
ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: December 22, 1999
Current Revision Date: March 2, 2018

Policy No.: I-0306

Psychotropic Medication: Dependent Child

Purpose	To provide guidelines to obtain consent to administer psychotropic medication to a dependent child.
Approved	This policy was approved by, Anne Bloxom, Director of CFS, on March 2, 2018. <i>Signature on file.</i>
Most Recent Revision	This revision of the Policy and Procedure (P&P) incorporates the following: <ul style="list-style-type: none">• Amendment to the California Rules of Court, Rule 5.640 effective January 1, 2018 which provides authority for Court to make an order delegating a parent to approve or deny the administration of psychotropic medication to a child in out-of-home placement• Court's use of new form <i>JV-216 Order Delegating Judicial Authority Over Psychotropic Medication</i> to document the Court's findings and order, when applicable
Background	Many foster youth experience mental health and behavioral problems which may require the administration of psychotropic medication. Given the increasing trend in the number of psychotropic medications prescribed to foster youth, the legislature has recognized a need for increased monitoring and oversight in order to better protect the health and well-being of these youth. In order to provide oversight to reduce the risk of unnecessary medication being prescribed, legislation was passed in 1999 which provided that only a juvenile court judicial officer has the authority to make orders regarding the administration of

psychotropic medications to foster youth (unless authority is delegated to a parent).

In 2004, these provisions were amended by Assembly Bill 2502 to address the timeliness of consideration of psychotropic medication authorization requests by the Court, requiring that these requests be approved, denied, or that a hearing set by the judicial officer within seven days.

Despite measures put into place by prior legislation, concerns remain that psychotropic medication is over-used and under-reported by dependent children. In response, Senate Bill (SB) 238 was passed in 2015 which requires additional training, oversight, and data collection by caregivers, courts, counties, and social workers. Most notably, the legislation requires additional parties and individuals to be noticed of a pending request to administer psychotropic medication to a foster youth and that an opportunity be given to parents, caregivers, social workers, and the foster youth to provide input to the Court regarding the prescribed psychotropic medication. Further, SB 238 requires social workers to provide information to the Court regarding the administration of psychotropic medication at mandated progress reviews to assist in periodic oversight required of the Court, and the child's caregiver is now required to be given a copy of the court order approving or denying the request.

Definitions

For the purpose of this P&P, the following apply:

Psychotropic Medication: Per California Rules of Court, Rule 5.640, psychotropic medications are those medications prescribed to affect the central nervous system to treat psychiatric disorders or illnesses. These may include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotics, anti-Parkinson agents, hypnotics, medications for dementia, and psycho-stimulants.

Refer to [Attachment 1—Psychotropic Medication Drug Types and Court Consent Requirements](#) for examples of psychotropic medications requiring Court authorization.

Note: Refer to the “Court Consent Exceptions” Policy section below for psychotropic medications excluded from Court authorization requirements.

POLICY

Court Consent Requirements Per WIC § 369.5 and Juvenile Court Miscellaneous Order 703.5, the following psychotropic consent requirements apply to children who have been detained and who:

- Have a pending WIC § 300 petition or have been declared dependents of the Court

-And-

- Reside in out-of-home care (including dependent children placed in legal guardianship care)

A. **New or Changed Prescriptions for Psychotropic Medication:**

Newly prescribed psychotropic medication, including any change in a previously authorized type or dosage range, require Court consent prior to the administration of the medication.

Note: Court consent is also required for renewal of a prescription for psychotropic medication that was prescribed to the child **prior to** his/her removal/detention.

B. **Renewed/Unchanged Prescriptions for Psychotropic Medication:**

Prescriptions for psychotropic medication with a current Court consent require re-authorization by the Court every six months (180 calendar days) or as otherwise ordered by the Court. Refer to the “Renewals” Policy section for further guidelines regarding obtaining Court consent for Renewed/Unchanged Prescriptions.

