

# Providing Healthcare for Children and Youth in Foster Care

## Foster Care and Consent

### Who Can Consent to Healthcare for a Child/Youth in the Custody of Department of Social Services (DSS)?

NC General Statute states that the county Department of Social Services (DSS) that has custody of a child or youth can arrange for, provide, or consent to certain things. These include:

- Routine medical and dental care or treatment including, but not limited to, treatment for common pediatric illnesses and injuries that require prompt intervention
- Emergency medical, surgical, psychiatric, psychological, or mental healthcare or treatment
- Testing and evaluation in exigent circumstances

Statute also states that DSS shall obtain authorization from the juvenile's parent, guardian, or custodian – or seek a court order – for the following:

- Prescriptions for psychotropic medications
- Immunizations when it is known that the parent has a bona fide religious objection to the standard schedule of immunizations
- Surgical, medical, or dental procedures or tests that require informed consent
- Psychiatric, psychological, or mental healthcare or treatment that requires informed consent
- Participation in clinical trials

**Although general statute is applicable statewide, there is county variation regarding how things are carried out.**

A foster parent/caregiver is often who accompanies the child or youth to appointments. However, foster parents/caregivers should not give consent.

Communication with DSS is important, especially regarding consent, as they will need to contact the biological parent(s) or seek a court order in certain situations.

### Forms to be Familiar with:

<b>Verification of Custody Letter (DSS-5760)</b>	<ul style="list-style-type: none"><li>▪ Required Form</li><li>▪ Documentation from DSS indicating the custodial county and who the child is placed with</li><li>▪ Should be completed by DSS and provided to the caregiver as well as the PCP</li><li>▪ <b>Recommendation:</b> Make it part of the scheduling process to ask for the Verification of Custody Letter from whomever calls to make the appointment</li></ul>
<b>General Authorization for Treatment and Medication (DSS-1812)</b>	<ul style="list-style-type: none"><li>▪ Isn't a required form but some counties use it to communicate specifics re: consent</li><li>▪ Purpose is to ensure children in the legal custody of a county DSS receive necessary care and treatment and that parents are involved in the care and treatment of their children. This form should be used to obtain parental authorization for DSS to consent to care or treatment for which a county DSS does not have the authority to consent to under N.C.G.S. § 7B-505.1.</li></ul>

**Reference** - NC GS § 7B-505.1. Consent for medical care for a juvenile placed in nonsecure custody of a department of social services.

For more information, visit our website <https://www.communitycarenc.org> or scan the QR code:



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