



# California Rules of Court

## Rule 5.640. Psychotropic medications

### (a) Definition (§§ 369.5(d), 739.5(d))

For the purposes of this rule, "psychotropic medication" means those medications prescribed to affect the central nervous system to treat psychiatric disorders or illnesses. They may include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

*(Subd (a) amended effective January 1, 2009; previously amended effective January 1, 2007.)*

### (b) Authorization to administer (§§ 369.5, 739.5)

- (1) Once a child is declared a dependent child of the court and is removed from the custody of the parents or guardian, only a juvenile court judicial officer is authorized to make orders regarding the administration of psychotropic medication to the child.
- (2) Once a child is declared a ward of the court, removed from the custody of the parents or guardian, and placed into foster care, as defined in Welfare and Institutions Code section 727.4, only a juvenile court judicial officer is authorized to make orders regarding the administration of psychotropic medication to the child.
- (3) The court must grant or deny the application using *Order on Application for Psychotropic Medication* (form JV-223).

*(Subd (b) amended effective July 1, 2016; previously amended effective January 1, 2009.)*

### (c) Procedure to obtain authorization

- (1) To obtain authorization to administer psychotropic medication to a dependent child of the court who is removed from the custody of the parents or guardian, or to a ward of the court who is removed from the custody of the parents or guardian and placed into foster care, the following forms must be completed and filed with the court:
  - (A) *Application for Psychotropic Medication* (form JV-220); and
  - (B) *Physician's Statement-Attachment* (form JV-220(A)) unless the request is to continue the same medication and maximum dosage by the same physician that completed the most recent JV-220(A); then the physician may complete *Physician's Request to Continue Medication-Attachment* (form JV-220(B)).
- (2) The child, caregiver, parents, child's Indian tribe, and Court Appointed Special Advocate, if any, may provide input on the medications being prescribed.
  - (A) Input can be by *Child's Opinion About the Medicine* (form JV-218) or *Statement About Medicine Prescribed* (form JV-219); letter; talking to the judge at a court hearing; or through the social worker, probation officer, attorney of record, or Court Appointed Special Advocate.
  - (B) If form JV-218 or form JV-219 is filed, it must be filed within four court days after receipt of notice of the pending application for psychotropic medication. If a hearing is set on the application, form JV-218 and form JV-219 may be filed at any time before, or at, the hearing.
  - (C) Input from a Court Appointed Special Advocate can also be by a court report under local rule.
- (3) *Input on Application for Psychotropic Medication* (form JV-222) may be filed by a parent or guardian, his or her attorney of record, a child's attorney of record, a child's Child Abuse Prevention and Treatment Act guardian ad litem appointed under rule 5.662 of the California Rules of Court, or the Indian child's tribe. If form JV-222 is filed, it must be filed within four court days of receipt of notice of the application.
- (4) Additional information may be provided to the court through the use of local forms that are consistent with this rule.
- (5) Local county practice and local rules of court determine the procedures for completing and filing the forms and for the provision of notice, except as otherwise provided in this rule. The person or persons responsible for providing notice as required by local court rules or local practice protocols are encouraged to use the most expeditious manner of service possible to ensure timely notice.
- (6) *Application for Psychotropic Medication* (form JV-220) may be completed by the prescribing physician, medical office staff, child welfare services staff, probation officer, or the child's caregiver. If the applicant is the social worker or probation officer, he or she must complete all items on form JV-220. The physician prescribing the administration of psychotropic medication for the child must complete and sign *Physician's Statement-Attachment* (form JV-220(A)) or if it is a request to continue the

same medication by the same physician that completed the most recent JV-220(A), then the physician may complete and sign *Physician's Request to Continue Medication-Attachment* (form JV-220(B)).

- (7) The court must approve, deny, or set the matter for a hearing within seven court days of the receipt of the completed JV-220 and JV-220(A) or (B).
- (8) Notice must be provided to the parents or legal guardians, their attorneys of record, the child's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, the child's current caregiver, the child's Court Appointed Special Advocate, if any, and where a child has been determined to be an Indian child, the Indian child's tribe (see also 25 U.S.C. § 1903(4)-(5); Welf. and Inst. Code, §§ 224.1(a) and (e) and 224.3). If the child is living in a group home, notice to the caregiver must be by notice to the group home administrator, or to the administrator's designee, as defined in California Code of Regulations, regulation 84064.

