

SAN MATEO COUNTY HEALTH SYSTEM
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: January 12, 1999

BHRS POLICY: 99-02

SUBJECT: Medication Authorization for Dependent Children

AUTHORITY: W&I Code, Section 300, 369.5, 727.4, 739.5, California Court, Rule 5.640, San Mateo County Superior Court, Divisional

AMENDED: January 30, 2017

ATTACHMENTS: A: JV-220 Application Regarding Psychotropic Medication
(<http://www.courts.ca.gov/documents/jv220.pdf>)
B: JV-220(A) Physician's Statement
(<http://www.courts.ca.gov/documents/jv220a.pdf>)
C: JV-220(B) Physician's Request to Continue Medication
(<http://www.courts.ca.gov/documents/jv220b.pdf>)
D: JV-221 Proof of Notice of Application Regarding Psychotropic Medication
(<http://www.courts.ca.gov/documents/jv221.pdf>)
E: JV-222 Input on Application for Psychotropic Medication
(<http://www.courts.ca.gov/documents/jv222.pdf>)
F: JV-223 Order on Application for Psychotropic Medication
(<http://www.courts.ca.gov/documents/jv223.pdf>)

BACKGROUND

Juvenile courts mandate compliance with regulations concerning authorization and monitoring of psychotropic medication prescribed for dependent children of the court or children assigned to be wards of the court. A dependent child is a child whose custody is taken over by the court to stop or prevent harms caused by abuse or neglect. These children are often placed in foster care or an out-of-home placement. When a dependent child or youth is prescribed a psychotropic medication, it must be approved by the courts.

To initiate a psychiatric medication treatment for a dependent child or youth, the psychiatric care team must first file an application for medication authorization. The prescriber must submit an assessment and medication recommendation to the court. The child or youth, parent, caretaker, social worker, and representing attorneys, could express objection or support for the medication recommended. The Judge may order approval of the medication over objections of any party to the case, or may decide not to order the medication.

Psychotropic medication means medications prescribed to affect the central nervous system to treat psychiatric disorders or illnesses. They may include, but not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, and medications for dementia, psychostimulants and other medications for Attention Deficit Hyperactivity Disorder.

POLICY

- (1) All San Mateo County psychiatric prescribers must secure the approval of the Commissioner of the Juvenile Court prior to prescribe or renew psychotropic medications for a child who is a ward or a dependent of the juvenile court and living in an out-of-home placement or in foster care, as defined in W & I Code 727.4. This includes prescribers prescribing medications in inpatient, outpatient, Youth Services Center, and/or group or foster care settings. The psychiatric care team must first file an application for medication authorization, JV220 (*Application for Psychotropic Medication*), to the court. The prescriber must examine the child/youth in person, thoroughly review available medical records, and then submit either JV-220(A) (*Physician's Statement*) for a new request of psychiatric medication, or JV220(B) (*Physician's Request to Continue Medication*) for the renewal of a previously approved medication.
- (2) The child/youth psychiatric provider(s) must ensure that all the Judicial Council forms produced in a particular case are incorporated in the child/youth medical records. These include above mentioned JV220, JV220 (A), JV220 (B), and JV221 (*Proof of Notice of Application*), JV222 (*Input on Application for Psychotropic Medication*), and JV223 (*Order Regarding Application for Psychotropic Medication*).
- (3) The JV-220(A) and JV-220(B) forms do not replace the need for a medication consent form, even though some elements in these forms are also covered in the medication consent form. A medication consent form needs to be completed, signed, and filed in the child/youth medical records.
- (4) Psychotropic medications may be administered without court authorization in an emergency situation. An emergency situation occurs when:
 - (A) A prescriber finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
 - (B) The purpose of the medication is:
 - (i) To protect the life of the child or others, or
 - (ii) To prevent serious harm to the child or others, or

- (iii) To treat current or imminent substantial suffering; and
- (C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.
- (D) Court authorization must be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.

Approved: _____ *(Signature on file)*

Stephen Kaplan, LCSW
BHRS Director

Approved: _____ *(Signature on file)*

Robert Cabaj, MD
BHRS Medical Director