

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION

IN RE: Consent to Medical Treatment

ADMINISTRATIVE ORDER

11-09

ORDER

It is hereby ordered that when either the Children's Division or Family Court Services is the legal custodian of a child under the jurisdiction of the Family Court Division pursuant to Section 211.031 RSMo., the legal custodian has the authority to consent to any medical, surgical, psychiatric, or psychological treatment without judicial action unless one of the following conditions exists:

1. The treatment involves a high risk of permanent disability or death; or
2. The treatment is so invasive or intrusive that a reasonable person might refuse the treatment; or
3. The treatment is so painful or discomfoting that a reasonable person might refuse the treatment; or
4. The treatment consists of the termination of life sustaining methods; or
5. The treatment is considered experimental in nature; or
6. The treatment consists of extraordinary life support measures; or
7. One or more of the child's parents are available, have been consulted, and the treatment is not desired by such parent or parents.

In the event, the legal custodian is unable to consent to treatment because one of the above seven conditions exists, and the legal custodian believes such treatment is in the best interests of the child, the legal custodian or any party shall file a motion, with notice to all parties, requesting an order to consent to such treatment or for any other relief the custodian deems appropriate.

The child's physical custodian may present the child to any hospital or medical facility for emergency treatment in accordance with Section 431.063 RSMo.

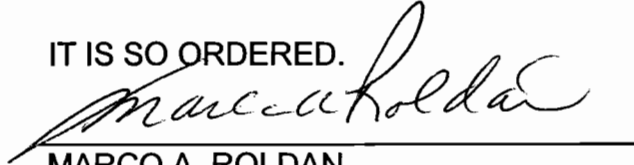
The Deputy Juvenile Officers of the Juvenile Officer's Case Assessment Unit shall have the authority to consent to ordinary medical treatment, psychiatric treatment, and psychological evaluations and treatment for any juvenile, while held in the Detention facility or in Jackson House, who has not been placed in the legal custody of Family Court Services. This grant of authority by the Court to the Deputy Juvenile Officers is appropriate under Missouri Supreme Court Rule (MO S.Ct.R.) 127.01, which provides that the Court's jurisdiction attaches at the time the juvenile is taken into judicial custody, and under MO S.Ct.R. 110.04(10), which defines "judicial custody" as the "the taking of physical custody of a juvenile by a physician, law enforcement officer or juvenile officer as provided by law, and the retention of physical custody of a juvenile in temporary protective custody, protective custody, or detention".

Family Court Division Policy No. 100-04, "Consent for Medical/Psychological Evaluation and Treatment of Juveniles" is incorporated herein by reference as though more fully set forth herein.

It is further ordered that Administrative Orders 04-06 and 05-05 are hereby set aside and held for naught.

November 29, 2011
Date

IT IS SO ORDERED.



MARCO A. ROLDAN
ADMINISTRATIVE JUDGE
FAMILY COURT DIVISION

Copies to:
Family Court Administrator
Family Court Judges and Commissioners
Juvenile Officer
Deputy Director, Family Court Services
Family Court Services Directors
Office of the Public Defender
CASA Project
Office of the Guardian Ad Litem
Department of Social Services, Children's Division
Department of Social Services, Division of Legal Services

Sammy Mitchell