

## **10A NCAC 27G .0904 SURROGATE PARENTS**

(a) Circumstances Requiring Surrogate Parents. The area program shall assure the availability of a surrogate parent for infants and toddlers eligible for early intervention services when:

- (1) a biological parent or guardian cannot be identified;
- (2) efforts to locate the parent are unsuccessful; or
- (3) the child is involved in a voluntary placement agreement or is placed in protective custody through the local Department of Social Services.

(b) Identifying Need For And Selection Of A Surrogate Parent:

- (1) The child service coordinator shall be responsible for identifying the need for a surrogate parent.
- (2) Identification shall be based on any pertinent information and input from:
  - (A) the local Department of Social Services; and
  - (B) anyone serving on the Infant-Toddler Consortium.
- (3) The area program Director, or a designee, serving the county of the child's legal residence shall select the surrogate parent.

(c) Responsibilities Of A Surrogate Parent. A surrogate parent shall have the responsibility of being an active spokesperson for a child in matters related to the:

- (1) evaluation and assessment of the child;
- (2) development, signing, and implementation of the child's IFSP, including annual evaluations and periodic reviews; and
- (3) ongoing provision of early intervention services to the child.

(d) Priorities For Selection Of A Surrogate Parent:

- (1) The area program shall make every effort to select a surrogate parent who has close ties to the child.
- (2) In instances when children are placed in foster care or in the care of another individual, the biological parents or guardian shall be given first consideration to act as the surrogate parent.
- (3) The following order of priority shall then be considered when selecting the surrogate parent:
  - (A) person "acting as a parent" - a grandparent, governess, neighbor, friend, or private individual who is caring for the child;
  - (B) interested relative;
  - (C) foster parent;
  - (D) friend of the child's family; or
  - (E) other individuals.
- (4) The biological parent or guardian, if known, shall be informed regarding the selection of the surrogate parent.

(e) Criteria For Selection Process. Anyone who serves as a surrogate parent shall:

- (1) not have conflicting interests with those of the child who is represented;
- (2) have knowledge and skills that ensure the best possible representation of the child;
- (3) not have any prior history of committing abuse or neglect;
- (4) not be an employee of the agency involved in the provision of early intervention or other services for the child or be a provider of early intervention services to the child or the child's family. However, a person who otherwise qualifies to be a surrogate parent is not considered an employee based on being paid by a public agency to serve as a surrogate or foster parent; or
- (5) not be an employee of the state.

(f) Training Requirements For A Surrogate Parent:

- (1) Anyone who serves as a surrogate parent, and is not related to the child, shall have participated in training provided by or approved by the area mental health, developmental disabilities and substance abuse program.
- (2) Training shall include, but not be limited to, the following topics:
  - (A) Part H of the Individuals with Disabilities Education Act, regarding parents' rights, entitlements for children, and services offered;
  - (B) developmental and emotional needs of eligible infants and toddlers;
  - (C) available advocacy services; and
  - (D) relevant cultural issues if the child's culture is different from that of the surrogate parent.
- (3) The level of training approach shall be based on needs of the surrogate parent, as determined by the surrogate parent in conjunction with the area program.

*History Note: Authority G.S. 143B-147; 150B-1(d); 20 U.S.C. Sections 1401 et. seq., 1471 et. seq;*  
*Eff. May 1, 1996;*  
*Temporary Amendment Eff. May 21, 1999;*  
*Temporary Amendment Expired February 8, 2000;*  
*Codifier determined that findings did not meet criteria for temporary rule on May 22, 2000;*  
*Temporary Amendment Eff. May 30, 2000;*  
*Recodified from 10 NCAC 14V .0803 Eff. January 1, 2001;*  
*Amended Eff. April 1, 2001;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20,*  
*2019.*