Court Consent Exceptions

A. **Parental Authority to Consent for Psychotropic Medication:**

Per WIC § 369.5, for children in out-of-home placement, the Court may issue a specific order delegating parental authority to administer psychotropic medication to the child after making the following findings:

- The parent poses no danger to the child

-And-

- The parent has the capacity to authorize psychotropic medications

Form JV-216 *Order Delegating Judicial Authority Over Psychotropic Medication* is available for Court to delegate authority to a parent to administer psychotropic medication to a child.

If the parent is available, refer the parent to the child's physician. If the parent is unavailable or refuses to consent, Court authorization is required.

Note: Refer to the "Documentation" Policy section below for guidelines to inform the Court of the child's progress on medication and entry into the Health and Education Passport (HEP) when a parent provides consent.

B. **Child in the Custody of a Parent:**

Dependent children returned to a parent by order of the Court under a plan of Family Maintenance do not require Court consent for the administration of psychotropic medication. The parent will retain authority to provide consent, pursuant to Family Code § 6924(f).

C. **Psychotropic Medication Prescribed for Certain Conditions:**

Pursuant to Juvenile Court Miscellaneous Order 704.1, certain psychotropic medications do not require Court authorization when prescribed for specified conditions.

Refer to [Attachment 1—Psychotropic Medication Drug Types and Court Consent Requirements](#) for medications excluded from the Court authorization requirement.

Emergency Administration of Psychotropic Medication

Per California Rules of Court, Rule 5.640, in an emergency situation, psychotropic medication may be prescribed and administered to a child by a licensed physician prior to Court authorization. In the case of an emergency, the child's physician:

- A. Documents the basis for the emergency.
- B. Submits the JV-220(A) *Prescribing Physician's Statement—Attachment* to the Psychotropic Consent Unit within two court days after the emergency administration of psychotropic medication to the child with the notation "Emergency Consent Application" on the fax cover letter.

Advisements

A. Caregiver:

Per CFS Policy, staff will inform the child's caregiver of the requirements for administering psychotropic medication as follows:

- The assigned Senior Social Worker (SSW) will:
 - Inform the child's caregiver of the requirement to obtain Court consent prior to the child being administered a new psychotropic medication or a change in the dosage range previously authorized
 - Review the following flyer with the caregiver, as necessary: *Psychotropic Medication Update (F063-25-457)*
- The placing SSW will review the *Psychotropic Medication Update (F063-25-457)* with the caregiver at the time the child is placed, emphasizing the following requirements:
 - Court consent is required prior to the administration of new/changed psychotropic medication(s)
 - The Court must re-authorize consent to administer psychotropic medication every six months, even when the prescribed medication is unchanged
 - Caregivers must report observed side effects of psychotropic medication to the prescribing physician
 - **Caregivers must adhere to physician instructions for the administration of psychotropic medication**
 - Discontinuing or decreasing psychotropic medication without the guidance of the child's psychiatrist or physician may be dangerous to the child

B. Childs Physician:

Per CFS Policy, if a child is prescribed psychotropic medication, the assigned SSW will, as necessary, inform the child's physician of the following requirements for dependent children:

1. Per WIC § 369.5, Court consent is required prior to the child being administered a new psychotropic medication, or a change in the dosage range previously authorized.
2. Court consent is required to renew an unchanged dosage of psychotropic medication every 180 days.
3. Per California Rules of Court, Rule 5.640, as applicable, *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request to Continue Medication–Attachment* is required to obtain Court consent (provide a copy of appropriate form, if needed).

C. **Child:**

Per WIC § 16001.9, foster children have personal rights, which include rights regarding their mental health treatment. WIC § 16501.1(g) requires children in out-of-home placement to be informed of these personal rights at least once every six months in an age and developmentally appropriate manner.

