

24:14:15:04. Access rights. Each contractor or participating agency shall permit parents to inspect and review any early intervention records relating to their child which are collected, maintained, or used by the contractor under this article. The contractor shall comply with a request without unnecessary delay and before any meeting regarding an individualized family service plan or hearing relating to the identification, evaluation, or placement of the child and in no case more than ten calendar days after the request has been made.

The right to inspect and review early intervention records under this section include the following:

(1) The right to response from the contractor or participating agency to reasonable requests for explanations and interpretations of the early intervention records;

(2) The right to request that the contractor or participating agency provide copies of the early intervention records containing the information if failure to provide these copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(3) The right to have a representative of the parent inspect and review the early intervention records.

The contractor or participating agency may presume that the parent has authority to inspect and review early intervention records relating to the parent's child unless the contractor or participating agency has been provided documentation that the parent does not have the authority under applicable state law governing such matters as foster care, guardianship, separation, divorce, or custody.

Source: 20 SDR 223, effective July 7, 1994; 28 SDR 105, effective January 31, 2002; 39 SDR 109, effective December 17, 2012.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-1-23, 13-14-1, 13-37-1.1.

Cross-References:

Jurisdiction and venue of guardianships, SDCL ch 30-36.

Appointment, qualification, bonds and removal of guardians, SDCL ch 30-27.

Custody, care and maintenance of wards, SDCL ch 30-28.