

# First Steps Families Have Rights.

Indiana's First Steps program works together with families who have young children with developmental delays or disabilities. We want families to feel confident speaking up for their child's needs. That's why we partner with families as a team, helping their children grow, learn and reach their full potential.

## Did you know?

There is a federal law called the Individuals with Disabilities Education Act. It guides special education for children with disabilities or developmental delays. One part of the law, called Part C, gives families with infants and toddlers important rights. All families who use First Steps are protected by these rights.

These are called procedural safeguards, and they are designed to protect you. Below are the important ways the law helps you and your child.

### Families have the right to give written consent.

First Steps is a voluntary program, and eligible families may choose whether to participate. Before deciding, parents have the right to fully understand the programs and services available to their child. These services must be explained in the family's native language, unless it is not feasible to do so. A family's native language is the language they use every day, which may include sign language, braille or oral communication.

#### Parents must provide written consent before:

- Their child is evaluated
- Services begin or are changed
- Information about their child or family is shared with others

#### Parents have the right to:

- Decline one service while still receiving others
- Withdraw consent for a service at any time without affecting other early intervention services their child receives

### Families have the right to prior notice.

This means parents must get written notice before an early intervention service provider starts, stops, changes, or refuses to start or make a change to the child's early intervention services. This includes decisions about doing an evaluation, identifying a

delay, deciding on services or changing where or how services are provided.

This notice is given at least 10 calendar days before any change is made. It must be in the family's native language, unless it is not feasible. It also must clearly explain what changes are being suggested, what options were considered, and why decisions were made. The notice reminds parents that they can ask questions and share concerns. Families may choose to move forward sooner than 10 days if they prefer.

### Families have the right to an evaluation.

Every child has the right to receive an evaluation. The evaluation is free to families and is done by a multidisciplinary team of professionals who specialize in different areas of child development, such as physical, speech and language, occupational, and overall development. The team will look at the child's medical history, developmental milestones, and current skills to determine if they are eligible for early intervention services.

### Eligible families have the right to an Individual Family Service Plan.

An Individualized Family Service Plan (IFSP) is written plan created for each child who qualifies for early intervention services. It must be created within 45 days of the child's referral to First Steps and provided

at no cost to the family. Parents help create the plan along with the First Steps service coordinator, early intervention providers and anyone else the family wants to include, such as a child care teacher or an advocate.

Families have the right to fully participate in the meeting, share their goals for their child, and work with the team to develop outcomes. The IFSP is a written, legally binding document that explains when, where, and how early intervention services will be provided.

### **Families have the right to confidentiality.**

The federal law protects families' personally identifiable information. Before any information that identifies a child or their family is shared, parents must give written permission. If parents choose not to give permission, that's absolutely okay. Their decision will not affect the early intervention services their child receives.

### **Families have the right to see, check and ask for changes to records.**

Parents have the right to see, check, and ask for changes to records about their child and family at any time. If they believe something is incorrect, they can request it to be changed. If something seems missing, they can ask for it to be added. If the program doesn't agree and denies the request to make the change, parents can ask for a hearing to challenge the decision.

### **Learn more!**

For more information on family rights and how to request a dispute resolution, visit Indiana First Steps' Family Rights and Resolutions webpage by scanning the QR code or visiting [www.in.gov/fssa/ddars/bcds/dispute-resolutions](http://www.in.gov/fssa/ddars/bcds/dispute-resolutions).

Contact First Steps directly at 800-545-7763 or [firststepsweb.fssa@fssa.in.gov](mailto:firststepsweb.fssa@fssa.in.gov).

### **Families have the right to have services in their natural environment.**

A natural environment is any place where a child usually learns, plays, and spends time with other children who do not have disabilities. This could be the family's home, a child care program, a community park or other typical early childhood settings.

### **Families have the right to formal dispute resolution options and may also request informal dispute resolution.**

Families are always welcome to talk with their early intervention provider, service coordinator or the System Point of Entry director to informally discuss any concerns. These conversations can help everyone understand the issue, work together to find solutions and reach an agreement.

If a parent believes there has been a disagreement or a violation of IDEA Part C or Indiana law, they can file a request for a timely, formal resolution option. The federal law provides three options for families: mediation, a written state complaint and due process hearing.

While a disagreement or violation is being addressed, families may choose to continue early intervention services as they are written in the current IFSP. Services will stay the same unless the parent and team agree to make a change.