As authorized by All County Information Notice (ACIN) I-07-17, if a child is prescribed psychotropic medication, staff are encouraged to provide the child with a copy of Foster Youth Mental Health Bill of Rights (PUB 488), which outlines some of the legal rights of California foster youth within the public mental health system; and a copy of California Department of Social Services “Questions to Ask About Medications.”

Process to Obtain Court Consent

Per California Rules of Court, Rule 5.640, the following forms comprise the *JV-220 Application for Psychotropic Medication* packet and will be completed and filed with Court to obtain authorization to administer psychotropic medication to a dependent child:

- *JV-220 Application for Psychotropic Medication*
–And–
 - One of the following, as applicable:

- JV-220(A) *Prescribing Physician's Statement–Attachment for new or changed prescriptions*
- Or–
- JV-220(B) *Physician's Request to Continue Medication–Attachment for renewed unchanged prescriptions*
 - JV-221 *Proof of Notice of Application* and attached *Notice of Application Letter–Psychotropic Medication (F063-25-452)*
 - JV-223 *Order on Application for Psychotropic Medication*
 - *Consulting Physician – Attachment to JV 220 Application(F063-25-551)*
 - Updated Health and Education Passport (HEP)

The above referenced forms will be submitted to Court by the Psychotropic Consent Unit with an attached JV-220 *Cover Sheet (F063-25-799)*, if required, **within five judicial days** of receipt of the completed JV-220(A) *Prescribing Physician's Statement–Attachment* or JV-220(B) *Physician's Request to Continue Medication–Attachment*.

General guidelines regarding completion of these forms are provided below. For further guidelines regarding processing of these forms, refer to [Attachment 2—Suggested Guidelines for Submission of JV-220 Application to Court.](#)

A. **JV-220 Application for Psychotropic Medication:**

The JV-220 Application for Psychotropic Medication gives the court basic information about the child and his/her living situation and provides contact information for the child's social worker.

The JV-220 Application for Psychotropic Medication may be completed by the prescribing physician, medical office staff, the child's caregiver, or the assigned SSW. If the applicant is the assigned SSW, all items on the JV-220 Application for Psychotropic Medication must be completed.

The Psychotropic Consent Unit will determine whether a JV-220 Application for Psychotropic Medication will need to be completed by the assigned SSW, and will prepare the form for SSW completion, as applicable:

- If the Psychotropic Consent Unit **did not receive** a completed and signed JV-220 Application for

- Psychotropic Medication* from the prescribing physician with form JV-220(A) *Prescribing Physician's Statement–Attachment* or JV-220(B) *Physician's Request to Continue Medication–Attachment*, the assigned SSW will be responsible for completing and returning the *JV-220 Application for Psychotropic Medication* to the Psychotropic Consent Unit **within two business days** of receipt
- If the Psychotropic Consent Unit **received** a completed and signed *JV-220 Application for Psychotropic Medication* from the prescribing physician with the *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request to Continue Medication–Attachment*, the assigned SSW will not be responsible for completing the *JV-220 Application for Psychotropic Medication*
 - Attach *JV-220 Cover Sheet (F063-25-799)* to the completed application packet to be submitted to Court

B. **JV-220 Application for Psychotropic Medication Attachments:**

The *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request to Continue Medication–Attachment*, as applicable, is completed by the child's physician:

- The *JV-220(A) Prescribing Physician's Statement–Attachment* is used to ask the court for an order for new or changed prescriptions
- The *JV-220(B) Physician's Request to Continue Medication–Attachment* may be used for renewed, unchanged prescriptions and may only be completed by the same doctor who filled out the most recent *JV-220(A) Prescribing Physician's Statement–Attachment* if the same medication at the same maximum dosage is being prescribed

The completed *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request to Continue Medication–Attachment* is submitted by the prescribing physician to the CFS Psychotropic Consent Unit.

