



Early Intervention and Your Legal Rights



If your child is between 0 and 3 years old, and is able to get Early Intervention services, you have rights under Illinois and federal laws.

Timelines

- ✓ **First Call.** 2 work days after your child is referred to Early Intervention, a person from your Child and Family Connections agency (CFC) must call you to set up a time to talk.
- ✓ **Evaluation and Planning.** 45 calendar days after you talk with your CFC contact and sign the forms they email you, your CFC must test your child and make a plan called an IFSP (individualized family service plan). The IFSP lists the services your child will get.
- ✓ **Early Intervention Services.** 30 calendar days after your child is given an IFSP and you sign the plan they email to you, all services should start. **Being on a waitlist for more than 30 days violates your child's rights.**
- ✓ **Records.** You have the right to any CFC records about your child. They must let you see the records within 10 calendar days after you ask and before any meeting or hearing about your child's Early Intervention services.

What To Do When You Disagree

Sometimes people have problems with Early Intervention services, like:

- You do not get Early Intervention services in the timelines listed above, or
- You disagree with decisions, like what services your child will get and how they will get them.

If you have a problem like these or something different, send an email to your service coordinator listing everything you are concerned about. **Your concerns should be in writing to make a record.**

Options if You Disagree. If you are not happy with the response you get, you have the right to these options to fix the problem:

- Filing a State Complaint (**you must do this within 1 year**),
- Requesting Mediation, and
- Requesting a Due Process Hearing (**you must do this within 3 months**).

Each option is explained on the next page. **If you have questions about which option would be best, you can call Equip for Equality for free legal help.**



EQUIP FOR EQUALITY

www.equipforequality.org 1-866-KIDS-046

Equip for Equality is a nonprofit that provides **free legal help** to children and adults with disabilities

State Complaint

When can I file a state complaint? You can file a complaint with IDHS if you think your child's rights were violated. This includes if your child has been on a waitlist for more than 30 days or the timelines listed above were not followed. The complaint must include facts that support your complaint and how you want IDHS to fix the problem.

What are the rules? The complaint must be about a problem that happened within **the last year**. IDHS will investigate and make a decision within **60 days** of getting the complaint. If they find a violation, IDHS will tell you how they will fix the problem. IDHS's decision is final.

Mediation

When can I ask for mediation? You can ask for mediation if you disagree with an Early Intervention provider, your CFC, or IDHS. Your request should describe the problem and what you want to be done.

What are the rules? Mediation can only happen if both sides say yes to it. Mediation is free and everything said during mediation is confidential. Mediation should happen within **10 days** after you ask for it unless you and IDHS agree to meet later. The mediator will try to help both sides talk and find an agreement. You are not required to agree to anything at mediation. However, if both sides reach an agreement the mediator will put everything in writing.

Due Process Hearings

When can I ask for a due process hearing? You can ask for a due process hearing to fix a problem with an Early Intervention service provider, CFC, or IDHS. The request should state all facts about the problem and what you want to be done to fix the problem.

What are the rules? You must ask for a due process hearing within **3 months** of the day of the problem. After you ask for a due process hearing, there is a **30-day resolution period** where you can try to reach an agreement. If you do not fix the problem in those 30 days, a hearing will be held and a decision should be sent to you within **45 days**.

A due process hearing is like a court case and there are many rules. A hearing officer listens to both sides, including any experts you have, and then writes an order saying what should be done. The order needs to be followed by both sides. The losing party can appeal this decision.

How to Use Each Option

Use the links or QR codes below to find the forms you need to use for each option. On the form, you will need to list the name of your CFC, which can be found at the first QR code below. Once you fill it out, you should either:

- (1) E-mail the form to IDHS. For complaints send to DHS.Elquestions@illinois.gov. For mediation or due process send to DHS.BAH@illinois.gov with a copy to DHS.Elquestions@illinois.gov; **OR**
- (2) Print out and mail the form to IDHS and your CFC. Use certified mail so you have proof of delivery.

Find your CFC



Complaint Form



Mediation Form



Due Process Form



If you have questions about how to use these options, you can call Equip for Equality for **free legal help**.



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