

**KDHE Kansas Infant Toddler Services
Prior Written Notice FAQ**

General comments:

When using Prior Written Notice, think about it as a record of what happened and when, a paper trail. The prior written notice is the evidence that you honored the parent's rights.

1. Q. When the meeting is rescheduled, do you have the parent sign PWN for both meeting dates?

1. A. Yes, if the parent has already signed a PWN which showed the date of the original meeting, you will need a new PWN to show the date of the rescheduled meeting. If Parent is waiving the 10 day notice, you can just do one for the day that the meeting occurs.

2. Q. Can you schedule two different dates on the same PWN form?

2. A. Yes, if it is clearly spelled out which date is for what action and that action/meeting is something that you knew about prior to the first meeting.

For example, for a child who is not at established risk (not automatically eligible), you cannot schedule an evaluation and an eligibility decision notice on the same form. You would not know if the child was eligible or not before the evaluation.

If a child is at established risk (automatically eligible), you could schedule evaluation, mark the "your child is eligible" box and the "IFSP meeting is needed" and schedule IFSP meeting using the same form. This would, conceivably be more than one meeting on more than one day.

3. Q. Should you always mark the revision of IFSP when doing transition? Isn't that always an IFSP review meeting?

3. A. It is advisable to mark both " A meeting to review or review the IFSP" and " A meeting to have the transition conference" and/or " An Individual Family Service Plan meeting to develop the transition plan". This makes it clear to everyone that both the transition plan and conference are to be done within the context of an IFSP review.

For transition plan, pages 14, 15 and 18-20 would be completed at the meeting. For transition conference, pages 16-20 would be completed at the meeting.

4. Q. Should you use the Consent for Evaluation Form when a parent refuses an evaluation and have parents decline on that form in addition to the Prior Written Notice Form?

4. A. You would first need to inform parents by marking the box for "An evaluation & assessment of your child is necessary" on the Prior Written Notice form. You would also offer the Consent for evaluation form. While, the consent for evaluation form offers the option of refusal, parents cannot refuse what they have not been informed of. If you do not see parents and they refuse over the phone, send both the PWN and the Consent by mail. You would also send *Child and Family Rights and the Kansas ITS Complaints Process – Kansas Infant Toddler Services.*

We realize you may not receive it back in the mail but you will have evidence in your files that you sent it, which is evidence that you followed the legal process.

5. Q. If the family refuses to do an evaluation over the phone, are we required to mail that PWN to them?

5. A. Yes. As noted above, you would send both forms in the mail and request that the parents send back their refusal in writing. We realize that you may not hear back from the parents but again, it will be documented in your records that you followed the process. You would send [Child and Family Rights and the Kansas ITS Complaints Process – Kansas Infant Toddler Services](#)

6. Q. If we do a screening and the child is WNL - do we need to use prior written notice to tell parents that evaluation is not necessary?

6. A. Yes, as all procedural safeguards apply to screening activity. This is for screening that is done post referral by Part C as part of the eligibility process, and not for wider child find screenings.

7. Q. When a vision screening or hearing screening is included during the time of evaluation, do we need a separate permission for screening on top of the permission for evaluation?

7. A. No, The “action proposed” section in the “Consent for Evaluation Assessment” document clarifies that you are asking for permission for vision and hearing when you have parents sign consent . There is no need for additional consent.

8. Q. Do we have to sign a new consent to evaluate every time we do any kind of assessment or updating?

8. A. Again, the “action proposed” section of the “Consent for Evaluation Assessment” document clarifies that you have asked consent for initial evaluation and ongoing assessment. This covers any assessment or updating you do during the time the current IFSP is active. A vision screening is part of the evaluation. You should have new consents signed when a new IFSP is written. These are for the formal IFSP review or annual assessments if you will be reevaluating, but not for the normal ongoing assessment during home visits.

9. Q. Do you need a screening form to do a vision screening?

9. A. Consent to screen must be signed, along with PWN for a child that is referred to Part C. It is not required if it is part of a community child find screening.

One point of clarification is that even though vision and hearing part of the evaluation is often a screen, this is not separate from the full evaluation and does not need a separate screening permission form.

10. Q. The consent for Evaluation/Assessment says for the initial and on-going assessment of the child and family. Doesn't this mean that all assessments are covered by this one form?

10. A. Yes that is the intent, as assessment is an on-going process that happens continually through your interactions with the family.

11. Q. How far in advance can you hold an annual IFSP meeting before the annual review date?

11. A. There is no rule about this. The annual review must be completed prior to the expiration of the IFSP. The annual review date restarts the timeline to the next annual review and six-month update.

12. Q. How far in advance can you hold the six month review?

12. A. The six month review rule means you must go no more than a six month period between reviews. Reviews can be done more frequently.

13. Q. Who is required to get copies of the PWN?

13. A. The parent is given a copy, and one should be maintained in the file.

14. Q. Do you need all those review pages when changing to a new FSC? Alternatively, adding a service provider?

14. A. Yes, a change in provider is a change in services, so the review section should be done. The review section is a unit. Pages 18-20 are done together.

15. Q. What do you do with the Summary of Services page at the 6-month review if services don't change?

15. A. If there are no changes, and all dates of services are appropriate, you would not do anything to the Summary of Services page.

16. Q. For foster kids, do we have to try to get PWN to bio parents to sign if they are available? What if they won't or don't want to be at the IFSP meeting, review or annual IFSP, etc.?

