

Early Intervention (Part C) Dispute Resolution Options

A Resource Document



While it is best to try to resolve disagreements by working together, sometimes coming to an agreement may not happen. It is important to know your family's rights when you have an infant or toddler receiving early intervention services.

The Infant & Toddler Connection [Notice of Child and Family Rights and Safeguards](#) provides three formal ways for Virginia parents to resolve disagreements. This chart provides basic information and the differences between the options. More detailed information including the regulations are linked at the end of this document.

	Administrative Complaint	Mediation	Due Process Hearing
When/why would I consider each option?	<p>If you believe that the entity has violated early intervention requirements.</p> <p>If you disagree with anything related to the services that you or your child are receiving.</p>	<p>If communication is difficult and having impartial outside assistance would be helpful to resolve the issue.</p>	<p>If you have been unable to resolve certain disagreements, relationships have deteriorated, and you feel further negotiation has been unproductive.</p> <p>Could be the most adversarial process of the three and can be costly and time-consuming.</p>
Is there a deadline for filing?	<p>Within 1 year of the alleged violation.</p>	<p>No; may be requested at any time to resolve disagreements and facilitate communication.</p>	<p>Within 2 years of the alleged violation.</p>
Do both parties need to agree the process?	<p>No</p>	<p>Yes, mediation is voluntary for both parties so both parties need to agree to participate.</p>	<p>No</p>
How do I file and what do I include?	<p>It is best to file in writing by completing Virginia's dispute resolution form and either mailing or emailing it to the Virginia Part C Dispute Resolution (DR) Contact. You do not have to use the provided form, however, be sure to include all the required information noted on the form.</p>		

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Where do I file?	Part C Dispute Resolution s.moore@dbhds.virginia.gov 804-297-9759 or mail to: Virginia DBHDS, Office of Early Intervention Attn: Sarah Moore, PO Box 197 Richmond, VA 23219		
Is an attorney needed?	No	No	No. However, PEATC recommends you consult with an attorney or advocate with experience in early intervention requirements as due process hearings are complex.
Who handles the dispute resolution process/investigation?	The Part C Dispute Resolution contact at Infant & Toddler Connection.	An impartial mediator who is trained in effective mediation techniques and knowledgeable of the laws and regulations relating to the provision of early intervention services will be appointed by the Part C State Office.	An impartial hearing officer (HO) who knows early intervention law, regulations, policies, and practices will be appointed by the Part C State Office.
How soon is the decision or ruling made?	Within 60 days after a complaint is received; the timeframe may be extended in limited circumstances.	Within 15 days of both parties agreeing to mediation; may be extended in limited circumstances. *The mediator does not make any decisions. The parties either do or do not come to an agreement.	Within 30 days of the receipt of the request; a time extension may be granted by the hearing officer at the request of either party.

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Can I use more than one Dispute Resolution option?	Yes. However, if the subject of a complaint is part of a due process hearing, the complaint investigation will be put on hold until the due process hearing on that issue is completed. If there are issues that are not part of the due process hearing, those will be investigated within the 60-day timeframe.	Yes. However, participation in mediation cannot be used to delay or deny a parent's right to a due process hearing. Note that discussions during a mediation are confidential and cannot be used as evidence in any future due process or civil proceeding (lawsuit).	Yes. Issues in a complaint that are also included in the due process filing will be put aside until the due process is over. Mediation cannot delay due process however if an agreement is made before the due process hearing, the case would be dismissed.
Can I appeal the decision?	Yes	Does not apply. A mediation agreement is signed by both parties and is legally binding.	Yes, a hearing officer's decision can be appealed in state or federal court. Ask the Part C Dispute Resolution contact for details.
Appeal to Dept. of Medical Assistance Services (DMAS)	In addition to these dispute resolution options, families of children who receive Medicaid have the right to file an appeal with DMAS. If the child is enrolled in a Medicaid Managed Care Organization (MCO)—which most individuals are—they must first use the MCO appeal process. Medical appeals are subject to DMAS regulations, not Part C regulations.		

Resources

- [CADRE Early Intervention Family Guides and Companion Videos](#)
- [Infant and Toddler Connection of Virginia Dispute Resolution](#)
- [12VAC35-225-420. Virginia Early Intervention Dispute Resolution Regulations](#)



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