

LCCS POLICY 152A
DO NOT RESUSCITATE (DNR) ORDERS FOR CHILDREN IN LCCS
CUSTODY

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See new Policy #:	

Scope:	All Children in LCCS Custody, Executive Director, Worker of Record, Supervisor of Record, Medical Consultant, Director of Services, Chief Counsel, Health Services Supervisor, Health Services Nurses.
Responsibility:	The Executive Director, The Agency Medical Consultant, The Worker and Supervisor of Record, the Health Services Nurse Supervisor.
Purpose:	To set forth a policy and protocol regarding the consent process for "Do Not Resuscitate" (DNR) Orders involving children in the custody of Lucas County Children Services who are ill/injured and comatose or near death.
Legal Cite:	ORC 5153.16, and 5153.11

POLICY STATEMENT

Lucas County Children Services (LCCS) through the Executive Director, has the authority and responsibility to give consent for the medical care of all children in Agency custody as expressed in the Ohio Revised Code (ORC) and relevant case law. The "Do Not Resuscitate" (DNR) Order is considered a form of medical care. As such, LCCS, through the Executive Director, has the legal authority, upon the advice of a physician, to give consent to such an order in general, as well as the obligation to determine based on the child's best interest whether or not to give the consent for a DNR Order in a particular case.

This responsibility rests with the Executive Director alone and may not be delegated.

PROCEDURE

General Procedure Information

The Executive Director of LCCS, upon an attending physician's recommendation for a DNR Order for a child who is in the Permanent Custody (PC) of LCCS, and who becomes ill/injured and comatose or near death, shall seek the appropriate advice and consultation, including a second medical opinion from a physician, and render a timely decision based on the best interest of the child. The Executive Director may also make inquiry of the attending physician concerning the potential need for such an Order.

For all LCCS children in Interim Temporary Custody (ITC), Temporary Custody (TC), or Planned Permanent Living Arrangement (PPLA), the physician will be informed that the child's parents have sole authority to make a DNR decision. If necessary, the Agency will help to locate and contact the biological parents, and provide support to the parents in reaching a "Do Not Resuscitate" decision.

If LCCS feels the parental decision regarding the DNR Order is contrary to the best interest of the child, the Executive Director, through the LCCS Legal Department, shall seek an immediate review by the Juvenile Court. In this instance, the final decision regarding the DNR Order shall be made by the Court.

In some cases, a DNR Order may be requested for a child who at some point may have expressed an opinion about such an Order. The child's opinion should be taken into consideration in the decision-making process. Should any youth in the custody of LCCS express such an opinion to Agency staff, then the staff member hearing such shall discuss with his or her supervisor, and document the discussion with the child and supervisor in the child's case record.

NOTE: The time frame and sequence for the steps in this procedure cannot be specified as they are determined by the urgency of the medical condition of the child. A "Do Not Resuscitate" (DNR) Order is not always – and when possible should not be – requested on an emergency basis. It is best if the DNR recommendation is made as early as possible and the decision made as quickly as possible. In some cases, a DNR Order may not be ordered into effect until certain later conditions occur.

1. A physician recommending a DNR Order for a child in the custody of LCCS will contact the Child Abuse/Neglect Reporting Line at 419-213-2273 or the worker of record, depending on the case situation. However, this request may be received by LCCS in a variety of ways. It is impossible to anticipate this, therefore, **ANY** LCCS staff member receiving such a request shall forward it immediately to the worker of record, who will confirm the custody status of the child through journal entries and other Agency records. The worker of record will immediately inform his or her supervisor, manager, the Health Services Supervisor/assigned nurse, the Director of Services, Chief Counsel, Manager of the Legal Department, assigned LCCS attorney,

and the Executive Director. If the child is not in Agency custody, the physician will be informed by the worker of record.

2. For all DNR recommendations for children in LCCS custody, the Health Services Supervisor or designee will request the attending physician to prepare a detailed written request justifying the DNR Order including the child's diagnosis and prognosis, the reasons for and conditions triggering the DNR Order, and the medical procedures that will or will not be used. The request should address whether the child is suffering, whether further medical treatment is considered futile, and whether death is considered imminent and inevitable. In other words, the request should balance the goals of keeping the child alive and keeping the child comfortable.
3. If the child is in ITC, TC, or PPLA, the worker of record will attempt to locate the parents and advise them of the DNR recommendation. They will be provided a written copy of the information prepared by the physician and document this in SACWIS. The worker of record will inform the parents that a meeting with the attending physician is needed to become informed about the child's condition and the need for the DNR Order. The worker of record will offer assistance in setting up the meeting as well as obtaining a second opinion, if requested by the parents.
4. Rarely will a DNR recommendation be made for a child in ITC, TC, or PPLA whose parents are unavailable, have been deemed incompetent, or whose decision LCCS believes is contrary to the child's best interest. In such a case, the Legal Department via the assigned attorney shall be so notified and will file an appropriate motion for immediate review by the Juvenile Court.
5. When the physician's written DNR recommendation is obtained for a child in PC, the worker of record will contact the Health Services Supervisor. The Health Services Supervisor shall provide the Executive Director and the LCCS Medical Consultant, a copy of the summary and original written DNR recommendation and any second opinion obtained as noted in #3 above.
6. The assigned attorney will notify the child's Guardian Ad Litem and or CASA about the DNR recommendation and provide copies of the medical opinions.
7. LCCS may request the involvement of a Hospital Ethics Committee to assist in clarifying issues and reaching a decision.
8. For a child in PC, the worker of record, the supervisor of record, manager, the Director of Services, Chief Counsel, assigned LCCS attorney, Health Services Supervisor, Medical Consultant, and any other party requested by the Executive Director will meet with the LCCS Executive Director. Copies of the attending physician's DNR recommendation, the opinion of the LCCS Medical Consultant, the second opinion of a physician (if obtained), and any other documentation will be provided to all parties attending the meeting no later than 48 hours prior to the meeting to allow adequate review. The Executive Director will determine, *based on*

the child's best interest, whether or not to give consent to the DNR Order. The Executive Director's decision to give or not give consent to the DNR Order shall be in writing and include a statement concerning the best interests of the child being met by such an Order. This decision will be documented in SACWIS by the supervisor of record and a copy of the decision shall be placed in the case file.

9. The Health Services Supervisor will work with the Medical Consultant as necessary, to prepare a letter for the signature of the Executive Director notifying the child's attending physician and or hospital of the Agency's decision either giving or not giving consent to the DNR Order.
10. For a child in ITC, TC, or PPLA, the worker and supervisor of record will provide the parent (if requested) any second medical opinion that was requested by the parents, and attend the meeting between the child's parents and the attending physician. After the meeting, the manager, Director of Services, Chief Counsel, assigned LCCS attorney, and the Executive Director shall be notified of the result of the meeting, including the parent's decision giving or not giving consent for the DNR Order. The parental decision to give or not give consent to the DNR Order shall be documented in the child's record.
11. In the event of the death of the child, LCCS will provide, as needed, grief counseling to the child's worker and supervisor of record, family, caretakers and significant others, and follow the policy and procedures set forth in LCCS Policy 152 and LCCS Policy 157.
12. Upon the death of a child in PC, the Agency *may* notify the biological parents, depending on the circumstances. The final decision shall be made by the Executive Director, in consultation with any staff members, as he/she determines necessary.

CASE PRACTICE GUIDES

RELATED POLICIES and FORMS

LCCS Policy 100
LCCS Policy 110
LCCS Policy 152
LCCS Policy 157