



State of South Carolina

Department of Social Services

Child Welfare Policies and Procedures: Chapter 5: Foster Care

Subject:	510.7.103 Consent for Major Medical Treatment for Children in Foster Care Withholding or Withdrawal of Life Sustaining Procedures
Authority:	S.C. Code Sections 63-5-340, 63-5-350, 63-7-2310, and 63-7-20(15). 42 USC Sections 622(b) (15) and 671(a)(22).
Standards:	GPS: Guiding Principles and Standards Health Care Oversight and Coordination Plan Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) Child and Family Services Improvement and Innovations Act of 2011 (P.L. 112-34)
Application:	Child Welfare Services Staff
Purpose:	To explain the policy and procedures for providing Informed Consent upon receipt of a recommendation to change a child or youth's code status to "Do Not Resuscitate" when parental rights are terminated.
Policy Statement:	The child or youth's parents retain the right to decide whether to change a child or youth's code status to "Do Not Resuscitate." SCDSS does not, under any circumstances, decide whether to change a child or youth's code status to "Do Not Resuscitate" when parental rights are intact. If the Family Court or its equivalent in another State, has terminated parental rights to a child or youth who is in the Legal Custody and Guardianship of the SCDSS, upon recommendation of the child or youth's medical team, case management team, foster parents, and guardian ad litem, the State Director has the authority to decide whether to change a child or youth's code status to "Do Not Resuscitate" in accordance with the procedures outlined in this policy. The State Director must not delegate this authority.
Definitions:	Legal Custody: The right to physical custody, care, and control of a child or youth; the right to determine where the child or youth lives; the right and duty to provide protection, food, clothing, shelter, ordinary or routine medical treatment, education, supervision, and discipline for a child or youth and in an emergency to authorize surgery or other extraordinary care. Unless otherwise provided by court order, the parents retain the right to make decisions of substantial legal significance affecting the child or youth, including consent to Major Medical Treatment and surgery when there is no emergency.
Procedures:	

Current Effective Date: 6/1/2021

A. Withholding or Withdrawal of Life Sustaining Procedures/ Code Status "Do Not Resuscitate"	1. When parental rights have been terminated, the State Director determines whether to provide Informed Consent when a child or youth's medical provider is recommending the withholding or withdrawal of life sustaining procedures or that a child or youth's code status be changed to, "Do Not Resuscitate." 2. The Director of Child Welfare Operations reviews decisions to change a child's code status to "Do Not Resuscitate" every ninety days and informs the State Director of any developments as deemed necessary. Refer to Work Aid: Consent to Major Medical Treatment for Children in Foster Care Withholding or Withdrawal of Life Sustaining Procedures
Forms:	N/A
Resources:	
Related Management Reports:	N/A