (3) who are involved in a substantiated case of child abuse or neglect, or who have a positive drug screen at birth, to Early Intervention Services within two (2) working days of identifying the child(ren) pursuant to CAPTA Section 106 (b)(2)(A)(xxi) and IDEA Part C of 2004.

0502.3 Authority

CAPTA Public Law 108-36, Section 106 (b) (2)(A) (ii), (iv), (xxi).
Individuals with Disabilities Education Improvement Act (IDEA) of 2004 U.S.C. §§1400 et seq.; 34 C.F.R. § 303.19, § 406 (2004).
NRS 432B.170, .180, .190, .220, .230, .260
NAC 432B. 220

0502.4 Definitions

0502.4.1 Areas of development include:

- A. Physical development
- B. Cognitive Development
- C. Communication Development
- D. Social or Emotional Development
- E. Adaptive Development

- 0502.4.2 Children under the age of three who are “involved” in a substantiated case of child abuse or neglect means only the child(ren) who have been:**
- A. Substantiated as having been abused or neglected or
 - B. Have a positive drug screen at birth, or
 - C. Found in need of services will be referred to Early Intervention Services.
- 0502.4.3 Developmental Disabilities:** as defined in Nevada’s Early Intervention Policy includes:
- A. 50% delay in one area of development, or
 - B. 25% delay in two areas of development, or
 - C. A diagnosed physical or mental condition that has a high probability of resulting in a delay.
- 0502.4.4 Early Intervention Services:** refers to the developmental services funded by the Individuals with Disabilities Education Act, Part C (IDEA 02004). IDEA entitles developmentally disabled children under the age of three and their parents to Early Intervention Services and supports. Some of the services available include but are not limited to: evaluation and assessment for the purpose of determining eligibility, family training, counseling, home visits, service coordination, occupational and physical therapy, as well as psychological testing.
- 0502.4.5 Parent as defined by IDEA:** the term “parent” refers to a natural, adoptive, or foster parent of a child (unless prohibited by State law from serving as a parent), a guardian, an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare. Individuals with Disabilities Education Improvement Act (IDEIA) 02004, Section 602 (23) (A-C).
- 0502.4.6 Referral:** means CPS will provide a completed Early Intervention form to Early Intervention within two working days of substantiating children who have been abused or neglected in UNITY, or identifying child(ren) found in need of services. The worker will advise the parent or primary caregiver of this referral.
- 0502.4.7 Secondary Caregiver:** refers to a person other than a primary caregiver, who committed the substantiated abuse or neglect of a child(ren) under the age of three.
- 0502.4.8 State:** The Family Programs Office (FPO) at the Division of Child and Family Services.
- 0502.4.9 Surrogate parent:** refers to the procedures to protect the rights of the infant or toddler whenever the parents of the infant or toddler are not known or cannot be found or the infant or toddler is a ward of the State, including the assignment of an individual (who shall not be an employee of the State lead agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parent. IDEA Section 639 (a) (5).

0502.5 Procedures

0502.5.1 Early Intervention Services Roles/Responsibilities

- A. Upon referral, an Ages and Stages questionnaire will be mailed to the family to complete.
- B. The screening (through universal intake procedures) will determine if the child needs a referral to Early Intervention, Part C services for evaluation.
- C. If the child passes the screening, a letter will be generated to the referring agency notifying them that the child has passed the screening and will not be referred to early intervention services at this time.
- D. If the child fails the screening, the child will be referred to Early Intervention Services upon parent consent.
- E. The early intervention staff will notify the child protective services (CPS) agency that the child failed the screening and is being referred to Early Intervention Services.
- F. The early intervention staff will notify the CPS agency if the parent does not give consent to have the child evaluated for early intervention services.
- G. After the evaluations and/or assessments have been administered, the program will determine whether the child is eligible for early intervention services.
- H. If the Early Intervention team determines that the child is eligible for early intervention services, then the team will develop an IFSP (Individualized Family Service Plan) within 45-days from referral to Early Intervention Part C Services and services will begin as soon as possible.
- I. The early intervention staff will contact the CPS social worker who referred the child regarding the status of the child's eligibility for early intervention services.

0502.5.2 CPS Roles/Responsibilities:

In cases where a child(ren) under the age of three who is "involved" in a substantiated case of child abuse or neglect, who has had a positive drug screen at birth or who has been found in need of services will be referred to Early Intervention Services. CPS caseworker will:

Explain to the parents or primary caregiver the federal requirement to refer such children to Early Intervention for screening to determine if the child needs further evaluation or assessment based on developmental concerns, the purpose of such a referral, and how the services of the program can benefit their child and family:

REQUEST CONSENT FORM: Request a signed consent for release of information for Early Intervention from the parent or primary caregiver so that there is no confusion about the CPS caseworker's intent to share confidential information with Early Intervention as part of making the referral. This is

important in order to engage the family in the change process and in meeting the needs of their children. It is also important in order to establish a respectful working relationship with the parent or primary caregiver that supports his or her involvement in case planning and maximizes the potential for successful outcomes for the child.

