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## Surrogate Parent Program Information for the Division of Family Services (DFS)

The Surrogate Parent Program is administered by the [Parent Information Center](#) (PIC), through a contract with the [Delaware Department of Education](#) (DOE).



The provision for appointing Surrogate Parents was established under the federal law called the Individuals with Disabilities Education Act or IDEA.

Part C of IDEA refers to children who are birth to three years of age. Part B refers to children from three to 21 years of age. The IDEA describes how children with disabilities, who are found eligible to receive Early Intervention Services (under Part C) or Special Education Services (under Part B) are entitled to have an adult, who can assume “parental rights and responsibilities” and advocate on their behalf for Early Intervention or Special Education services.

Delaware also has [regulations](#) around the provisions found in the IDEA that provide further guidance about Surrogate Parents. The information below is a brief summary of relevant points designed to assist DFS workers who are considering making a referral to the Surrogate Parent Program.

### **Surrogate Parent Referrals:**

- A referral is needed for a child who is receiving or may receive Early Intervention or Special Education services AND whose parent (as defined by IDEA below) cannot be identified or located, or whose parental rights have been terminated.  
*Please note: Once the child is in the custody of the Department of Services for Children, Youth, and their Families (DSCYF), the decision to request a Surrogate Parent even when a parent is identified or located can be made at the discretion of the DFS worker.*
- Please use the most current referral forms found on PIC’s [website](#).
- There is a form for children 0-3 years of age and one for school-age children starting at age 3.
- Email only the referral to the Surrogate Parent Program. No other paperwork is necessary. Hopefully this saves you a little time!
- Once a referral is received, the Surrogate Parent Program will follow a protocol of gathering and verifying information with stakeholders to determine the child’s eligibility for a Surrogate Parent.

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*The Parent Information Center of Delaware is a non-profit, public corporation under Section 501 (c)(3) of the tax code.*

## **Definition of Parent under IDEA and Delaware Regulations:**

- A “parent” is defined as:
  - A biological or adoptive parent of a child;
  - A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
  - An individual acting in the place of a biological or adoptive parent and with whom the child lives - Delaware requires that a [Relative Caregiver's School Authorization](#) be submitted to the school district;
  - An individual who is otherwise legally responsible for the child's welfare; **OR**
  - A Surrogate Parent
- If you cannot identify or locate one of these individuals, please request an ESP. *Again, once the child is in DSCYF custody, the decision to request a Surrogate Parent even when a parent is identified or located can be made at the discretion of the DFS worker.*

## **Surrogate Parent and their Role:**

- A Surrogate Parent is a volunteer community member. The role of the Surrogate Parent is to advocate for a child working with other team members making decisions about Early Intervention services (*Individualized Family Service Plan*) or Special Education programming and services (*Individualized Education Program*).
- Once appointed, a Surrogate Parent assumes the parental rights and responsibilities for a child under IDEA and acts as the child's “parent” for Early Intervention or Special Education programming and services.
- A Surrogate Parent protects the child's rights in the Early Intervention or Special Education process, but is not involved in the day-to-day activities of the child (like a foster parent).

## **Foster Parents:**

- Not all foster parents will be appointed as a Surrogate Parent. Some may not be interested or are not current with training, or there may be a more qualified Surrogate Parent available to fulfill the role. The Surrogate Parent Program is responsible for the appointment selection.

## **Surrogate Parent Training:**

- Training (presented by PIC) is required annually for Surrogate Parents to maintain their eligibility status.
- Depending on the situation and training history of the individual, training may be required in-person or be offered in alternate formats.

## **Surrogate Parent Appointment:**

- If it is determined that a child is in need of a Surrogate Parent, the Surrogate Parent Program will make reasonable efforts to identify a qualified candidate within 30 days and will make a recommendation to the Department of Education (DOE) for appointment. Upon approval, DOE will send an appointment letter to the Surrogate Parent with appropriate stakeholders copied (including the DFS worker).

## **Surrogate Parent Program Contact Information:**

Parent Information Center of Delaware

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[www.picofdel.org](http://www.picofdel.org) (for more resources and to sign up for PIC's e-newsletter)

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