

General Authorization for Treatment and Medication Instructions

Purpose and Use

The purpose of the DSS-1812 General Authorization for Treatment and Medication is to ensure children in the legal custody of a county child welfare agency receive necessary care and treatment and that county child welfare agencies engage parents in the care and treatment of their children. The DSS-1812 General Authorization for Treatment and Medication should be used to obtain parental authorization for the agency to consent to care or treatment for which a county child welfare agency director or director's representative does not have the authority to consent by operation of law under N.C.G.S. § 7B-505.1, as described below.

Section A – Identifying Information

Please provide the following identifying information in Section A:

- The child's full name
- The child's date of birth
- The medical home provider
- The telephone number of the medical home provider
- Other medical, dental, or mental health provider or specialist prescribing or administering treatment
- The telephone number of other medical, dental, mental health provider or specialist prescribing or administering treatment

Section B – Care, Treatment, and Parental Consent (N.C.G.S. § 7B-505.1)

Unless the court orders otherwise, when a child is in the custody of the county child welfare agency, a county director or the director's representative under N.C.G.S. § 7B-101(10) is authorized to arrange for, provide, or consent to any of the following without prior parental consent:

- Routine medical and dental care or treatment
- Emergency medical, surgical, psychiatric, psychological, or mental health care or treatment
- Testing and evaluation in exigent circumstances

The applicable statutory language does not preclude the director or director's representative from involving parents in the process in appropriate cases, when parental involvement can occur without significant delay.

If the court finds there are compelling circumstances requiring a Child Medical Evaluation prior to the 7-Day Nonsecure Custody Review Hearing, the court may, at the initial *ex parte* Nonsecure Custody Hearing, authorize the director of the county child welfare agency or the director's representative to consent to a Child Medical Evaluation. Consent for the Child Medical Evaluation in less urgent circumstances follows the procedures outlined below for non-routine care and treatment.

County child welfare agencies are required to obtain authorization from the juvenile's parent, guardian, or custodian for all care or treatment not covered by subsection (a) or (b) of G.S. 7B-505.1 (as described above), except that the court may authorize the director to provide consent after a hearing at which the court finds by clear and convincing evidence that the care, treatment, or evaluation requested is in the child's best interest. Care and treatment covered by this subsection includes:

- Prescriptions for psychotropic medication (discussion with parent(s) should include that medication and or dosage could be changed by the physician to address what is being treated)

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- Participation in clinical trials (all documents and information about the clinical trial should be shared with parents)
- Immunizations when it is known that the parent has a bona fide religious objection to the standard schedule of immunizations
- Child Medical Evaluations not governed by subsection (b) of G.S. 7B-505.1, comprehensive clinical assessments, or other mental health evaluations
- Surgical, medical, or dental procedures or tests that require informed consent (be sure to specify what surgical, medical, or dental procedure the consent is covering)
- Psychiatric, psychological, or mental health care or treatment that requires informed consent (be sure to specify what treatment the consent is covering)

For any care or treatment provided the child welfare agency shall make reasonable efforts to promptly notify the parent, guardian, or custodian that care or treatment will be or has been provided and give the parent or guardian frequent status reports on the child's treatment and the care provided.

Whenever possible, county child welfare agencies should work with parents to address foreseeable non-routine care and treatment needs of the child prior to the 7-Day Nonsecure Custody Review Hearing. If no parent is able or willing to authorize the county to provide consent, the county child welfare agency should ask the court for authority to consent to and arrange for care and treatment in the child's best interest.

The DSS-5143 Consent/Authorization for Child Medical/Child/Family Evaluation must be completed in addition to the DSS-1812 General Authorization for Treatment and Medication for all Child Medical Evaluations, whether the court has authorized the child welfare agency to consent, or the non-offending parent is providing consent or has authorized the county child welfare agency to consent.

Note that the form provides fields for parent(s) to initial that they have been informed of or received information regarding, the recommendation that medication be prescribed to their child as part of the child's treatment plan, the recommendation that a surgical, medical, or dental procedure be completed on the child as part of the child's treatment plan, the child's condition,, and contact information for the medical or mental health provider recommending a particular course of treatment should the parent have any questions..

Parents may (and should be encouraged to) communicate with the medical or mental health provider who has prescribed or recommended the medication, surgery, or other course of treatment, as appropriate, to discuss the risks, benefits, and potential side effects. Child welfare workers should ensure that the parents are provided with contact information for the relevant providers. Parent's receipt of verbal and written information directly from the provider ensures that information about the child's condition and recommended course of treatment is communicated accurately.

Section C – Appointment and Follow-Up Information

Pursuant to N.C.G.S. § 7B-505.1 child welfare agencies shall make reasonable efforts to promptly notify the parent, guardian, or custodian that care or treatment will be or has been provided and give the parent or guardian frequent status reports on the child's treatment and care provided. Therefore, child welfare workers should use this section of the form to provide information to the parent, guardian, or custodian, as appropriate, concerning the child's upcoming appointment date, time, and location.

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Section D – Signatures

Required signatures:

- The parent or pre-removal guardian;
- The county child welfare worker; and/or

The judge does not need to sign the DSS-1812 General Consent for Treatment and Medication form; simply provide the date, and attach the court order.

Child welfare workers should provide signed copies of the consent to the following parties:

- Original (with signature) to the health care provider
- Copy for CPS file
- Copy for parent or pre-removal guardian
- Copy attached to court report (DSS-531 Model Court Report for Dispositional and Review Hearings, DSS-5311 Model Court Report for Permanency Planning Hearings)

Child welfare workers should provide the address where the parent or pre-removal guardian can mail written revocation of the consent if the parent chooses to revoke.