



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
SITTING AS THE JUVENILE COURT**

**PROTOCOL FOR
AUTHORIZATION OF MEDICAL, SURGICAL,
OR DENTAL CARE**

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JUVENILE COURT

PROTOCOL FOR AUTHORIZATION OF MEDICAL, SURGICAL, OR DENTAL CARE

The Court currently has in place a procedure whereby it may authorize the Department of Health and Human Services (Department) and any of its duly-appointed foster parents or caretakers to authorize and secure routine medical, surgical and dental care for children placed by the Court in out-of-home care. The existing procedure provides that the Court inquire through parent's counsel as to whether they have an objection to or consent to an order authorizing medical, surgical and dental care and limited release of information for children placed by the Court in out-of-home care (See "Order Authorizing Medical and Dental Care and Limited Release of Information for children Placed by the Juvenile Court in Out-of-Home Care," form JC-E-365.)

Application of Protocol

The instant protocol applies when any of the following situations exists:

- Emergency care is sought for a child who comes within Welfare and Institutions Code § 369(d).¹ and the provider refuses to administer immediate emergency care absent a court order;
- The Department social worker seeks authorization for medical, surgical, dental, or other remedial care for a person taken into temporary custody and the parent, guardian, or person standing in loco parentis objects (§ 369(a));
- Upon the written recommendation of a licensed physician, the Department social worker seeks an order authorizing the performance of medical, surgical, dental, or other remedial care for a child for whom a petition has been filed and there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize the care or treatment (§ 369(b));
- The Department social worker seeks authorization for medical, surgical, dental, or other remedial care for a dependent child placed within the care and custody or under the supervision of a social worker and there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize the care or treatment (§ 369(c)).

Limitations of Protocol

This protocol does not limit the right of a parent, guardian, or person standing in loco parentis who has not been deprived of custody or control of the child by court order from providing his/her child with any medical, surgical, dental or other remedial treatment permitted under the laws of this state. (§ 369(f).)

This protocol does not limit the rights of a dependent child, as set forth in section 369(h), to consent to medical care relating to sexual assault, pregnancy and sexual health, mental health treatment, and treatment for alcohol and drug abuse.

This protocol does not apply to a nonminor dependent. Any medical or dental service for a nonminor dependent requires the consent of the nonminor dependent.

¹ All further statutory references are to the Welfare and Institutions Code.

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I. Emergency Care for Child Who Comes Within WIC § 369(d)

Whenever it appears that a child requires immediate emergency medical, surgical or dental care, a court order is not required and the Department social worker may authorize a licensed physician, surgeon, or dentist to provide the emergency care in any of the following situations:

1. The child is in temporary custody pursuant to section 305 et seq.; or
2. A dependency petition has been filed with the court on behalf of the child; or
3. The child is a dependent of the juvenile court.

The social worker must make reasonable efforts to obtain the consent of, or to notify, the parent, guardian or person standing in loco parentis prior to authorizing the emergency care.

As used in this protocol, an “emergency” means a child requires:

1. Immediate treatment for the alleviation of severe pain; or
2. Immediate diagnosis and treatment of an unforeseeable medical, surgical, dental, or other remedial condition or contagious disease which if not immediately diagnosed and treated would lead to serious disability or death.

A. The Provider Refuses to Administer Immediate Emergency Care Absent a Court Order

When a court order is sought the following shall apply:

1. Prior to seeking an order, the Department shall notify, or attempt to notify, the parent, guardian, or person standing in loco parentis of the needed care.
2. The Department shall deliver the following: “Physician’s Declaration Re: Medical, Surgical or Dental Care” (form JC-E-677), “Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care” (form JC-E-679) and “Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care” (form JC-E-678) to the reception/front counter clerk for delivery to the appropriate department.
3. The judicial officer will grant or deny the request, or set the matter for hearing.
4. The Court will process and serve the documents and order.

