



Early Intervention Mediation

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The Early Intervention Program (EIP) experienced substantial changes in 2010 and many families will learn that their child is ineligible for services through the taxpayer supported program. If a child does not meet the eligibility requirements, but you feel the child needs services, you can refer the family for private pay services, insurance programs and other support services in your area. But if you feel a child is eligible for services through the EIP, you can suggest that the family request mediation to resolve disagreements on an eligibility determination or early intervention services.

This article can offer guidance to families that would like to pursue mediation.

Early Intervention Mediation: A Parent's Guide

What is Early Intervention?

The Early Intervention Program provides early intervention services and supports to infants and toddlers under age three with developmental delay or disabilities and their families. The Early Intervention Program is established in Public Health Law. The New York State Department of Health is responsible for its administration and oversight. All children in the Early Intervention Program have a written plan for services called the Individualized Family Service plan, or IFSP.

Why Early Intervention mediation?

Sometimes parents and early intervention officials (EIOs) do not agree on the plan for services or on an eligibility determination. The law establishes the right of a parent to enter into mediation to resolve disagreements with the EIO about early intervention services, or an eligibility determination.

Any early intervention service in the IFSP which you and the EIO have agreed to will continue to be provided while you access mediation services. Parents can stop mediation at any time and request an impartial hearing.

What is mediation?

Mediation assists parents and EIOs to reach agreement about an eligibility determination, or services to be provided to your child, and/or family. Mediation brings EIOs and parents together to talk about their concerns. It is a confidential process that encourages parents and EIOs to speak freely about their concerns and, with the assistance of a mediator, explore potential resolutions.

What can mediation do?

The main purpose of mediation is to help you and your EIO reach an agreement regarding a dispute concerning an eligibility determination, or services.

Mediation can:

- help you and your EIO come to an agreement regarding a dispute concerning an eligibility determination or service issue
- let you and your EIO speak your minds with an objective person listening
- clear up misunderstandings, which could help resolve the problem
- help you and your EIO work together to better solve a problem

How do you request mediation?

Here is what happens:

1. You send your EIO a letter to ask for mediation (see “Your Family Rights” in the New York State Department of Health’s publication - The Early Intervention Program: A Parent’s Guide for a sample letter. The website is listed at the end of this article).
2. Your EIO agrees to mediation and informs the community dispute resolution center about your request. There is a center in every county in New York State.
3. The mediation center will immediately contact you to explain the mediation process, and to arrange for and hold the mediation meeting within two weeks, unless you ask for more time, at a location and time that is convenient for you.
4. Your EIO also may request that you participate in mediation if you disagree on services. Remember, mediation is voluntary. You and your EIO must both agree to mediation for it to take place.

Who attends the mediation?

You and your EIO or designee must both attend the mediation. You may also invite others to come with you to the mediation meeting. You may bring an attorney if you let your EIO know before the mediation. Your EIO also may bring an attorney and must tell you ahead of time that she/he plans to do so.

Who are the mediators?

Mediators are trained, certified and assigned by the Community Dispute Resolution Center in your county. They are experienced in resolving disagreements and know how to listen to all sides and be fair. They are *not* experts in early intervention. They *are* expert mediators who are skilled in helping people resolve disputes and have a basic understanding of the Early Intervention Program.

How do I prepare for mediation?

- List all of your questions and concerns before going to the meeting
- Bring any information you think you may need (such as your child’s evaluation report) to the meeting
- Come with an open mind, ready to listen and discuss your concerns

What takes place at mediation?

A trained mediator meets with you and your EIO to discuss the issues involved and to help you find an answer. Both of you will have the chance to share your concerns and talk about the needs of your child and/or family.

The mediation process must be completed within 30 days of the Community Dispute Resolution Center receiving your request. At the completion of the mediation, if an agreement is reached, a written agreement is prepared describing the agreement and any unresolved issues. Your service coordinator will then make sure the agreed upon services are added to your IFSP.

What if no agreement is reached?

If you and your EIO cannot agree on your IFSP, your EIO will tell you about how to request an impartial hearing.

Does this cost anything?

No. All costs are paid for by the New York State Department of Health through the New York State Dispute Resolution Association.

For more information, contact your service coordinator or early intervention official. You may also learn more at the website of the New York State Dispute Resolution Association: www.nysdra.org, and at www.nyhealth.gov/publications/0532/index.htm - The Early Intervention Program: A Parent’s Guide.