16. A. Biological parents are entitled to all procedural safeguards, so the answer is yes, you need their signatures. Local tiny-k programs should be working with their foster care providers to ensure that Parent Rights and procedural safeguards are in place. Remember participation can be by phone, or through written contact. If a parent is not available to make educational decisions for their child, then the tiny-k program should contact Families Together and ask for a child advocate. It is proposed in the new State regulations that a foster parent may sign for a foster child, but those regulations have not yet been adopted. It would be most time efficient if you plan ahead as much as possible and send as many pieces of paperwork as is appropriate at one time.

17. Q. How do you get consent from the biological parent when the biological parent is incarcerated in another part of the state? How does this affect the 45 day timeline?

17. A. The 45 day timeline applies, even if you are waiting on signatures. The IFSP may be late, and your reason would be "child in foster care-waiting on signatures." You should be working with your foster care partners to help them understand the importance of signatures, and that you have timelines. This may need to occur on a regularly scheduled basis as there is very high turnover of staff within foster care agencies. This is an issue for many of the programs across the State. *Following these guidelines and entering the correct data into the ITS Database will provide us with accurate data and help us in knowing how frequently this situation occurs so we can address it at the State Agency level if need be.*

18. Q. Is it appropriate to have the foster care agency take care of signatures by the biological parent before referring the child?

18. A. No, Permission to evaluate etc... cannot happen before the child is referred. This is a post referral activity. Therefore, it is not appropriate for the Foster Care agency to get the signatures before the referral. The referral is the date you become aware of child, not the date you get signatures. *Please do not manipulate the dates on these referrals or hold off on accepting a referral because it will be difficult to get a hold of the biological parents.*

19. Q. If a child has been in our program - prior to the July 1st start of the new state IFSP, when it is time for a 6-month review, or the transition activities - do you want us to use the new state forms?

19. A. Use the review section of the new IFSP for all reviews from here on out to ensure that you are meeting the Procedural Safeguards requirements. Use the transition section of the new IFSP for transition planning and conferences so that all regulations are met. Use the new IFSP form at the annual review.

20. Q. If part-B already gets consent for evaluate to determine eligibility for Part B services, do we need to get consent for our part of the evaluation?

20. A. Part C obtains permission for evaluations/ ongoing assessment each year by completing the "Consent for Evaluation Assessment" form with each initial or annual IFSP review. If Part B requests Part C do a particular evaluation, and agrees then permission would be considered as already given by the parent as part of the on-going "Consent for Evaluation/Assessment" that was already signed. You would need to make sure you have consent to share information with Part B to share the results of that evaluation. Then Part B is free to use the assessment/evaluation as they wish.

21. Q. What about exiting children at their annual IFSP meeting if we have lost contact with parents, or there has been no response? Do we send the parents a Prior Written Notice with a date to meet and if they don't show for that review, then dismiss?

21. A. Yes, at the time of the annual IFSP review, you send a PWN to the parent proposing the annual review and Meeting to discuss exiting your child from services. A child cannot be exited from services without parent consent to do so before the IFSP expires. Exit reasons prior to the expiration of an IFSP do not include "we have lost contact with parents". The team would need to wait until the IFSP expires to exit the child. At that time you would send a Prior Written Notice as mentioned previously.

22. Q. If you evaluate and determine eligibility on the same day can you mark both items on the Prior Written Notice form?

22. A. No, you may not. You are not able to provide prior notice to the family indicating their child is eligible before that determination actually occurs. You would use a 2nd form that notifies the family of eligibility determination, and have the parent waive the 10 day notification if you provide the Prior Written Notice on the same day as the evaluation.

The exception to this would be if the child was automatically eligible, and you knew that prior to doing the assessment. You could mark both evaluation/ assessment and that the child is eligible on the PWN form. Then you additionally document on the form that the child is automatically eligible due to an established condition that has been confirmed by review of medical records.

23. Q. Can we get numerous agencies/services on one release of information form, or do we need to have individual forms for each one?

23. A. Forms with multiple agencies on one release have been used without problems, but we are beginning to hear that some agencies are questioning this practice. If your agency or community prefers only one agency per form, then you may use the form in that manner.

24. Q. Do we need to sign a private insurance use form if family goes to a different agency, i.e. audiologist, dev. pediatrician, where they bill insurance and tiny-k picks up co-pay, deductible or parent portion?

24. A. If you sent the parent to the agency as part of a Part C IFSP service, you would pick up the co-pay or deductible for private insurance or parent portion then Yes, you would need to have parents sign a private insurance use form. The service would need to be listed on the IFSP as a service.

25. Q. On Private insurance, what is meant by tiny-k programs are to pay co-pays and deductibles?

25. A. Local tiny-k programs are responsible for co-pays and deductibles if they bill private insurance for a service on the IFSP.

26. Q. Will you be putting these webinars on the web for review?

26. A. Yes, each webinar will be recorded and posted in the KITS website. www.kskits.org

27. Q. How long is the consent to evaluate good for? Also Release of Information?

27. A. One year. Both should be renewed at the annual IFSP meeting.

28. Q. Is the Permission for Screening Form needed for mass or community wide screenings?

28. A. No, the "Consent for Screening" form is not required as part of community or mass screening activities. When the local tiny-k program team decides, *post referral*, to screen prior to evaluating a child, they would need to complete the "Consent for Screening" form. Screening by the local tiny-k program post referral should be done rarely as it does not assist in extending the 45-day timeline requirements. Instead, you should work with your community partners and accept that they have systems in place to screen children who are suspected of having developmental delays. Again, the 45 day timeline from date of referral does not change even if it is decided to start with screening.

29. Q. What are the topics of the upcoming Monthly Webinars? Are any of them repeats?

29. A. The schedule with topics is listed on the Kansas Infant Toddler Services Website at www.ksits.org.