

required. If a child has questions or disagrees with their parent or legal guardian's choice regarding medications they can let anyone on their team know (i.e., PSS, Guardian ad Litem (GAL), attorney, doctor, Tribe).

Working together as needed, the PSS, OCS nurse consultant, foster parent or medical/mental health providers must inform the child and youth, when age appropriate, regarding the need and purpose for the psychotropic medication.

Rights and Responsibilities

Children under the age of 18 have the right to:

- be heard about any concerns they have with their health treatment; including, psychotropic medication
- know why the psychotropic medication has been prescribed
- ask any questions
- consult with their team if they don't agree with the psychotropic medication choice
- tell anyone on their team about their concerns or side effects from the psychotropic medication
- tell their team if they change their minds about any psychotropic medications or treatment plan
- request an attorney at any time

Youth 18 years old and older have all the rights children under 18 have and the right to:

- consent to psychotropic medication

Parents have the right to:

- be involved in decisions about the psychotropic medication
- consent to the child's psychotropic medication
- be provided with informed consent given by the prescribing provider
- have any questions answered regarding suggested psychotropic medication prescriptions

- Resource Families have the responsibility to:
- ask questions
- provide contact information of the child's PSS to the health care provider
- inform the PSS of recommendations for psychotropic medications
- speak up to the PSS or health provider if they see or have any concerns
- make sure the psychotropic medication is stored properly
- inform the PSS of any health appointments

PSS has the responsibility to:

- make sure the health care provider has given informed consent to the parent or legal guardian
- make sure the child (if age appropriate) knows the reasons and risks involved
- make sure the child's health needs are met
- consult with the OCS nurse consultants before giving consent
- the right to consent to the psychotropic medication when parent's rights have been terminated



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Guidelines for Psychotropic Medications for Children and Youth in State Custody

Office of Children's Services
Safe Children, Strong Families

Purpose

To inform the resource family, child, youth, and parents on the use of psychotropic medication for a child in state custody.

What is Psychotropic Medication?

Psychotropic medication is any medication that is capable of affecting your mind, emotions and behavior. Examples of psychotropic medication include antipsychotics (typical and atypical), antidepressants, central nervous system (CNS) stimulants and non-stimulant therapies for hyperactivity disorders or sleep disorders, mood stabilizers (including lithium and anticonvulsants), barbiturates, benzodiazepines, other miscellaneous CNS depressants and any off label medication used to treat a mental health diagnosis.

Consent for Psychotropic Medications

Parents retain the right to consent to psychotropic medications while their children are in OCS custody. To overturn a parent's failure to consent to medications there would need to be clear and convincing evidence that administering the medication is in the child's best interest. This would be the case if no less intrusive treatments are available. In addition, the court is required to hold review hearings every 90 days to review the effectiveness of the medication. When the parent's rights are terminated, OCS has the right to consent. Youth who are 18 years old or older have the right to consent. Emergency medications do not require a parent's consent, for example when used in an acute setting (residential care, emergency rooms) to stabilize the child or youth.

Informed Consent

Medical and mental health providers are required to give informed consent to the legal guardian.

Informed consent includes the following:

- **Receiving the information about the psychotropic medications, including what it's prescribed to treat**
- **Expected benefits, long and short term risks and side effects**
- **Concerns if not taken**
- **Information about other options**

It is OCS policy (Child Protection Services Manual Section 6.3.2) that psychotropic medications are given to children and youth in state custody only when medically necessary. OCS will ensure any risks of side effects are limited. OCS Nurse Consultants regularly review health records and information about children and youth in custody.

Information for Resource Families (Foster Parents or Unlicensed Relative Providers)

When a child or youth is placed in a resource family home, the child must receive the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) screening. During the EPSDT it is important the resource family ask the medical provider to identify any mental health services the child or youth may need.

Resource families are required to let the child or youth's primary OCS worker (PSS), supervisor or nurse consultant know when a psychotropic medication is recommended. OCS values the resource families input regarding the medical and mental health needs of the children placed in their home. **However, resource families cannot consent.**

Pro re nata (PRN) are medications prescribed on an as-needed basis. To help prevent overuse for children in custody, OCS does not allow resource families to use PRN's for psychotropic medications used to treat mental health needs.

Prior approval is required when there is a change in the psychotropic medication, including a change in the dosage. Resource families must not fill a prescription until notified that approval has been given.

Herbal supplements or over the counter medication (i.e., antihistamines, melatonin) may impact how a child or youth metabolizes psychotropic medications. The resource family must notify OCS and the health provider if a child or youth is taking any herbal supplements or over the counter medication.

Psychotropic medication may affect a child or youth's behavior. Ask the health provider about side effects. If you don't receive information, you can get information at the following website www.nimh.nih.gov/health/topics/child-and-adolescent-mental-health

Talk to the child or youth's pharmacy about medication drop-off locations in your area for medication no longer prescribed. If none, you should:

- **Mix the medication with something people would not want to eat like used coffee grounds or kitty litter, etc.**
- **Place in a sealed plastic bag and throw it in the trash, or**
- **Turn in any unused controlled medications to OCS when no longer prescribed**

Information for Children and Youth

A medical or mental health provider prescribing psychotropic medication is required to give informed consent to the parent or legal guardian. **Resource families' foster children and youth also have the right to know why a psychotropic medication is being recommended and any side effects associated with the medication, as well as any recommended mental health services that may be**