

Exit from FES Title XX or IDEA Part C programs

A provider of FES Title XX or IDEA Part C may exit a child from services for non-participation (See ARM 37.34.225 for FES and Part C authority and ARM 37.34.2003 for Discontinuation by Provider of Service Delivery: Provider Initiated.)

Non-participation is defined as not participating in the planning for service delivery by:

- Failing to meet face-to-face on three (3) consecutive attempts by the service provider; or
- Failing to respond to three (3) or more home visit attempts, phone calls or other attempts to contact the family each at least one week apart.

All attempts to contact the family should be documented in the child's file. Prior to exit, a **certified letter of notice** is sent to the family asking for the family to contact the service provider regarding continuation of services and supports. The letter will provide the address, phone number and e-mail address for contacting the provider if continued services are desired. The letter explains if no response is received by a specified date, (at least 10 days following the date the letter is sent) the services and supports from the provider will end. A copy of this letter will be retained in the child's file and also be sent to the Regional Office. The family is given at least ten days to respond and if no response is received, a **letter of exit** will be sent by the service provider and a copy retained in the child's file and a copy sent to the Regional Office. The **letter of exit** must include the following statement:

You have the right to request a Fair Hearing to appeal your exit from these services. To request a hearing, you must submit a written request to:

DPHHS Office of Fair Hearings
P.O. Box 202953
Helena, Montana 59620-2953

Your request must be received in the Office of Fair Hearings within 90 days after the date of this letter. You may represent yourself in the hearing process, or you may be represented by legal counsel, a relative, friend, or other spokesperson. If you have a disability, you may request reasonable accommodation in the hearing process by contacting the Hearing Officer.

For information regarding Fair Hearings you may call the Office of Fair Hearings at (406) 444-2470. You may be eligible to receive free legal assistance from the Montana Legal Services Association. Their toll free number is 1 800-666-6124.