

**SUFFOLK COUNTY  
EARLY INTERVENTION PROGRAM  
FAMILY RIGHTS HANDOUT  
9/18/08 VERSION**

**MEDIATION/IMPARTIAL HEARING//SYSTEM COMPLAINTS**

Dear Parent:

The following is the procedure for you to follow to request mediation, impartial hearing or to file a system complaint. The Procedure is detailed in the NYS “the Early Intervention Program a Parent’s Guide” which was given to you at your initial home visit. The “Parent’s Guide” can be downloaded from the New York State Department of Health website [eip@health.state.ny.us](http://eip@health.state.ny.us). The “Parent’s Guide” has sample letters for you to use.

**Mediation**

- The parent sends a letter to the Early Intervention Official requesting mediation.
- The parent and the Early Intervention Official must both agree on mediation.
- If there is agreement to go to mediation, the Early Intervention Official will advise the Community Dispute Resolution Center about the request.
- A mediator will be assigned.
- A mediation meeting will be scheduled within two weeks of the Early Intervention Official being contacted.
- The Early Intervention Official or designee and the parent must attend the mediation.
- The parent may bring an attorney and other persons they feel will present their case.
- The Early Intervention Official may also bring an attorney. Both parties must inform the other that an attorney will be present.
- Mediators are not experts in early intervention, but they are experts at mediation and understand the early intervention system.
- The mediation process must be completed with 30 days.
- Once mediation is finished, a written agreement is prepared. Any new services agreed to will be included in the IFSP.
- There is not cost to a family for mediation.
- If no agreement is reached the family may request an impartial hearing.

**Impartial Hearing**

- Impartial Hearing is another way for Early Intervention Officials and parents to settle disagreements about IFSP services or a disagreement about a child’s eligibility for services following an evaluation.
- Parents may request an impartial hearing even if they already have gone to mediation.
- A parent does not have to go to mediation before requesting an impartial hearing.
- Impartial Hearings are conducted by hearing officers who are administrative law judges assigned by the Department of Health.
- Early Intervention Officials and parents give testimony and may use witnesses to support their view.
- Parents may bring a friend, another parent, an advocate or an attorney.
- A decision must be reached within 30 days.
- A hearing officer’s decision is final, but either party is allowed to ask for a judicial review.
- The IFSP must be changed within 5 working days of the written or oral decision of the hearing officer.

**System Complaints**

- Parents have a right to file a systems complaint if they believe that the Early Intervention Official/Designee or service provider is not doing the job appropriately.
- To file a systems complaint the parent must write to the New York State Department of Health.
- The Department of Health will contact the parent to inform how the complaint will be handled.
- The Department of Health must complete the investigation within 60 days.
- The parent will receive a written response within 70 days.
- The Department of Health is responsible for ensuring that all steps to correct the problem are taken