

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Early Intervention Services System Act is  
5 amended by changing Section 12 as follows:

6 (325 ILCS 20/12) (from Ch. 23, par. 4162)

7 Sec. 12. Procedural Safeguards. The lead agency shall adopt  
8 procedural safeguards that meet federal requirements and  
9 ensure effective implementation of the safeguards for families  
10 by each public agency involved in the provision of early  
11 intervention services under this Act.

12 The procedural safeguards shall provide, at a minimum, the  
13 following:

14 (a) The timely administrative resolution of State  
15 complaints, due process hearings, and mediations as  
16 defined by administrative rule.

17 (b) The right to confidentiality of personally  
18 identifiable information.

19 (c) The opportunity for parents and a guardian to  
20 examine and receive copies of records relating to  
21 evaluations and assessments, screening, eligibility  
22 determinations, and the development and implementation of  
23 the Individualized Family Service Plan provision of early

1 intervention services, individual complaints involving the  
2 child, or any part of the child's early intervention  
3 record.

4 (d) Procedures to protect the rights of the eligible  
5 infant or toddler whenever the parents or guardians of the  
6 child are not known or unavailable or the child is a ward  
7 of the State, including the assignment of an individual  
8 (who shall not be an employee of the State agency or local  
9 agency providing services) to act as a surrogate for the  
10 parents or guardian. The regional intake entity must make  
11 reasonable efforts to ensure the assignment of a surrogate  
12 parent not more than 30 days after a public agency  
13 determines that the child needs a surrogate parent.

14 (e) Timely written prior notice to the parents or  
15 guardian of the eligible infant or toddler whenever the  
16 State agency or public or private service provider proposes  
17 to initiate or change or refuses to initiate or change the  
18 identification, evaluation, placement, or the provision of  
19 appropriate early intervention services to the eligible  
20 infant or toddler.

21 (f) Written prior notice to fully inform the parents or  
22 guardians, in their native language or mode of  
23 communication used by the parent, unless clearly not  
24 feasible to do so, in a comprehensible manner, of these  
25 procedural safeguards.

26 (g) During the pendency of any State complaint

1        procedure, due process hearing, or mediation proceedings  
2        ~~or action~~ involving a complaint, unless the State agency  
3        and the parents or guardian otherwise agree, the child  
4        shall continue to receive the appropriate early  
5        intervention services currently being provided, or in the  
6        case of an application for initial services, the child  
7        shall receive the services not in dispute.

8        (Source: P.A. 98-41, eff. 6-28-13.)

9        Section 99. Effective date. This Act takes effect upon  
10       becoming law.