

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

July 27, 2020

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: DAVID WOOD, DIRECTOR

SUBJECT: A NOTICE TO CHILDREN AND PARENTS ABOUT THEIR RIGHTS REGARDING HEALTH CARE DECISIONS AND FAMILY SUPPORT TEAM MEMBERS ABOUT THE ALTERNATIVE CONSENTER PROCESS

DISCUSSION:

The purpose of this memorandum is to introduce the "Learn Your Rights" flyer (CD-281) with instructions for delivery to children and Guardians ad Litem (GAL), and the "Learn Your Rights" flyer (CD-287), which includes a description of the process for an "Alternative Consenter", along with instructions for distribution to parents and Family Support Team Members.

Learn Your Rights Flyer Children CD-281

The CD-281 "Learn Your Rights" flyer entitled "Take Part in Your Health Care Decisions" is required to be given to children age twelve (12) and older, their GALs, and any attorney assigned to a child, to inform them of their respective rights in regard to the following:

- Health care decisions;
- Recommendations for prescribed medications and/or treatment; and
- Due process as it relates to disagreement with Informed Consent Decisions by either filing a Service Delivery Grievance, CD-131, within 5 business days or addressing the matter in juvenile court any time.

The case manager will give the CD-281 in person during first contact with child, the GAL, and any attorney assigned to the child when providing Family-Centered Out-of-Home services, when a prescriber is recommending administration of a psychotropic medication, when the child turns 12 (twelve), and annually until the child is eighteen (18) years of age. If the child, GAL, or attorney for the child have not received the CD-281 and are not present at the initial Family Support Team (FST) meeting, the flyer will be mailed to them. Frequently GALs serve more than one child and may elect to decline additional rights notifications and flyers. The case manager must still offer the CD-281 and record any refusal. Documentation of distribution of the flyers (date and to whom) will be recorded in the narrative section in FACES.

Learn Your Rights Flyer Parents CD-287

The CD-287 "Learn Your Rights" flyer entitled "Take Part in Your Child's Health Care Decisions" is required to be given to parent(s) and all FST members.

Case managers will distribute the flyer to any parent and all FST members, other than the child, GAL, and any attorney for the child as they receive the CD-281, at the initial FST and again if the child is prescribed a psychotropic medication. Documentation of distribution of the flyers (date and to whom) shall be recorded in the narrative section in FACES.

Alternative Consenter

In the event that any member of the FST seeks to serve as the consenting authority for medical care, including the administration of psychotropic medications to a child, case manager will, to the extent permitted by the juvenile court, inform the court and request an opportunity for the proposed alternative consenter to be heard. Case manager may require that such a request be provided in writing and include the reasons for the request. Case manager's responsibility will be only to inform the juvenile court and the parties of the request, and Children's Division (CD) nor the case manager does not have to support the request, if it does not appear to be in the child's best interest.

In the rare instance that a child is placed in the joint custody of CD and Division of Youth Services (DYS), while the child is in a placement arranged by DYS, DYS will be the consenting authority. DYS will keep the CD case manager fully informed regarding all medical and mental health care received, including any recommended treatment or medication changes as they occur. The alternative consenter, if named by the court, will document all informed consent decisions regarding psychotropic medications on the standardized form, CD-275, Informed Consent for Psychotropic Medication, and the signed form must be included in the child's case record.

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| NECESSARY ACTION <ol style="list-style-type: none">1. Review this memorandum with all Children's Division staff.2. Review revised Child Welfare Manual chapters as indicated below.3. All questions should be cleared through normal supervisory channels and directed to: | |
| PDS CONTACT Larry Smith Program Development Specialist 573-522-8303 Larry.K.Smith@dss.mo.gov | MANAGER CONTACT Stacie Frueh, MSW Health Specialist Coordinator 573-341-1668 Stacie.A.Frueh@dss.mo.gov |
| CHILD WELFARE MANUAL REVISIONS N/A | |
| FORMS AND INSTRUCTIONS "Learn Your Rights" flyer and instructions (Child) CD-281 "Learn Your Rights" flyer and instructions (Parents) CD-287 Informed Consent for Psychotropic Medication CD-275 | |
| REFERENCE DOCUMENTS AND RESOURCES N/A | |
| RELATED STATUTE N/A | |