



CDSS

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REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

June 21, 2017

ALL COUNTY LETTER NO. 17-45

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE PROGRAM DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FOSTER CARE PROGRAM MANAGERS
ALL FOSTER FAMILY AGENCY DIRECTORS
ALL GROUP HOME DIRECTORS
ALL ADOPTION REGIONAL AND FIELD OFFICES
ALL JUDICIAL COUNCIL STAFF

SUBJECT: AMENDED CALIFORNIA RULES OF COURT, RULE 5.640 AND
PSYCHOTROPIC MEDICATION FORMS

REFERENCE: CALIFORNIA RULES OF COURT, RULE [5.640](#); SENATE BILL (SB) [238](#); WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS [369.5](#) AND [739.5](#); ALL COUNTY INFORMATION NOTICE [I-36-15](#), [I-36-15E](#), ALL COUNTY LETTER (ACL) [16-37](#)

The purpose of this ACL is to inform county child welfare agencies, probation departments and other relevant parties of changes that went into effect on July 1, 2016, to Rule 5.640 of the California Rules of Court and the corresponding Judicial Council Psychotropic Medication Forms (commonly known as the JV-220 process).

Background

On October 6, 2015, the Governor signed SB 238 (Chapter 534, Statutes of 2015) which required several legislative changes surrounding the authorization and usage of psychotropic medication prescribed to dependent children removed from their parent's custody and wards of the court placed in foster care, respectively referenced under Sections 369.5 and 739.5 of the WIC. The SB 238 was passed to address growing concerns that foster youth were becoming increasingly vulnerable to excessive and

inappropriate use of psychotropic medication. Foster youth advocates asserted that fragmented systems in all governances were leading to inadequate oversight and monitoring of the psychotropic medication prescribed to youth in foster care. Of particular concern was the lack of quality information being provided to the Juvenile Court via the *Application for Psychotropic Medication* (Form JV-220).

This bill required the Judicial Council to amend and adopt rules of court and develop forms to implement changes regarding the juvenile court's authorization process for the administration of psychotropic medication for children and youth placed in foster care. For more information about the statutory changes resulting from SB 238, refer to ACL [16-37](#) dated April 28, 2016.

Circumstances When Court Authorization Is Required

Court authorization via the JV-220 Application is required to prescribe psychotropic medications in the following circumstances:

- If the child has been adjudged a dependent of the court under WIC section 300 and has been removed from the physical custody of the parent under WIC section 361; or
- If the child has been adjudged a ward of the court under WIC section 601 or 602, removed from the physical custody of the parent under WIC section 726, and placed into foster care under section 727.4.

Circumstances When Court Authorization Is Not Required

Unless required by a local rule of court, court authorization via the JV-220 process is not required to prescribe psychotropic medications in the following circumstances:

- If the child has not been removed from the physical custody of the parent under WIC section 361 and is living in the home of the parent under a program of family maintenance;
- If the child is a ward living in an out-of-home facility not considered foster care, as defined by WIC section 727.4; or
- If there is a previous court order that specifically delegates the authority to consent to psychotropic medication to the child's parent. The court must make findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications.

Psychotropic medication is defined, per WIC sections [369.5\(d\)](#) and [739.5\(d\)](#), as those medications prescribed to affect the central nervous system to treat a psychiatric

disorder or illness. They may include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

Completing and Filing the Revised or New Psychotropic Medication Forms

The amended rules of court and revised or new Psychotropic Medication Forms, including the JV-217, JV-218, JV-219, JV-220, JV-220(A), JV-220(B), JV-222, JV-223 and JV-224, now address all of the following:

- The child and his or her caregiver and Court Appointed Special Advocate (CASA) have an opportunity to provide input on the medications being prescribed;
- The child's overall mental health assessment and treatment plan;
- The rationale for the proposed medication, including but not limited to:
 - Information on other pharmacological and non-pharmacological treatments that have been utilized and the child's response to those treatments,
 - A discussion of symptoms not alleviated or ameliorated by those treatments,
 - An explanation of how the medication being prescribed is expected to improve the child's symptoms, and
- Guidance to the court on how to evaluate the request for authorization including how to proceed in the event all of the required information is not submitted with the request.

