

## **Medical consent for children in foster care:**

The legal parent, Indian custodian or guardian retains the right to consent for medical treatment for the minor child except in the case of **Emergency Care**

*(Minn. Stat. 144.344 states that medical, dental, mental, and other health services may be rendered to minors of any age without the consent of the parent or legal guardian when, in the professional's judgment, the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment).*

If the child's parent or guardian refuses to consent to decisions essential to the child's well-being, the local agency must seek a court order authorizing the local agency to act for the child.

If there is a question about whether a decision requires parental or judicial consent, the agency must consult the court (MN Rule 9560.0552, subp.2).

## **Do Not Resuscitate (DNR) protocol for foster parents:**

A foster child with an existing medical condition considered by the physician and parent(s) to be irreversible and for which the physician and parent(s) believe that cardiopulmonary resuscitation (CPR) should not be performed may have a "do not resuscitate" directive.

### **The foster child's physician and parent(s) shall -**

- give a directive to the Olmsted County Case Manager by having the physician give an order in writing with parent's or legal guardian's signature.

### **The child's case manager will -**

- take the signed order to the foster home at the time of placement or when a DNR is ordered by the physician.

### **The foster parent(s) must -**

- have a designated place for the written physician's order, which is known to all family members or anyone responsible for the care of the child (personal care assistant, relief worker, baby-sitter, etc.). The order should be very clear and concise and kept up-to-date.

### **The order for notification for medical emergency will be:**

1. Dial 911;
2. Notify the parent(s) or legal guardian. Foster providers will be provided with home and work numbers of the child's parent(s)/guardian(s) at the time of placement;
3. Notify the case manager or crisis worker (after hours and on weekends); and
4. The physician's order is presented to the emergency response team upon arrival.

**NOTICE REGARDING CHILDREN WHO ARE WARDS OF THE STATE** (i.e., parental rights to the child have been terminated and the child is now under guardianship of the commissioner): Please see the MN Department of Human Services "Policy on Allow Natural Death/Do Not Resuscitate (AND/DNR) or Other End-of-life Care Orders for Children Under Guardianship of the Commissioner." Link: [Policy on DNR/DNI \(state.mn.us\)](https://www.state.mn.us/dhs/policy/dnr/dni.html)