

Psychotropic Drug Checklist
§ 39.407 Florida Statutes; Fla.R.Juv.P 8.355
Updated May 2008

Child's name: _____

Child's date of birth _____ Age: _____

The child is:

- Dependent
 - Not adjudicated dependent
 - Removed from the custody of his or her parent or guardian on (*date*) -
-

Date prescription requested _____

Hearing Type

- Shelter
- Arraignment
- Motion
- Judicial Review

The child is currently placed in:

- Relative's home
- Foster home
- Group home
- Juvenile hall
- Other (*specify*)

Who first reported child's behavior?

- Parent
- Social worker
- Group home worker
- Foster care parent
- Other
- Behavior reported (*specify*)

Consent to medication from child's: § 39.407 (3)(a)(1).

- Mother with capacity to consent
- Statutorily presumed father with capacity to consent
- Legal Guardian

If no consent to medication, why? § 39.407 (3)(a)(1).

- Parental rights terminated
Parental Rights Terminated on (*date*) _____

- Parent or legal guardian unavailable
- Parent or legal guardian unwilling to consent

Continue to inquire if the department is enabling the prescribing physician to obtain parent or legal guardians express and informed consent.

Prescription is:

- Continuation or modification of prescription before shelter hearing § 39.407(3)(b)(1).
- Initial prescription
- Continuation of medication after emergency prescription § 39.407(3)(e)(1) and §39.407(3)(e)(2)
- Other (*details*)

Name of treating physician

- Address and phone number of treating physician

- Employer of physician

- Medical specialty of physician

- Date of evaluation of child

- Location of evaluation

At the Shelter Hearing: §39.407(3)(b)(1); Rule 8.355 (c)(1).

- Did the Department take possession of the child’s psychotropic medication?
- If yes, is the Department currently administering the medication to the child?
- Is the medication in the original container?
- Is it a current prescription?
- Have the parent’s or legal guardian been informed that the medication is being continued?
- At the Shelter Hearing the Department must request court authorization to continue medication
 - Did the Department consult a licensed physician?

Departments motion for continuation of psychotropic medication: § 39.407(3)(b)(4); Rule 8.355 (c)(1).

- Child has been evaluated by a licensed physician

- Motion filed at the same time as the dependency petition or within 21 days after shelter hearing.

Reports Submitted with the Department’s Motion for Psychotropic Medication: § 39.407(3)(c); Rule 8.355 (a)(1).

- Department Report
 - Treatment considered for child
 - Efforts to obtain consent
- Prescribing Physicians signed Medical Report includes § 39.407(3)(c).
 - The name of the child, the name and range of the dosage of the psychotropic medication, and that there is a need to prescribe psychotropic medication to the child based upon a diagnosed condition for which such medication is being prescribed.
 - A statement indicating that the physician has reviewed all medical information concerning the child which has been provided.
 - A statement indicating that the psychotropic medication, at its prescribed dosage, is appropriate for treating the child’s diagnosed medical condition, as well as the behaviors and symptoms the medication, at its prescribed dosage, is expected to address.
 - An explanation of the nature and purpose of the treatment; the recognized side effects, risks, and contraindications of the medication; drug-interaction precautions; the possible effects of stopping the medication; and how the treatment will be monitored, followed by a statement indicating that this explanation was provided to the child if age appropriate and to the child’s caregiver.
 - Documentation addressing whether the psychotropic medication will replace or supplement any other currently prescribed medications or treatments; the length of time the child is expected to be taking the medication; and any additional medical, mental health, behavioral, counseling, or other services that the prescribing physician recommends.
- Is the motion legally sufficient? Does the Medical Report contain the required information?

Department has notified the parties within 48 hours of filing motion § 39.407(3)(d)(1); Rule 8.355 (a)(2).

- Date motion filed _____
- Date received notice of motion _____
- Are you objecting to motion? _____

○ If objecting to the motion for psychotropic medication, you must file objection within 2 working days § 39.407(3)(d)(1); Rule 8.355 (a)(3).

- **Please establish a protocol within your circuit for communication regarding motions for psychotropic medications. Time is of the essence.**

Options if you object

- Ask for a second opinion § 39.407(3)(d)
 - Referral must be made in 1 day
 - Second opinion must be available in 21 days
- Ask court to consider consultation from the MedConsult Line at the University of Florida. § 39.407(3)(d)

No court authorization necessary if emergency. If medication was an emergency because:

- Significant Harm § 39.407(3)(e)(1); Rule 8.355(c)(2).
 - Prescribing physician’s signed medical report attached regarding why child may experience significant harm, nature and extent of significant harm,
- Hospital, crisis stabilization units and statewide inpatient programs. § 39.407(3)(e)(2); Rule 8.355(c)(3).

Continuation of medication after emergency prescription because delay would cause “significant harm” § 39.407(3)(e)(1); Rule 8.355(c)(2).

- Court authorization within 3 working days after medication begun.
 - Date medication begun _____
 - Date of departments motion submitted to court _____
- The department seeking order at next regularly scheduled court or hearing or within 30 days (whichever is sooner)
- Motion process followed
 - Department’s written report, Prescribing Physicians Signed Medical Report (see above)
 - Department notified other parties within 48 hours, and
 - Objections filed within 2 working days.
- If any party objects to the department’s motion, the court shall hold a hearing within 7 days.

Continuation of medication after emergency prescription at hospital, crisis stabilization units and statewide inpatient programs. § 39.407(3)(e)(2); Rule 8.355(c)(3).

- Court authorization within 3 working days after medication begun.

- Date medication begun _____
- Date of court authorization _____
- Motion process followed
 - Department's written report, Prescribing Physicians Signed Medical Report (see above)
 - Department notified other parties within 48 hours, and
 - **Objections filed within 2 working days.**

Child has been informed by physician of the medications recommended, their anticipated benefits, and their possible adverse reactions (age appropriate). The child's response was:

The child's current caregiver has been informed of the prescription, the anticipated benefits, and possible adverse reactions. The caregiver's response was:

Requesting more frequent reviews § 39.407(3)(f)(1), to monitor the following issues:

Research requested medication

- Child's current Child Resource Record is current – **attach copy**
- Copy of Prescribing Physicians signed Medical Report – **attach copy**
- Physicians Desk Reference (PDR) www.pdrhealth.com-- **attach copy**
- MedLine University of Florida (1-866-453-2266)-- **attach written summary**

Position

Need expert witness (*explain*)

Next hearing _____