Upon receipt of the *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request*

to Continue Medication—Attachment the Psychotropic Consent Clerk (or designee) will:

- Record receipt of the JV-220(A) *Prescribing Physician’s Statement—Attachment* or JV-220(B) *Physician’s Request to Continue Medication—Attachment*
- Review for completion and determine whether the correct version JV-220(A) *Prescribing Physician’s Statement—Attachment* or JV-220(B) *Physician’s Request to Continue Medication—Attachment* was submitted, as outlined above
- Forward the JV-220(A) *Prescribing Physician’s Statement—Attachment* or JV-220(B) *Physician’s Request to Continue Medication—Attachment* to the Psychotropic Consent Unit Physician for review **within one business day** of receipt

C. **JV-221 Proof of Notice of Application and Notice of Application Letter—Psychotropic Medication (F063-25-452):**

The JV-221 *Proof of Notice of Application* serves to inform Court that all parties and individuals with a right to receive notice were served a copy of the JV-220 *Application for Psychotropic Medication* and attachments, according to California Rules of Court, Rule 5.640.

The Psychotropic Consent Clerk (or designee) will complete and sign the JV-221 *Proof of Notice of Application* after providing notice and attach it along with the *Notice of Application Letter—Psychotropic Medication (F063-25-452)* to the completed JV-220 *Application for Psychotropic Medication* packet for submission to Court.

Refer to the “JV-220 Application for Psychotropic Medication” Policy section for further guidelines regarding providing notice of a JV-220 *Application for Psychotropic Medication*.

D. **JV-223 Order on Application for Psychotropic Medication:**

The JV-223 *Order on Application for Psychotropic Medication* lists the Court’s findings and orders about the child’s psychotropic medication.

The Psychotropic Consent Clerk (or designee) will prepare the JV-223 *Order on Application for Psychotropic Medication* and attach it to the completed JV-220 *Application for Psychotropic Medication* packet prior to the submission to Court.

E. **Consulting Physician – Attachment to JV 220 Form (F063-25-551):**

Per CFS Policy, the Psychotropic Consent Unit Physician will review form JV-220(A) *Prescribing Physician's Statement–Attachment* or JV-220(B) *Physician's Request to Continue Medication–Attachment* completed by the prescribing physician to ensure appropriate prescribing practices of psychotropic medication.

Following review, the Psychotropic Consent Unit Physician will complete the *Consulting Physician–Attachment to JV 220 Application (F063-25-551)* for submission to Court with the JV-220 *Application for Psychotropic Medication* packet.

To facilitate this process, the Psychotropic Consent Clerk (or designee) will:

- Forward a copy of the completed JV-220(A) *Prescribing Physician's Statement–Attachment* or JV-220(B) *Physician's Request to Continue Medication–Attachment* to the Psychotropic Consent Unit Physician **within one business day** of receipt
- Request the Psychotropic Consent Unit Physician complete and return *Consulting Physician–Attachment to JV 220 Application (F063-25-551)* as soon as possible and within no later than **five judicial days**

F. **Updated HEP:**

Per WIC § 16010, the Court will be provided with the child's current health and education summary, including the child's progress on psychotropic medication.

The Program Public Health Nurse (PHN) will update the child's Health and Education Passport (HEP) as soon as possible upon request and notify the Psychotropic Consent Clerk once complete.

To facilitate this process, the Psychotropic Consent Clerk (or designee) will:

- Forward a copy of completed *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request to Continue Medication–Attachment* to the designated PHN and request an updated Health and Education Passport (HEP) for the child **within one business day** of receipt of completed *JV-220(A) Prescribing Physician's Statement–Attachment* or *JV-220(B) Physician's Request to Continue Medication–Attachment*
- Verify designated PHN has updated HEP and print a copy of the updated HEP prior to the submission of the *JV-220 Application for Psychotropic Medication* to Court

Notice of JV 220 Application

Per California Rules of Court, Rule 5.640, applicable parties and individuals will be provided notice of a pending application for new/changed and renewed prescriptions for psychotropic medication.