The Psychotropic Medication forms are available for download and printing at the California Courts website at www.courts.ca.gov under the tab heading "Forms and Rules". For a summary of the various Psychotropic Medication Forms described in this letter, please see Attachment A, *Summary of New or Revised Psychotropic Medication Forms*. This document provides brief information about each form and states whether the form is new or revised and whether it is required or optional.

I. REQUIRED FORMS

JV-220	<i>Application for Psychotropic Medication</i>
JV-220(A)	<i>Physician Statement – Attachment</i>
JV-220(B)	<i>Physician's Request to Continue Medication – Attachment</i>
JV-221	<i>Proof of Notice of Application</i>
JV-223	<i>Order on Application for Psychotropic Medication</i>
JV-224	<i>County Report on Psychotropic Medication</i>

Application for Psychotropic Medication (Form JV-220)

The *JV-220 Application for Psychotropic Medication* is the basis for requesting the court's authorization on the medication being prescribed and informs the child's medication and treatment plan history. The JV-220 Application may be completed and signed by the prescribing physician, medical office staff, child welfare services or probation staff, or the child's caregiver. If the applicant is child welfare or probation staff, he/she must complete all items 1-13 and sign page four. If the applicant is the prescribing physician, medical staff or the child's caregiver, he/she must complete items 1-4 and sign page one.

Note: If the applicant is the prescribing physician, he/she must also complete and sign either the mandatory *Physician's Statement –Attachment (form JV-220(A))* or the *Physician's Request to Continue Medication-Attachment (form JV-220(B))*.

Physician's Statement – Attachment (Form JV-220(A))

The prescribing physician is required to complete and sign form JV-220(A) *Physician's Statement* when:

- Requesting a new order to administer psychotropic medication,
- Starting a new medication or increase the maximum dosage of a previously approved medication, or
- Continuing a psychotropic medication the child is currently taking if the prescribing physician is not the same physician on the most recent approved JV-220(A).

The prescribing physician shall provide the completed and signed JV-220(A) as a required attachment to the party filing the JV-220 Application.

Only the prescribing physician is authorized to sign the JV-220(A). Medical staff, such as a physician assistant or nurse, is not authorized.

As part of best practice, the California Department of Social Services (CDSS) recommends that prescribers refer to the *Parameters 3.8 For Use of Psychotropic Medication in Children and Adolescents (Revised September 21, 2016)* located at: http://dmh.lacounty.gov/wps/portal/dmh/clinical_tools/clinical_practice, under the heading "**LAC DMH Parameters for Medication Use**" in order to satisfy uniformity in completing item 20 (Mandatory Information Attached) on page 5 of the JV-220(A).

Although prescribers aren't required to use the Parameters 3.8 document and are free to use whatever tool they feel is necessary to satisfy item 20 of the JV-220(A), prescribers are encouraged to only attach the relevant page(s) of the Parameters 3.8

document related to the specific class of psychoactive medication(s) and not attach the entire 23-page document.

Physician's Request to Continue Medication – Attachment (Form JV-220(B))

The prescribing physician will complete the JV-220(B) *Physician's Request to Continue Medication* only if he/she is the same physician who completed the most recent JV-220(A) and is prescribing the same medication with the same maximum dosage. The prescribing physician will provide this form to the party filing the JV-220 application.

Proof of Notice of Application (Form JV-221)

The JV-221 *Proof of Notice of Application* must be filed with the court showing the court that all required parties to receive notice were served a copy of the JV-220 Application and respective attachments. See [Rule 5.640](#)(8)(A) through (D) for specific noticing requirements to all required parties.

