

Surrogate Parents

A surrogate parent is a person who is assigned to represent the child whenever the parents are not known or cannot be found, or the infant is a ward of the State.

A parent is defined as one of the following:

- Biological or adoptive parent of a child.
- Foster parent.
- Guardian.
- Person acting in the place of a parent (e.g., a grandparent or step parent with whom the child lives, or a person who is legally responsible for the child's welfare).
- Surrogate parent who has been assigned in accordance with Sec. 303.422.

A multidisciplinary team determines whether a child needs a surrogate parent using the following criteria:

- No parent can be identified.
- The whereabouts of a parent, after reasonable efforts, cannot be determined.
- The child is a ward of the State of Idaho under the laws of the state.

Legal custody of the child and all parental rights and responsibilities for the care and custody of the child are terminated by court order or permanent entrustment agreement pursuant to applicable law. The lead agency must make a reasonable effort to assign an individual within 30 calendar days from the identified need to act as the surrogate for the child.

Once it is determined that a child needs a surrogate parent, the multidisciplinary team identifies potential surrogate parents.

The lead agency uses the following criteria to select a surrogate parent:

- Any way permitted under State law.
- The individual is not an employee of the lead agency or any other public agency or early intervention service provider that provides early intervention services, education, care, or other services to the child or any family members of the child.

A person who is otherwise qualified to be a surrogate parent is not an employee solely because he or she is paid by the agency to serve as a surrogate parent.

- Has no personal or professional interest that conflicts with the interest of the child he or she represents.
- Has knowledge and skills that ensure adequate representation of the child.

When a child is a ward of the State or placed in foster care, the state lead agency must consult with the public agency that has been assigned care of the child in appointing a surrogate parent.

For a child who is a ward of the State, instead of being appointed by the state lead agency, a judge overseeing the child's case may appoint the surrogate parent as long as the selection meets the selection criteria above.

Potential surrogate parents include individuals involved in disability support groups, or employees of public or private agencies not involved in providing early intervention services. In addition, surrogate parents should reside in the same general geographic area as the child, whenever possible.

The lead agency verifies that the surrogate parent has knowledge and skills that ensure adequate representation of the child. A surrogate parent has the same rights as a parent for all purposes defined in IDEA, Part C.