

281—120.68(34CFR303) Surrogate parents.

120.68(1) *Conditions when a surrogate is needed.* The grantee shall ensure that the rights of an eligible child are protected if no parent can be identified; the grantee, after reasonable efforts, cannot discover the whereabouts of a parent; or the child is a ward of the state. The duty of the grantee shall include the assignment of an individual to act as a surrogate for the parent. This shall include a method for determining whether a child needs a surrogate parent and assigning a surrogate parent to the child. [34 CFR 303.406(a),(b)]

120.68(2) *Criteria for selecting surrogates.* The grantee shall ensure that a person selected as a surrogate parent:

a. Has no interest that would conflict with the interest of the child that the surrogate parent represents;

b. Has knowledge and skills that ensure adequate representation of the child; and

c. Not be an employee of any state agency or a person or an employee providing early intervention services to the child or to any family members of the child. A person who otherwise qualifies to be a surrogate parent is not an employee solely because the person is paid by a public agency to serve as a surrogate parent. [34 CFR 303.406(c),(d)]

120.68(3) *Responsibilities.* A surrogate parent may represent a child in all matters related to the evaluation and assessment of the child; development and implementation of the eligible child's IFSP, including annual evaluations and periodic reviews; the ongoing provision of early intervention services to the eligible child; and any other rights established in these rules. [34 CFR 303.406(e)]