

EDUCATION

Surrogate Parents

45-10

Policy The Department of Children and Families shall ensure that a surrogate parent is appointed for any child within the care of DCF who is or may be eligible for special education and related services or Birth to Three services.

Definitions **Educational decision-making process** means the identification, evaluation and placement of a student; the hearing, mediation and appeal procedures afforded the student or the parent; and planning procedures provided for in [Section 504 of the Rehabilitation Act of 1973](#) after the child has been exited from special education.

Surrogate parent means the person who serves as the child's advocate in the educational decision-making process in place of the child's parent or guardian when the child is or may be eligible for special education and related services through either Parts B or C of IDEA. The surrogate parent is appointed by the Commissioner of the State Department of Education (SDE) when the child is between the ages of three and less than 18 years of age, or by the Director of the Birth to Three Program of the Department of Developmental Services (DDS) when the child is younger than three years of age.

Legal reference: Conn. Gen.Stat. [§10-94f](#) through [10-94k](#); [§17a-6\(l\)](#); [§17a-248](#).

Eligibility for Surrogate Parent Through DDS (Birth to Three) A child is eligible for a surrogate parent through the Birth to Three Program of the Department of Developmental Services (DDS) if:

- the child is younger than age three;
- the child is committed to DCF;
- no parent can be identified or DCF cannot, after reasonable efforts, discover the whereabouts of a parent;
- the child is enrolled in Birth to Three or has been referred for an evaluation to determine eligibility for Birth to Three services; and
- the child is not placed with a foster parent.

Note: The foster parent is considered a "parent" under the law governing this policy. Therefore, no surrogate parent will be appointed for a child who is receiving or being evaluated for Birth to Three services who is in a foster home.

Legal reference: Conn. Gen. Stat. [§17a-248f](#).

EDUCATION

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45-10

Eligibility for Surrogate Parent Through SDE

A child is eligible to have a surrogate parent appointed by the State Department of Education (SDE) if:

- the child is between the ages of three and twenty-one; and
- the child requires, or may require, special education;

AND

at least one of the following is applicable:

- the Commissioner of DCF has been appointed as the child's guardian or statutory parent; or
- the child who is at least 18 years of age does not object to the appointment; or
- the child's parent or guardian:
 - cannot be identified;
 - cannot be located;
 - is unavailable to represent the child regarding special education; or
 - agrees, or fails to object, to the appointment of a surrogate parent.

Legal reference: Conn. Gen. Stat. §[10-94g](#).

Cross reference: [DCF Policy 45-4, "Notification to Local Education Agency."](#)

Foster Parent as Surrogate Parent

The SDE Commissioner may appoint the foster parent of a child older than three years to serve as that child's surrogate parent if:

- the DCF Commissioner has been appointed the child's guardian or statutory parent;
 - the foster parent has made a request to the SDE for such appointment; and
 - the child's Social Worker or Juvenile Justice Social Worker certifies in writing to SDE that DCF supports such appointment.
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Communication with the Surrogate Parent

The Social Worker or Juvenile Justice Social Worker shall communicate with the surrogate parent, as appropriate, and ensure that the surrogate parent receives the following:

- notice of placement of the child by DCF; and
 - any other information that could effect the status of the child or the placement.
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**Surrogate
Parent
Access to
DCF Records**

The surrogate parent has the same right of access to a child's DCF records as a parent.

Legal reference: Conn. Gen. Stat. [§10-94j](#).

Note: Whenever there is a question regarding access to records, the Social Worker or Juvenile Justice Social Worker shall contact the Area Office Attorney for assistance in the determination.