Prior to submitting a completed *JV-220 Application for Psychotropic Medication* packet to Court, the Psychotropic Consent Clerk (or designee) will:

- A. Request the assigned SSW complete and return the *Psychotropic Medication–Notice of JV-220 Application Worksheet (F063-25-451)*.

The assigned SSW will complete and return the worksheet within two business days.

- B. Review the *Psychotropic Medication–Notice of JV-220 Application Worksheet (F063-25-451)* to identify parties and individuals to be noticed.
- C. Notice applicable parties and individuals and provide the documents detailed in [Attachment 3—Notification Requirements for Use of Psychotropic Medication](#).
- D. Complete a *JV-221 Proof of Notice of Application* for submission to Court. Refer to the “Court Authorization Requirements” Policy section for further guidelines.

Input by Interested Parties and Individuals	<p>Per California Rules of Court, Rule 5.640, the child, caregiver, parents/legal guardians, Indian tribe, and Court Appointed Special Advocate (CASA) will be given an opportunity to provide input to the Court for each pending application for a new, changed, or renewed prescription for psychotropic medication, and at any court hearing set regarding psychotropic medication. Input may be provided via any of the following methods or persons, as applicable:</p>
	<ul style="list-style-type: none"> • <i>JV-218 Child's Opinion About the Medicine</i> • <i>JV-219 Statement About Medicine Prescribed</i> • <i>JV-222 Input on Application for Psychotropic Medication</i> • Letter to Court • Talking to the judge at the court hearing • Attorney of record • CASA • Court report submitted by CASA • Social worker
	<p>The Psychotropic Consent Clerk (or designee) will include blank copies of the JV forms specified above, as applicable, when notice is sent to parties and individuals regarding a pending application for psychotropic medication. Refer to the "Notice of JV 220 Application" Policy section and <u>Attachment 3—Notification Requirements for Use of Psychotropic Medication</u> for further guidance.</p>
	<p>In the event input regarding psychotropic medication is received from any of the persons specified above, the assigned SSW will relay the information to the Court in a timely manner. Refer to <u>Attachment 4—Suggested Guidelines for Providing Input from Interested Parties and Individuals to Court</u>.</p>
	<p>Note: Should the child express disagreement with taking the recommended psychotropic medication, in addition to providing the child's input to the Court as outlined above, the assigned SSW should encourage the child to consult his/her attorney.</p>
Opposition by Parents/Legal Guardians	<p>Staff will direct parents or legal guardians to contact the appropriate legal professional with questions related to a pending application for psychotropic medication.</p>
	<p><u>To oppose a pending application for psychotropic medication</u>, parents/legal guardians must notify their Juvenile Court attorney and submit <i>JV-222 Input on Application for Psychotropic</i></p>

Medication within four judicial days of receiving notice that an application for psychotropic medication is pending before the Court.

Parents/legal guardians may contact the Court if an attorney has not been appointed on their behalf.

Renewals

Per California Rules of Court, Rule 5.640, Court consent to administer psychotropic medication must be re-authorized every six months (180 calendar days) or as otherwise ordered by the Court.

To obtain re-authorization for a renewed/unchanged prescription for psychotropic medication, CFS staff will follow the guidelines outlined in the “Process to Obtain Court Consent” and “Notice of JV 220 Application” Policy sections above.

The Psychotropic Consent Clerk (or designee) will track re-authorization due dates and send reminders to the prescribing physician to complete the JV-220(A) *Prescribing Physician’s Statement–Attachment* or JV-220(B) *Physician’s Request to Continue Medication–Attachment*, as appropriate, for timely submission to Court.

Refer to [Attachment 2—Suggested Guidelines for Submission of JV-220 Application to Court](#) for further guidance.

Advisement of JV-220 Order

- A. Per California Rules of Court, Rule 5.640, following the Court’s approval or denial of an application for psychotropic medication, the child’s caregiver will be provided with a copy of the court order approving or denying the request.

