

## Written Prior Notice

### Introduction

Written Prior Notice is a safeguard to protect families. It requires service providers to inform and involve the parent before decisions are made that will affect the child and family. Prior notice allows the parent the opportunity to consider recommendations before having to make decisions. It is important that the notice be as clear and understandable to the parent as possible.

### Requirements

The parent must be given at least ten (10) calendar days written notice using the *North Carolina Infant-Toddler Program Written Prior Notice* form before an agency or service provider proposes to or refuses to initiate or change:

- the child's eligibility for the Infant-Toddler Program;
- the child's evaluation;
- the placement of the child, or
- the provision of early intervention services to the child or family.

With parental authorization, the Service Coordinator must copy the Written Prior Notice to all Individualized Family Service Plan team members.

The notice must be in sufficient detail to inform the parent about:

- the action that is being proposed or refused;
- the reasons for taking the action;
- all the Infant-Toddler Program Child and Family Rights, including the right to participate in all meetings and actions related to eligibility and service delivery that the child and family has under the Infant-Toddler Program (*See Policy Bulletin #9 - Notification of Child and Family Rights.*), and the right to complaint resolution regarding the proposed action, including the procedures and timelines for filing a complaint.

The notice must be provided in language understandable to the parent and provided in the native language or mode of communication of the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the Service Coordinator must ensure that the notice is interpreted orally or by other means that is understandable to the parent. Written documentation that these requirements have been met must be kept in the Service Coordinator's agency record on the child. A copy of this documentation must be filed in the Children's Developmental

Services Agency's record on the child at the time of the documentation. (*For additional information, see Policy Bulletin #14 - Native Language/Mode of Communication.*)

The parent may agree to proceed prior to the ten days in order to expedite the proposed action; however, Written Prior Notice must still be given. This includes changes suggested and agreed upon during an Individualized Family Service Plan meeting. The ***North Carolina Infant-Toddler Program Written Prior Notice*** form is to be used for providing Written Prior Notice and for documenting the parent's desire to proceed prior to the ten days.

Service providers must notify the Service Coordinator when they wish to recommend changes to services or initiate new services so that the parent may receive Written Prior Notice of the proposed action prior to decisions being made by the Individualized Family Service Plan team. In situations where the parent proposes a service change to a service provider, the parent or the involved service provider must contact the Service Coordinator. The Service Coordinator is responsible for providing the Written Prior Notice required for the Individualized Family Service Plan team to review the Individualized Family Service Plan in regards to the proposed action and make a decision.

In situations where the Service Coordinator finds out about a service change after it is implemented, Written Prior Notice must be immediately provided to the parent with the circumstances surrounding the late notice documented on the Written Prior Notice form. The occurrence of a service change without prior notification to the Service Coordinator and the issuance of Written Prior Notice should be extremely rare as this is clearly outside Infant-Toddler Program policy.

### **Situations Requiring Written Prior Notice**

The following list includes, but is not limited to, events when Written Prior Notice is required:

- before evaluations are conducted (other than informal assessments related to the on-going provision of therapy, educational services, etc.);
- before the meeting where eligibility will be determined;
- before initial and annual Individualized Family Service Plan meetings and before any reviews of the Individualized Family Service Plan, including reviews or meetings related to transition planning;
- before any changes to services listed on the Individualized Family Service Plan or the initiation of new services (e.g., increase or decrease in the frequency or intensity of a service, change in type of service or location of service, change in service provider, termination of a service, as part of transition planning), and
- before determining the child no longer eligible for the Infant-Toddler Program.