

# KID LAW Fact Sheet



*for* **ADVOCATES**  
CHILDREN OF NEW JERSEY  
Giving Every Child A Chance®

## Early Intervention For Children Age 0-3

Children from birth to age 3 with developmental delays and/or disabilities have access to therapeutic and family services through the Early Intervention System, administered by the New Jersey Department of Health. Families with incomes below 300% of the federal poverty level pay no fees, while co-pays for other families are based on income and family size.

### What are Early Intervention Services?

Early Intervention Services address delays in a child's development as early as possible and are designed to enhance (1) the child's development and (2) the family's capacity to meet the child's developmental needs.

Please note that **a child must undergo an evaluation and assessment to determine eligibility for** Early Intervention services. Following the evaluation process, an Individualized Family Service Plan (IFSP) is developed, detailing the services the child and family need, how these services will be carried out, and the expected outcomes. The IFSP is created jointly by the family and qualified professionals providing early intervention services to the child.

Early intervention practitioners provide services in natural environments—settings where a child's peers without disabilities would typically participate, such as the child's home or community.

### Eligibility for Early Intervention Services

A child from birth to age three is eligible for Early Intervention Services if either of the following criteria is met:

- The child has a diagnosed developmental delay; or
- The child has a physical or mental condition likely to result in a developmental delay (e.g., Autism or Down Syndrome).

A developmental delay is a delay of 33% in one developmental area or 25% in two or more developmental areas or, if during the evaluation process, the appropriate standardized instruments are individually administered, a score of at least 2.0 standard deviations below the mean in one functional area or a score of at least 1.5 standard deviations below the mean in each of two functional areas.

For additional details regarding the eligibility criteria, refer to N.J. Admin. Code § 8:17-7.1 at <https://bit.ly/3UeVeRp>.

### What should I do if I think my child is experiencing a developmental delay?

If you suspect your child is experiencing developmental delays, contact the Early Intervention System at 1-888-653-4463. The New Jersey Early Intervention System's brochure on child development for children aged 0-36 months includes a list of developmental milestones for infants and toddlers.

Access the brochure at [https://nj.gov/health/fhs/eis/documents/reic\\_developmental\\_brochure.pdf](https://nj.gov/health/fhs/eis/documents/reic_developmental_brochure.pdf).

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## How to avoid an interruption in service between early intervention and special education preschool services

Each district board of education must have procedures to ensure that children transitioning from early intervention to special education do not experience a gap in services. A child's individualized education program (IEP) must be developed and implemented by their 3rd birthday.

### At least 12 months before the child's 3rd birthday:

- The Early Intervention Service Coordinator should hold a transition meeting with the family and early intervention practitioners to discuss options and the process.

### 4-12 months before the child's 3rd birthday:

- With parental consent, the service coordinator should notify the local Board of Education that the child may be eligible for special education services.
- The service coordinator and parent should write to the child study team to request an initial evaluation at least 110 days prior to the child's 3rd birthday.

- If the child is 24–35 months old when deemed eligible for early intervention, this CST meeting should be requested at the same time as the initial IFSP.

### What if a child receiving Early Intervention Services turns 3 during the school year?

If the child turns 3 during the school year and is eligible for special education, the school district must implement an IEP, even if it's late in the year. If necessary, an extended school year program should be provided during the summer. The district may also agree to implement the IEP for the remainder of the school year at the daycare/early childcare center the child attended before their 3rd birthday, if appropriate.

### Family Rights, Procedural Safeguards, and Dispute Resolution

Families who have disagreements with early intervention providers or regarding services should review the New Jersey Department of Health's webpage on family rights and dispute resolution. Information is available in Spanish and other languages at <https://www.nj.gov/health/fhs/eis/for-families/safeguards-familyrights>.

For more information contact Nina Peckman at [npeckman@acnj.org](mailto:npeckman@acnj.org) or 973.643.3876.