The Psychotropic Consent Clerk (or designee) will provide a copy of the signed JV-223 *Order on Application for Psychotropic Medication* and a completed *Psychotropic Medication–Court Approval Memo (F063-25-456)* to the child’s caregiver, group home, or foster family agency within **two judicial days** of when the order is signed. If the request is approved, the following will be attached to the copy of the order:

1. As applicable:

- Pages 5 and 6 of the JV-220(A) *Prescribing Physician's Statement*—Attachment

-Or-

- Pages 3 and 4 of the JV-220(B) *Physician's Request to Continue Medication*—Attachment

2. All medication information sheets attached to JV-220(A) *Prescribing Physician's Statement*—Attachment or JV-220(B) *Physician's Request to Continue Medication*—Attachment.

B. Per CFS policy, a copy of the Court order approving or denying the request for psychotropic medication will be provided to the following individuals:

- Child's physician
- Assigned SSW
- Program PHN

The Psychotropic Consent Clerk (or designee) will send a copy of the signed JV-223 *Order on Application for Psychotropic Medication*, a completed *Psychotropic Medication—Court Approval Memo (F063-25-456)*, and JV-220(A) *Physician's Statement*—Attachment or JV-220(B) *Physician's Request to Continue Medication*—Attachment, as applicable, to each party listed above as soon as possible.

C. Per CFS policy, a copy of the HEP will be provided to the child's prescribing physician by the Psychotropic Consent Clerk (or designee) after the Court has made an order on the JV-220 *Application for Psychotropic Medication*.

**Psychotropic
Medication
Progress Review**

Per California Rules of Court, Rule 5.640, after Court approves an application for authorization of psychotropic medication, the Court will set a Psychotropic Medication Progress Review to occur at every status review hearing and any other time, at the Court's discretion. Interested parties and individuals may provide input at this hearing as outlined above in the "Input by Interested Parties and Individuals" Policy section.

A. **Report on Psychotropic Medication:**

Per California Rules of Court, Rule 5.640, the *JV-224 County Report on Psychotropic Medication* will be used to provide Court with information regarding the child's progress on prescribed psychotropic medication at each Psychotropic Medication Progress Review.

The assigned SSW will complete and attach the *JV-224 County Report on Psychotropic Medication* to the court report prepared for the scheduled hearing:

- If the progress review is set to coincide with a normally scheduled status review hearing, use the court report template associated with the type of hearing scheduled (e.g., SMR, TMR, EMR, or 24-Month Review Report)
- If the Psychotropic Medication Progress Review is set to occur at any other time, prepare an Interim Report

Note: The contents of the *JV-224 County Report on Psychotropic Medication* do not need to be transcribed in narrative format within the court report. Instead, refer the Court to the attached *JV-224 County Report on Psychotropic Medication*.

B. **Notice:**

Per California Rules of Court, Rule 5.640, notice of a Psychotropic Medication Progress Review will be provided to parties and individuals entitled to notice of the hearing coinciding with the Psychotropic Medication Progress Review (e.g., Status Review, Periodic Review, etc.), as outlined in CFS P&P [Notices of Hearing \(G-0507\)](#).

For each Psychotropic Medication Progress Review, the assigned SSW will complete a *Notice of Hearing Worksheet (F063-28-04)* and provide it to the assigned Court Typist, regardless of whether the progress review is set to coincide with a status review hearing.

When completing the *Notice of Hearing Worksheet (F063-28-04)*, check the appropriate box indicating a Psychotropic Medication Progress Review is scheduled.

