Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Infant Toddler Services—I.D.E.A.

28-4-568. Child advocates.

(a) Each local tiny-k program coordinator, with the assistance of the secretary, if needed, shall determine the legal relationship between a parent and a child before evaluation and assessment.

(b) The lead agency shall assign a child advocate to a child if at least one of the following conditions is met:

(1) No parent can be identified.

(2) A local tiny-k program, after reasonable efforts, cannot locate a parent.

(3) The child is in the custody of the state under the laws of Kansas, and parental rights have been severed.

(c) The method used for assigning a child advocate shall be as follows:

(1) Each local tiny-k program shall inform the lead agency or its contracting agency upon determining that a child needs a child advocate.

(2) Each local tiny-k program shall be assisted in locating an appropriate child advocate by the secretary. A child advocate shall be assigned under the authority of the lead agency or, if the child is in the custody of the state, appointed by the district court having jurisdiction over the custody proceedings for the child.

(d) Each child advocate shall be selected from a list of individuals who have completed training in advocacy for individuals or have demonstrated knowledge of the power, duties, and functions necessary to provide adequate representation of a child. This list shall be maintained by the lead agency or its contracting agency.

(e) The lead agency or its contracting agency shall ensure that each individual selected as a child advocate meets the following conditions:

(1) Has no interest that conflicts with the interests of the child;

(2) has knowledge and skills that ensure representation of the child; and

(3) is not an employee of the lead agency or any agency involved in the provision of early intervention services or any other services to the child.

(f) A child advocate shall not be considered an employee of the lead agency or any agency involved in the provision of early intervention services or any other services to the child solely because the individual is paid by a public agency to serve as a child advocate.

(g) Each child advocate shall have the same rights as those of a parent under part C.

(h) The contracting agency shall make reasonable efforts to ensure that a child advocate is assigned to a child less than 30 days after it is determined that the child needs a child advocate.

(Authorized by and implementing K.S.A. 75-5649; effective Jan. 30, 1995; amended March 7, 2014.)

***** Authenticated Kansas Administrative Regulation *****