Local county practice and local rules of court determine the procedure for the provision of notice. The person(s) responsible for providing notice as required by local county practice or local court rules is responsible for filing the JV-221 with the court. The responsible party(ies) is/are encouraged to use the most expeditious manner of service possible to ensure timely notice. If one agency does all the required noticing, only one signature is required on page three. However, if noticing is shared between agencies to specified parties, separate signature lines are provided in items five and seven accordingly located on page two and three respectively.

Order on Application for Psychotropic Medication (Form JV-223)

The JV-223 *Order on Application for Psychotropic Medication* provides the court's findings and orders about the child's psychotropic medication. The court's order includes the last two pages of form JV-220(A) and all medication information sheets that were attached to form JV-220(A). The Agency or person who filed the JV-220 Application is required to provide a copy of the JV-223 (in person or by mail) to the child's caregiver ***within two court days of when the order was signed.***

If the child's placement has changed, the social worker or probation officer must provide the new caregiver with a copy of the order, the last two pages of the JV-220(A), and all the medication information sheets that were attached to the JV-220(A).

County Report on Psychotropic Medication (Form JV-224)

The JV-224 *County Report on Psychotropic Medication* must be completed and filed by the child's county social worker or probation officer. The JV-224 must be filed for any hearing for which the court is providing oversight of psychotropic medication prescribed to a child in foster care. This includes all scheduled progress reviews on orders authorizing psychotropic medication and every status review hearing. The progress review must occur at every status review hearing; however, it may also occur at any other time at the court's discretion. If the progress review is held at the same time of the status review hearing, the JV-224 must be attached to and filed with the status review court report. If the progress review is not held at the time of the status review hearing, the JV-224 must be filed with the court **at least ten calendar days** before the progress review hearing.

Notice is required for progress review hearings, and must include a statement that the hearing will be a progress review on previously ordered psychotropic medication, and must include blank copies of the *Child's Opinion About the Medicine* (form JV-218) and *Statement About Medicine Prescribed* (form JV-219).

I. OPTIONAL FORMS

JV-217-INFO	<i>Guide to Psychotropic Medication Forms</i>
JV-218	<i>Child's Opinion About the Medicine</i>
JV-219	<i>Statement About Medicine Prescribed</i>
JV-222	<i>Input on Application for Psychotropic Medication</i>

The completion of these optional forms is one approach in which respective parties may state to the court their opinion on the JV-220 Application for Psychotropic Medication. Respective persons may provide their statements to the court:

- In person at the court hearing,
- By letter,
- Through the child's respective social worker, probation officer, court-appointed attorney, or CASA (if one has been appointed), or
- A CASA may file a court report under local rule.

Guide to Psychotropic Medication Forms (JV-217-INFO)

The JV-217-INFO *Guide to Psychotropic Medication Forms* (formerly the JV-219 INFO) provides guidelines that explain each of the required and optional Psychotropic Medication Forms and instructions for filing the forms with the court.

Child's Opinion About the Medicine (Form JV-218)

Form JV-218, Child's Opinion About the Medicine, must be filed within four court days after receipt of notice of the pending JV-220 Application, or before a status review or scheduled progress review hearing. If the court sets a hearing on the pending Application, the JV-218 may be filed at any time before or at the hearing.

Although the JV-218 is an optional form and not required to be completed by the child, CDSS strongly recommends that county child welfare and probation agencies educate and explain to the child in an age-appropriate and developmental manner the purpose and importance of completing the form.

The social worker or probation officer should explain to the child that completing the JV-218 will help the judge make an informed decision regarding the approval or denial of the psychotropic medication authorization. The social worker or probation officer should explain that the child may ask someone, such as the child's attorney, to help them read and complete the form.

By completing the JV-218, the child can provide pertinent information to the court about his or her mental health status, including:

- The child's knowledge of the medication being prescribed and any possible side effects;
- Dosage information;
- His or her medication history;
- Any formal and informal mental health services the child has received; and
- Any opposition he/she has about taking the medication.