Following receipt of the *Notice of Hearing Worksheet (F063-28-04)* from the assigned SSW, the Court typist will:

1. Complete the *Notice of Hearing—Dependent Child* (*F063-28-82*) and check the box entitled “Psychotropic Medication Progress Review” (along with any other applicable box if the hearing is scheduled to coincide with a status review hearing).
2. Include the following additional documents with notice provided to each party:
 - *Cover Letter for Psychotropic Medication Progress Review Notice* (*F063-25-796*)
 - Blank copy of *JV-218 Child’s Opinion About the Medicine*
 - Blank copy of *JV-219 Statement About Medicine Prescribed*

Data Reporting

Per All County Information Notice (ACIN) I-30-15, the California Department of Social Services (CDSS) performs psychotropic medication data matches of CWS/CMS and California Department of Health Care Services (DHCS) to produce client-level reports that reconcile DHCS Medi-Cal pharmacy paid claims data with *JV-220 Application for Psychotropic Medication* Court authorizations documented in CWS/CMS. CDSS sends a quarterly report to each county identifying those children who do not have court-ordered authorization documented in CWS/CMS that preceded a Medi-Cal pharmacy paid claim for psychotropic medication.

Pursuant to program protocol, staff will review quarterly CDSS psychotropic medication data reconciliation reports and follow up on noted discrepancies as necessary, to ensure accurate documentation is reflected in CWS/CMS and appropriate authorization to administer psychotropic medication is obtained.

Documentation**A. Health and Education Passport:**

The assigned SSW and the PHN will follow the guidelines of CFS P&P [Health and Education Passport \(I-0403\)](#) and ACIN I-20-08 for the prompt entry of health information into CWS/CMS, including information pertaining to authorization to administer psychotropic medication. PHNs may refer to [CWS/CMS Data Entry Standards—Psychotropic Medications](#) for further direction.

B. **Court Report:**

Per WIC § 16010, the assigned SSW will provide a summary of the child's progress on psychotropic medication to Court by means of a court report prepared for each Status Review hearing report. The summary will include, but is not limited to:

- Review of the child's mental health condition
- Behavioral Assessment
- Prescribed psychotropic medication(s), dosages, date of current Court authorization

Note: For Psychotropic Medication Progress Review hearings set to coincide with a Status Review hearing, or as a stand-alone hearing, refer to the "Psychotropic Medication Progress Review" Policy section above for guidelines on court report documentation.

REFERENCES

Attachments and CWS/CMS Data Entry Standards	Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced. <ul style="list-style-type: none">• Attachment 1—Psychotropic Medication Drug Types and Court Consent Requirements• Attachment 2—Suggested Guidelines for Submission of JV-220 Application to Court• Attachment 3—Notification Requirements for Use of Psychotropic Medication• Attachment 4—Suggested Guidelines for Providing Input from Interested Parties and Individuals to Court• CWS/CMS Data Entry Standards—Psychotropic Medications <hr/>
Hyperlinks	Users accessing this document by computer may create a direct connection to the following references by clicking on them. <ul style="list-style-type: none">• CFS P&P Mental Health Screening and Treatment (I-0303)• CFS P&P Health and Education Passport (I-0403)

- [County of Orange Network of Care for Behavioral Health Medications Library](#)
 - California Department of Social Services Quality Improvement Project, "[Questions to Ask about Medications](#)" (also available in [Spanish](#))
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Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Psychotropic Medication—Notice of JV 220 Application Worksheet	F063-25-451
Notice of Application Letter—Psychotropic Medication	F063-25-452
Notice of Application Letter—Psychotropic Medication (Spanish)	F063-25-452Sp
Cover Letter for Psychotropic Medication Progress Review Notice	F063-25-796
Physician Reminder Letter—Psychotropic Medication	F063-25-458
Psychotropic Medication—Court Approval Memo	F063-25-456
Consulting Physician—Attachment to JV 220 Application	F063-25-551
Notice of Hearing—Dependent Child	F063-28-82
Notice of Hearing Worksheet	F063-28-04
JV 220 Cover Sheet	F063-25-799
Order Delegating Judicial Authority Over Psychotropic Medication	JV-216
Child's Opinion About the Medicine	JV-218
Statement About Medicine Prescribed	JV-219
Application for Psychotropic Medication	JV-220
Prescribing Physician's Statement—Attachment	JV-220(A)
Physician's Request to Continue Medication—Attachment	JV-220(B)
Proof of Notice of Application	JV-221
Input on Application for Psychotropic Medication	JV-222