ACTION A: If the parent or primary caregiver signs the consent, complete the Early Intervention referral form and contact Early Intervention to discuss the child's development and any ongoing conditions that the child has been experiencing that can impact functioning to determine whether there are any indications that Early Intervention might identify developmental delays. Provide a copy of the Early Intervention referral form to Early Intervention within two working days of identifying the child(ren). Advise the parent(s) that he or she will be contacted by Early Intervention to initiate a screening.

ACTION B: If the parent will not give consent to release information to Early Intervention, complete the Early Intervention referral form and provide a copy to Early Intervention within two working days of identifying the child(ren). Advise the parent that a referral must be made, but that the parent is not required to accept Early Intervention Services. It is recommended that under these circumstances only demographic and contact information be shared with Early Intervention, and not confidential behavioral or family history information from the case record.

- A.** Make the referral to Early Intervention (using the designated UNITY Early Intervention referral form) within 2 working days of identifying the child(ren). If the child has been placed outside of the placing agency's county, the referral is still made to Early Intervention in the placing agency's county.
- B.** Advise the parents or primary caregiver of the referral, the reason for the referral, and that Early Intervention will be contacting them to discuss the child's functioning and to set up an evaluation, if indicated by Early Intervention.
- C.** Work with Early Intervention to assure that all parties (Early Intervention, CPS, caregivers, and parents) have the information needed to fulfill their responsibilities to make decisions and to make the best use of available services throughout the case process.
- D.** Consider how Early Intervention services may be integrated into the case plan and permanency plan.
- E.** Document in the case record all activities associated with the referral and ongoing coordination with Early Intervention.
- F.** Child welfare agencies are encouraged to provide the parents or primary caregiver with an Ages and Stages questionnaire and Early Intervention information brochure at the time of referral.

0502.5.3 Timelines:

Table 0502.1 Timelines for CAPTA, IDEA Part C Policy

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Early Intervention Form, located in UNITY Form System	Provide copy of referral to Early Intervention within 2 working days of substantiation finding or otherwise identifying a child(ren)	Date of finding of substantiation for the case.	CPS caseworker	Referral made to Early Intervention

0502.5.4 Tools and Forms:

FPO 0502A Early Intervention Referral Forms are located in the Forms system in UNITY (varies amongst jurisdictions). The form must contain at a MINIMUM the parent's or primary caregiver's name, date of birth, address, telephone number, the referring agency, and the reason for referral, as well as the name, date of birth and location of the identified child(ren).

Parental Consent Form is the CWS Release of Information Form that varies amongst jurisdictions.

0502.7 Jurisdictional Action

0502.7.1 Development of Internal Policies: All jurisdictions will follow this policy as stated. CPS agencies are encouraged to expand communication with Early Intervention to enhance understanding of each other's services, policies, procedures, responsibilities and restrictions.

CPS agencies are also encouraged to develop additional policies or procedures with the local Early Intervention to facilitate the referral process, enhance communication, and ensure service coordination on behalf of the family.

0502.7.2 Timelines: Compliance with policy as of date of policy approval.

0502.7.3 Tools & Forms: All three jurisdictions will use the Early Intervention Referral Form contained in UNITY.

0502.7.4 Documentation: Document that a referral was made to Early Intervention in the case note section of UNITY and retain a copy of the completed Early Intervention Form in the case file.

A. Case File Documentation (paper):

Table 0502.1 Case File Documentation for CAPTA-IDEA Part C Policy

File Location	Data Required
Each jurisdiction must identify location of Consent Form and Early Intervention referral in paper file.	December 15, 2007

B. UNITY Documentation (electronic):

Table 0502.2 UNITY Documentation for CAPTA-IDEA Part C Policy

Applicable UNITY Screen	Data Required
Form # CMGT1001 Early Intervention Referral located in UNITY Form System	Within 2 days of identifying child as needing a referral.

0502.7.5 Supervisory Responsibility: None

0502.8 State Responsibilities

0502.8.1 Participants in Policy Development

- A. FPO Staff:** CAPTA Specialist
- B. Jurisdictional Representatives:** None
- C. External Stakeholders:** Early Intervention Programs Statewide

0502.8.2 Technical Assistance

- A. Requesting Technical Assistance:** None
- B. Relaying TA Information:** None
- C. Evidenced Based Practice:** None

0502.8.3 Clearance Process

- A.** This policy was approved by the DMG on 9/27/05.

0502.8.4 State Oversight

- A.** The state has the responsibility to ensure that all jurisdictions comply with this policy as outlined in the Statewide Oversight Methodology.

0502.9 Policy Cross Reference

0502.9.1 Policies: 0513 Substantiation Guidelines

0502.10 Attachments

0502.10.1 FPO 0502A Early Intervention Referral Form (*a UNITY Form*)