The social worker or probation officer should also explain to the child that their input is not limited to completing the JV-218. The child should be encouraged to provide their input in person at the court hearing, by asking their attorney, social worker, probation officer, or CASA to tell the judge how they feel or through any other format the child feels comfortable with. For example, the child can use an informal piece of paper to write their statement to the judge.

The child may ask a trusted person for assistance in completing the JV-218 form or writing a letter to the court. If extra pages are needed, the child should state their name and the corresponding item number they are answering.

Statement About Medicine Prescribed (Form JV-219)

The child's parent, current caregiver, CASA, if any, or the Indian child's tribe may complete the JV-219 *Statement About Medicine Prescribed* to provide the court their input about the application for psychotropic medication including the child's behavior, treatment plan and the effectiveness and side effects of the medication. ***This form must be filed with the clerk of the juvenile court within four court days of receipt of notice of the application for psychotropic medication, or before any status review hearing or progress review hearing.*** If a hearing is set on the JV-220 Application, form JV-219 may be filed at any time before, or at the hearing.

Input on Application for Psychotropic Medication (Form JV-222)

The JV-222 Input on Application for Psychotropic Medication may be filed with the court by a child's parent or legal guardian, attorney of record for the parent or legal guardian, the child's attorney, the child's Child Abuse Prevention and Treatment Act guardian ad litem, or the Indian child's tribe if they oppose the *JV-220 Application for Psychotropic Medication*. The form JV-222 may also be used to provide input to the court. ***This form must be filed with the juvenile court clerk within four court days of service of notice of the pending application.***

I. DOCUMENTING PSYCHOTROPIC MEDICATION USE ON THE CHILD WELFARE SERVICES CASE MANAGEMENT SYSTEM (CWS/CMS)

In addition to following the above described process for completing the Psychotropic Medication forms, it is also important for social workers, probation officers and foster care Public Health Nurses (PHNs) to ensure the youth's psychotropic medication information is entered and updated into the Child Welfare Services/Case Management System (CWS/CMS) accurately. When a foster youth is prescribed psychotropic medication, information such as 30-day follow up visits with the prescriber, mental health referrals, medication support services, and prescribed medications and dosages should be accurately documented in the child's Health and Education Passport (HEP). Accordingly, medication data should be updated in the HEP whenever new information is entered into CWS/CMS. It is important that the "start date" for the medication reflect the date that the youth started taking the psychotropic medication. This date may be a different date from when the court authorized the medication or the date the prescription was filled.

Upon receiving the Psychotropic Medication Forms JV-220(A), JV-220(B), JV-221, JV-222, JV-223 and/or the JV-224, the PHN will review the form(s) for accuracy and confirm the juvenile court has authorized the psychotropic medication(s) the child is taking based on sufficient medical and psychiatric information. The CDSS recommends

that county child welfare and probation agencies coordinate with PHNs to ensure that protocols are in place to ensure psychotropic medication data information such as respective start and end dates and follow up visits are entered and updated in CWS/CMS appropriately.

For questions regarding the content of this letter, please contact the Placement Services and Support Unit at (916) 657-1858 or via email at QIPsychotropic@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

