**Section 500.160 Surrogate Parents**

a) The Service Coordinator shall request that ISBE assign an individual to act as surrogate parent of a child who would not otherwise have parental representation, including:

1) Each child under the legal responsibility of the State, meaning that the child is a ward of the Court or a State agency has been designated by the Court as the child's legal guardian or legal custodian with the right to consent for major medical treatment; and

2) Each child for whom no parents can be identified or whose parents' whereabouts cannot be discovered after reasonable efforts.

b) A foster parent may be appointed as a surrogate if he/she meets the requirements of subsection (d). A foster parent may also act as a parent if:

1) the natural parents' authority to make parental decisions required for EI services have been extinguished under State law; and

2) the foster parent has an ongoing, long term parental relationship with the child; is willing to make decisions required of parents in this Part; and has no interest that would conflict with the interests of the child.

c) Surrogates shall be requested through ISBE.

d) Surrogates may be selected in any way permitted by 34 CFR 303.422 (2013), but shall:

1) Have no personal or professional interest that conflicts with the interests of the child he or she represents;

2) Have knowledge and skills that ensure adequate representation of the child; and

3) Not be an employee of any State agency or a person or an employee of a person providing EI services, education, car or other services to the child or to any family member of the child. A person who otherwise qualifies to be a surrogate parent under this Section is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

e) A surrogate parent may represent the child in all matters related to:

1) The evaluation/assessment of the child;

2) Development and implementation of the child's IFSP, including annual evaluations and periodic reviews;

3) The ongoing provision of EI services to the child; and

4) Any other rights established under this Part.

f) The assignment of a surrogate parent at no times supersedes, terminates or suspends the parent's or guardian's legal authority relative to the child.

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)