<u>Order on Application for Psychotropic Medication</u>	JV-223
<u>County Report on Psychotropic Medication</u>	JV-224

Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms

Forms that may **only** be obtained in CWS/CMS are listed below. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
<u>Guide to Psychotropic Medication Forms</u>	JV-217-INFO
<u>Psychotropic Medication Update</u>	F063-25-457
<u>Foster Youth Mental Health Bill of Rights – Questions to Ask About Medications</u>	PUB 488
<u>Foster Youth Mental Health Bill of Rights – Questions to Ask About Medications (Spanish)</u>	PUB 488 (SP)

LEGAL MANDATES

[Welfare and Institutions Code section \(§\) 369](#) details authorization for medical care of a dependent child, and the right of a dependent child, 12 years of age or older, to consent to health services.

[Welfare and Institutions Code § 369.5](#) requires Court consent to administer psychotropic medication to a dependent child in out-of-home care, unless the Court delegates this authority to a parent. Further, Court authorization for psychotropic medication will be based a request from a physician.

[Welfare and Institutions Code § 5008](#) defines an emergency as a situation in which action to impose treatment over the person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the patient or others, and it is impracticable to first gain consent.

[Welfare and Institutions Code §§ 5000-5121](#) define and detail the provision of community mental health services.

[Welfare and Institutions Code § 5585](#) details the Children's Civil Commitment and Mental Health Treatment Act of 1988, which provides for prompt evaluation and treatment of children with mental health disorders, and safeguards rights to due process.

[Welfare and Institutions Code § 16010](#) provides the Health and Education Passport (HEP) include the child's current medications, and that this information be provided to the child's caregiver.

[Welfare and Institutions Code § 16001.9](#) outlines personal rights of foster children.

[Welfare and Institutions Code § 16501.1](#) outlines the responsibility of the social worker to inform children in out-of-home placement of their personal rights.

[California Business and Professions Code 2397](#) details protection of a licensed physician, from civil damages, when treating a patient requiring immediate services due to an emergency situation.

[Family Code § 6924](#) details parental involvement in a child's mental health treatment.

County of Orange Juvenile Court Miscellaneous Order 703.5 provides direction for children who are the subject of a pending WIC § 300 petition and who have not yet been adjudged a dependent child.

County of Orange Juvenile Court Miscellaneous Order 704.1 provides direction on the administration of psychotropic medication for allergy, enuresis, epilepsy, hypertension, and migraines/chronic headaches.

[California Rules of Court, Rule 5.640](#) details procedures and notification requirements to obtain Court consent to administer psychotropic medication to a dependent child in out of home care.

[All County Information Notice I-20-08](#) provides instructions to enter consent to administer psychotropic medication in CWS/CMS.

[All County Information Notice I-30-15](#) provides information about Psychotropic Medication Data Match and Reconciliation Reports made available by CDSS as tools to assist counties in providing oversight.

[All County Information Notices I-36-15](#) and [I-36-15E](#) provides a framework for response by child welfare agencies to the needs of children and youth in foster care prescribed psychotropic medication including case management guidelines, and information on data matching, and global data sharing agreement.

[All County Information Notice I-07-17](#) provides counties with information regarding a youth-friendly brochure made available by CDSS for dissemination to foster youth about the use of psychotropic medication.

[All County Letter 16-37](#) provides information regarding changes impacting the use and authorization of psychotropic medication by children in foster care due to the passage of SB 238 including trainings and additional oversight.

[All County Letter 16-48](#) outlines the role of foster care public health nurses in the oversight and monitoring of psychotropic medication usage for children in foster care with passage of SB 319.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

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