

# North Carolina Infant-Toddler Program Procedural Guidance

**Reference: Procedural Safeguards Policy**

## *Prior Written Notice*

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### **Introduction**

Prior Written Notice (PWN) is a safeguard to protect families. It requires service providers to inform and involve parents before decisions are made that will affect the child and family. Prior notice allows parents the opportunity to consider recommendations before having to make decisions.

### **Requirement**

The parent must be given at least ten (10) calendar days written notice before an agency or service provider proposes to or refuses to initiate or change:

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

### **Procedures**

1. The notice must be in sufficient detail to inform the parent about:
  - A. the action that is being proposed or refused;
  - B. the reasons for taking the action; and
  - C. all the Infant-Toddler Program (ITP) 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 have under the ITP, and the right to complaint resolution regarding the proposed action, including the procedures and timelines for filing a complaint.
2. 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 verbally or by other means that is understandable to the parent. Written documentation that these requirements have been met must be kept in the child's ITP record.

3. With parental authorization, the Service Coordinator must copy the Prior Written Notice to all Individualized Family Service Plan (IFSP) team members.
4. 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 Prior Written Notice of the proposed action prior to decisions being made by the IFSP 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. In situations where the Service Coordinator is notified of a service change after it is implemented, Prior Written Notice must be immediately provided to the parent with the circumstances surrounding the late notice documented on the Prior Written Notice form.

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

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

- before evaluations and assessments are conducted (other than assessments conducted as a part of on-going provision of services);
- before the child's initial or on-going eligibility will be determined;
- 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, termination of a service, and as part of transition planning;
- before determining the child is no longer eligible for the ITP; and
- prior to exiting a child from the ITP due to lack of family involvement.

### **ITP Forms for Issuing Prior Written Notice**

The following ITP forms are used by ITP staff when issuing Prior Written Notice (PWN):

- ***NC ITP Prior Written Notice and Consent for Evaluation and Assessment*** is used prior to an initial eligibility evaluation or for evaluation after enrollment to determine ongoing eligibility, and prior to an initial assessment.
- ***NC ITP IFSP Section VIII. Agreement*** is used when the child and family's initial IFSP is finalized and prior to the parent consenting for services to begin.
- ***NC ITP IFSP Section IX. Review*** is used when an IFSP review is conducted and prior to the parent consenting for any changes to the IFSP and/or services received by the child and family.
- ***NC ITP Prior Written Notice*** is used to notify the family of;
  - the child's eligibility status (eligible or not eligible),
  - the child's exit from the ITP prior to turning age three, and
  - any other reason not captured in the first three events described in this section.