



Court Oversight and Youth Participation in Approval of Psychotropic Medications for Foster Children and Probation Youth

(AB 82 – Evans)

Background

- Unfortunately, as a result of the trauma they have experienced, many youth in foster care suffer from mental and emotional problems that jeopardize their safety, well-being, success in school, and may keep them from finding stable homes if left untreated.
- For some foster children, psychotropic medications can be a key and positive part of an effective mental health treatment plan.
- Other foster youth, however, say that doctors who prescribed their medications spent minimal time with them prior to prescribing psychotropic medications, often knew little to nothing of their health history or prior medications, did not fully explain the intended benefit or possible side effects of the medication, or failed to ask them how they felt about the taking the medication.
- Foster youth often move between many different placements, and as a result, may see many different doctors and therapists with each new placement, resulting in a dangerous lack of continuity of care.

The Problem

- Current law requires the juvenile court to approve psychotropic medications for foster children on the basis of information submitted by the child's social worker and doctor. The child and his or her caregivers have the right to object and ask for a hearing.
- However, foster youth and their caregivers are often unaware of the right to a hearing, and may not understand why the medication is being prescribed, what side effects it could have, or what to do if the medication is ineffective or the side effects are severe.

The Solution – AB 82 requires that:

- Doctors who ask the juvenile court to approve medication requests must have conducted an exam of the youth that meets the standard of care required by state law. In addition, the youth must receive concurrent therapy or other behavioral services when recommended, and the side effects and effectiveness of the medication, as well as the concurrent therapy, must be monitored on an ongoing basis.
- Foster children and their caregivers must be informed regarding what the medication is for, its potential side effects, and that they have a right to a hearing if they object. If a hearing is held on medication issues, the foster child must be present unless the child, in consultation with his or her attorney, declines to attend.