B. The Provider Refuses to Administer Immediate Emergency Care Absent a Court Order After Hours

When a court order is sought between the hours of 5 p.m. and 8 a.m., the following shall apply:

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1. Prior to seeking an order, the Department shall notify, or attempt to notify, the parent, guardian, or person standing in loco parentis of the needed care.
2. The Department shall call the County Operator at 875-5000 or 875-6900 and request to speak to the on-call Juvenile Dependency Magistrate concerning the authorization of emergency medical treatment for a child.
3. The Department shall read verbatim to the on-call Juvenile Dependency Magistrate the statement obtained from the physician on the "Physician's Declaration Re: Medical, Surgical or Dental Care" (form JC-E-677). The Department shall also include the following additional information on the child:
 - a. The child's name, age, if the child is a dependent or has been placed in protective custody;
 - b. That the parent, legal guardian or person standing in loco parentis is unavailable, is not capable or is unwilling to authorize the urgent medical/dental care, and the physician or dentist will not attend to the care without court intervention;
 - c. Specific times and dates that contact with the parent, legal guardian or person standing in loco parentis was attempted.
4. The on-call Juvenile Dependency Magistrate will inform the Department that the request is granted, denied, or set for hearing.
5. By 10 a.m. the next business day, the Department shall file the Physician's Declaration Re: Medical, Surgical or Dental Care" (form JC-E-677)., "Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-679) and "Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-678) to the reception/front counter clerk for delivery to the appropriate department.
6. The Court will process and serve the documents and order.

II. Non-Emergency Care: Temporary Custody (§ 369(a))

In cases where a person is taken into temporary custody, then upon the recommendation of the attending physician, the social worker may authorize the medical, surgical, dental, or other remedial care. The social worker shall notify the parent, guardian or person standing in loco parentis of the care needed, and if that person objects, the social worker shall request the Court issue an order for the performance of that care.

When a court order is sought, the following shall apply:

1. Prior to seeking an order, the Department shall notify, or attempt to notify, the parent, guardian, or person standing in loco parentis of the needed care.

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2. The Department shall deliver the: "Physician's Declaration Re: Medical, Surgical or Dental Care" (form JC-E-677), "Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-679) and "Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-678) to the reception/front counter clerk for delivery to the appropriate department.
3. The judicial officer will grant or deny the request, or set the matter for hearing.
4. The Court will process and serve the documents and order.

III. Non-Emergency Care: Dependency Petition Filed (§ 369(b))

In cases where a dependency petition has been filed with the court and there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize medical, surgical or dental care for the child, then upon the written recommendation of a licensed practitioner the Court may issue an order authorizing the performance of that care.

When a court order is sought, the following shall apply:

1. Prior to seeking an order, the Department shall notify, or attempt to notify, the parent, guardian, or person standing in loco parentis of the needed care.
2. The Department shall deliver the: "Physician's Declaration Re: Medical, Surgical or Dental Care" (form JC-E-677), "Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-679) and "Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-678) to the reception/front counter clerk for delivery to the appropriate department.
3. The judicial officer will grant or deny the request, or set the matter for hearing.
4. The Court will process and serve the documents and order.

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IV. Non-Emergency Care: Dependent Child in Department Care or Supervision (§ 369(c))

For a dependent child who has been placed by the court in the Department's care and custody or under the supervision of a social worker, the court may issue an order giving the social worker authority to authorize medical, surgical, dental, or other remedial care when it appears to the court there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize the treatment.

When a court order is sought, the following shall apply:

1. Prior to seeking an order, the Department shall notify, or attempt to notify, the parent, guardian, or person standing in loco parentis of the request for a general order for care.
2. The Department shall deliver the: "Physician's Declaration Re: Medical, Surgical or Dental Care" (form JC-E-677), "Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-679) and "Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care" (form JC-E-678) to the reception/front counter clerk for delivery to the appropriate department.
3. The judicial officer will grant or deny the request, or set the matter for hearing.
4. The Court will process and serve the documents and order.