



Do you know????

Who holds Education/ Developmental Services Decision Maker Rights for the youth on your caseload?

All foster youth, by law, must have an identified Education Rights Holder (ERH) and those with Regional Center Services must have a Developmental Services Decision Maker (DSDM).

The ERH and DSDM have many responsibilities including, but not limited to Education Services:

- Participating in and authorizing Individual Education Plans (IEP);
- Be advised and authorize any changes in school placements/ settings;
- Authorize AB167/ 216 graduation plan;
- Represent the youth in suspension, expulsion or SARB hearings.

Regional Center Services:

- Consent and authorization for assessment and/or Services
- Participate in and authorizing Individual Family Services Plan (IFSP)
- Participate in and authorizing Individual Program Plan (IPP)

The ERH/ DSDM is the parent unless a change has been submitted by DCFS' CSW to court during an existing hearing stating the recommendation on the notice and attaching the JV 535 or via a walk-on using the DCFS 1727 and JV 535. A limitation of the parent's rights is usually due to whereabouts unknown, not acting in child's best interest, deceased or mental incapacity; parents can still hold rights if incarcerated. A caregiver will become the ERH and DSDM holder if a child is placed in an Adoptive placement and parental rights have been terminated. A minute order must be provided to requesting agency.

A legal guardianship limits/ suspends the parent's rights. *The legal guardian will always need to show the district a minute order or guardianship papers, so ensure they have a copy.* If the legal guardianship is rescinded or terminated, at the same hearing, the CSW must submit a JV 535 recommending a new ERH/DSDM. If CSW and guardian agree that the guardian will remain ERH/DSDM rights this must be stated in the minute order and JV 535.

Who can hold rights?

A responsible adult who has an established relationship, ie; CASA, relative, extended family member, foster parent, church member, coach, mentor etc. A youth does not have to live with their ERH or DSDM. Contact the education section or minor's attorney before using a school district surrogate. You can recommend co-holders, such as parent and relative.

Who cannot hold rights?

An adult with a conflict of interest: DCFS CSW or staff, Group home/ FFA staff, therapist and attorney.

Also, always note who is the holder of these rights in your court reports and update the youth's CWS/CMS Education (ERH) or Health Notebook (DSDM) with their name and contact information.