

POLICY

The juvenile justice specialist (JJS) must complete the consent form DHS-3762, Medical Care Authorization for Minor Child (see RFF 3762) for each ward in out-of-home care and give it to the appropriate person who is authorized to consent to emergency treatment. The JJS must also follow the procedures listed below for other consent responsibilities.

PURPOSE

To assist in the process of ensuring the appropriate person is consenting for medical treatment, driver's license and Special Education.

AUTHORITY

Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.124.

Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.303.

PROCEDURE

AUTHORITY TO CONSENT TO MEDICAL CARE FOR CHILDREN IN OUT-OF-HOME CARE			
Type of Ward	Emergency Medical and/or Surgical Treatment	Routine Non-Surgical Care	Non-Emergency Elective Surgery
Act 150/court.	Foster parent/child care institution. **	Agency */child care institution. **	Parent or legal guardian.
Act 150/Act 220 (dual wards).	Foster parent/child care institution. **	Agency */child care institution. **	MCI superintendent.
* Agency refers to Department of Human Services, private child placing agency or the Probate Court. ** Child care institution refers to a private child care or agency institution authorized for medical care.			

After appropriate distribution of the consent form, there is to be an indication in the ward's record on the DHS-3307-A, Youth Face Sheet (see RFF 3307A) that the authorization has been provided.

Only the ward's parents or legal guardian may consent to non-emergency elective surgery unless the parent's rights have been permanently terminated by court action. **(Non-emergency elective surgery is surgery which is neither urgent nor mandatory for the preservation of life or prevention of disability, and surgery**

which may be scheduled in advance at a time of convenience.)

The Michigan Children's Institute (MCI) superintendent must consent for MCI wards.

The consent form must be sent to the ward's placements for the appropriate person to authorize emergency treatment.

Other Consent Responsibilities

Only the parents or the legal guardian may sign a driver's license application for state/court wards placed with the department. For state/court wards under age 18, responsibility for giving consent remains with the ward's parents for the following actions. (For permanent MCI, dual wards, the superintendent of MCI must consent.) If the parents are unavailable the JJS must bring the matter to the court for signature purposes.

1. Consent to marriage.
2. Consent to enter military.
3. Consent for public use of a ward's photographs.
4. Consent for special education evaluation and placement.

Note: During the intake, the JJS must complete and have the parent/guardian sign the DHS-4262-BJJ-EV, Special Education Consent to Evaluate (see RFF 4262). For MCI wards, a surrogate parent who is not an employee of the department must be appointed to represent the interests of the ward and sign.

The DHS-4262-BJJ-EV form must be completed for each ward in out-of-home care and given to the appropriate person at each of the ward's placements, unless the ward remains in the home school district. There is to be an indication in the ward's record on the DHS-3307-A, Youth Face Sheet that the authorization has been provided.

A permanent MCI or dual ward, who has reached age 16 and completed a driver's training course, may want to obtain a driver's license. Employees of the Department of Human Services have been determined by the Department of State to be "responsible adults" within the meaning of the Michigan Vehicle Code for the purpose of participating with such a ward in obtaining a driver's license. The JJS may sign the application with the ward.

JJS responsibility in signing this application does not extend to civil liability for negligent operation of a motor vehicle on the part of the

ward; this liability may be assigned to the owner of the vehicle or the ward.