

South Carolina Department of Social Services

429.02 Medical Consent - Parental Rights Have Been Terminated or Relinquished or Agency Has Court Authority to Consent to Major Medical/Surgical Treatment

CHAPTER 4, Adoption and Birth Parent Services

Revision Number: 03-03

Effective Date: 11/18/2003

Adoption Administrator or Designee

1. Reviews the court order(s), as necessary;
2. Consents to medical care involving non-invasive diagnostic procedures such as x- ray; procedures involving only a negligible bodily invasion, such as injection or withdrawal of blood; maintenance on shunts or tubes;

Adoption Administrator

3. Consents to medical procedures involving minor surgery (i.e., insertion of ear tubes, shunts and related tubing), circumcision, outpatient surgical procedures, invasive diagnostic procedures (i.e., upper GI, colonoscopy, barium enema), use of general anesthesia for above procedures;

State Director

4. Consents to medical care for major surgery requiring two or more days of in- patient hospitalization or the withholding or withdrawal of life-sustaining procedures. This includes orders not to resuscitate (DNR orders);

Adoption Specialist

5. For procedures requiring the County Director's or Adoption Administrator's approval, prepares a summary for review, including the following information:

- ♦ a. A court order granting the agency the authority to consent to the treatment, a court order that terminates parental rights, or executed relinquishment;
- b. Name and telephone number of the doctor;
- c. Nature of the proposed medical procedure (in plain English), whether it will be performed on an inpatient or outpatient basis, whether anesthesia is general or localized;
- d. Significant risks presented by the procedure;
- e. Why the doctor believes the procedure is needed and the anticipated results of the procedure;
- f. If the child has been in foster care four (4) months or longer, whether the foster parents feel the procedure should be performed and, if not, why; and
- g. Physician/hospital consent forms, if applicable;
- h. Cover sheet, "Requesting Medical Consent from the County Director, MTS Director, MTS Regional Director or Adoptions Administrator;"

6. In order to facilitate the State Director's approval:

- ♦ a. Makes the request as soon as possible and well in advance of the date of the procedure;
- b. Contacts by phone a representative at the State Office (Division of Human Services) to give advance notice that faxed documents are being sent for State Director's approval;
- c. Faxes request for approval, along with the information compiled, to the Assistant Director of Foster Care and Adoption;

State Office Staff

7. Prepares a packet that includes:

- ♦ a. Copy of the court order that gives DSS the authority to consent for medical treatment, c court order that terminates parental rights, or executed relinquishment(s);
- b. Medical documentation of the child's condition;
- c. Physician's/hospital's required forms;
- d. Detailed summary of the case, including a history of parental involvement;
- e. Cover sheet, "Requesting Medical Consent from the State Director"; and

Adoption Specialist

8. Ensures that the medical provider receives the consent documentation in a timely manner, or notifies provider if consent is not given. Files all documentation in the case record.

NOTE: EVEN THOUGH THE AGENCY MAY HAVE BEEN GRANTED AUTHORITY TO APPROVE THE PROCEDURE OR PARENTAL RIGHTS HAVE BEEN TERMINATED OR RELINQUISHED, THE AGENCY SHOULD CONSIDER ON A CASE BY CASE BASIS, FROM A HUMANITARIAN PERSPECTIVE RATHER THAN A LEGAL ONE, WHAT MEASURES SHOULD BE TAKEN TO INVOLVE OR INFORM THE PARENTS OF THE DECISION TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING PROCEDURES OR APPROVAL OF A DNR ORDER.

Referenced Documents

Revision Comments