SUMMARY OF NEW OR REVISED PSYCHOTROPIC MEDICATION FORMS

Form Number	Form Name	Form Purpose
JV-217-INFO	Guide to Psychotropic Medication Forms	This optional form was revised (formerly the JV-219 INFO) and explains each required and optional Psychotropic Medication Form and respective filing instructions with the court.
JV-218	Child's Opinion About the Medicine	This new optional form provides a foster child an opportunity to inform the court about their opinion, knowledge, and any possible opposition regarding the psychotropic medication. The child may ask a trusted adult for assistance to complete the form. Social workers and probation officers should educate and explain to the child in an age-appropriate and developmental manner the purpose and importance of completing the JV-218 form. The child should be instructed that their input is not limited to completing the form. The child may provide his/her input in person at the court hearing or through any other format the child feels comfortable with (e.g. the child can use an informal piece of paper to write their statement).
JV-219	Statement of Medicine Prescribed	This new optional form may be completed by the child's parent, current caregiver, Court Appointed Special Advocate if any, or the Indian child's tribe to provide the court input about the application for psychotropic medication including information about the child's behavior, treatment plan and the effectiveness and any side effects of the prescribed medication.
JV-220	Application for Psychotropic Medication	This required form was revised and may be completed and signed by the prescribing physician, medical office staff, child welfare services or probation staff, or the child's caregiver. If the applicant is child welfare or probation staff, he/she must complete <u>all items</u> 1-13 and sign page four. If the applicant is the prescribing physician, medical staff or the child's caregiver, he/she must complete items 1-4 and sign page one.
JV-220(A)	Physician's Statement – Attachment	<p>This required form was revised and is completed and signed by the prescribing physician to request a new order, to start a new medication or to increase the maximum dosage of a previously approved medication or to continue the psychotropic medication the child is currently taking. The prescribing physician will provide the completed and signed JV-220(A) to the party filing the JV-220 Application.</p> <ul style="list-style-type: none"> Only the prescribing physician is authorized to sign the JV-220(A), not other medical staff (e.g. physician assistant). In an emergency situation when the physician finds the child requires psychotropic medication to treat a psychiatric disorder or illness and it is impractical to obtain prior court authorization, a physician may administer a psychotropic medication without court authorization in order to protect the child or others from serious harm or to treat current/imminent substantial suffering. After administration of the emergency medication, the physician shall request the court's

SUMMARY OF NEW OR REVISED PSYCHOTROPIC MEDICATION FORMS

Form Number	Form Name	Form Purpose
JV-220(A) (cont)	Physician's Statement – Attachment	authorization of the medication as soon as practical and no later than within two court days.
JV-220(B)	Physician's Request to Continue Medication - Attachment	This new required form is completed and signed by the same prescribing physician who completed the most recent JV-220(A) and is prescribing the same medication with the same maximum dosage. The physician will provide the completed and signed JV-220(B) to the party filing the JV-220 Application.
JV-221	Proof of Notice of Application	This required form was revised ; the form demonstrates to the court that all required parties were noticed and served a copy of the pending JV-220 Application and respective attachments according to rule 5.640(8)(A)-(D).
JV-222	Input on Application for Psychotropic Medication	This optional form was revised and may be filed with the court when a party disagrees with the application for psychotropic medication or has any input regarding the child or the medication listed on the JV 220. This form may be completed by the child's parent or legal guardian, attorney of record for the child, attorney for the parent or legal guardian, the child's Child Abuse Prevention and Treatment Act guardian ad litem, or the Indian child's tribe.
JV-223	Order on Application for Psychotropic Medication	This required form was revised and provides the court's findings and orders about the child's psychotropic medication. The party who filed the JV-220 Application shall provide a copy of the court order that includes the last two pages of form JV-220(A) and all medication information sheets that were attached to form JV-220(A) to the child's current caregiver (in person or mail) within two days of when the order was signed. If a placement change occurred, the social worker or probation officer shall provide a copy of the order to the child's caregiver.
JV-224	County Report on Psychotropic Medication	This new required form must be completed and filed by the child's social worker or probation officer for any hearing for which the court is providing oversight of psychotropic medication prescribed to a child in foster care. This includes all scheduled progress reviews on orders authorizing psychotropic medication and every status review hearing. If the progress review is held at the same time of the status review hearing, the JV-224 must be attached to and filed with the status review court report. If the progress review is not held at the same time of the status review hearing, the JV-224 must be filed at least ten calendar days before the progress review hearing.