Notice must be provided as follows:

(A) Notice to the parents or legal guardians and their attorneys of record must include:

- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication;
- (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
- (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);
- (iv) A blank copy of *Statement About Medicine Prescribed* (form JV-219); and
- (v) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222).

(B) Notice to the child's current caregiver and Court Appointed Special Advocate, if one has been appointed, must include only:

- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication;
- (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
- (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);
- (iv) A blank copy of *Child's Opinion About the Medicine* (form JV-218); and
- (v) A blank copy of *Statement About Medicine Prescribed* (form JV-219).

(C) Notice to the child's attorney of record and any Child Abuse Prevention and Treatment Act guardian ad litem for the child must include:

- (i) A completed copy of *Application for Psychotropic Medication* (form JV-220);
- (ii) A completed copy of *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B));
- (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO) or information on how to obtain a copy of the form;
- (iv) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form.; and
- (v) A blank copy of *Child's Opinion About the Medicine* (form JV-218) or information on how to obtain a copy of the form.

(D) Notice to the Indian child's tribe must include:

- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child, and the name of the psychotropic medication;
- (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;

- (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO) or information on how to obtain a copy of the form;
  - (iv) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form; and
  - (v) A blank copy of *Child's Opinion About the Medicine* (form JV-218) or information on how to obtain a copy of the form.
  - (vi) A blank copy of *Statement About Medicine Prescribed* (form JV-219) or information on how to obtain a copy of the form.
- (E) Proof of notice of the application regarding psychotropic medication must be filed with the court using *Proof of Notice of Application* (form JV-221).
- (9) If all the required information is not included in the request for authorization, the court must order the applicant to provide the missing information and set a hearing on the application.
- (10) The court may grant the application without a hearing or may set the matter for hearing at the court's discretion. If the court sets the matter for a hearing, the clerk of the court must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys of record, the dependent child if 12 years of age or older, a ward of the juvenile court of any age, the child's attorney of record, the child's current caregiver, the child's social worker or probation officer, the social worker's or probation officer's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, the child's Court Appointed Special Advocate, if any, and the Indian child's tribe at least two court days before the hearing. Notice must be provided to the child's probation officer and the district attorney, if the child is a ward of the juvenile court.

*(Subd (c) amended effective July 1, 2016; previously amended effective January 1, 2007, January 1, 2008, January 1, 2009, and January 1, 2014.)*

#### **(d) Conduct of hearing on application**

At the hearing on the application, the procedures described in rule 5.570 and section 349 must be followed. The court may deny, grant, or modify the application for authorization. If the court grants or modifies the application for authorization, the court must set a date for review of the child's progress and condition. This review must occur at every status review hearing and may occur at any other time at the court's discretion.

*(Subd (d) amended effective July 1, 2016; previously amended effective January 1, 2007.)*

#### **(e) Delegation of authority (§ 369.5)**

After consideration of an application and attachments and a review of the case file, the court may order that the parent be authorized to approve or deny the administration of psychotropic medication. The order must be based on the following findings, which must be included in the order: (1) the parent poses no danger to the child, and (2) the parent has the capacity to understand the request and the information provided and to authorize the administration of psychotropic medication to the child, consistent with the best interest of the child.

*(Subd (e) amended effective January 1, 2008.)*

#### **(f) Continued treatment**

If the court grants the request or modifies and then grants the request, the order for authorization is effective until terminated or modified by court order or until 180 days from the order, whichever is earlier.

*(Subd (f) amended effective July 1, 2016.)*

#### **(g) Progress review**

- (1) After approving any application for authorization, regardless of whether the approval is made at a hearing, the court must set a progress review.
- (2) A progress review must occur at every status review hearing and may occur at any other time at the court's discretion.
- (3) If the progress review is held at the time of the status review hearing, notice under section 293 or 295 must include a statement that the hearing will also be a progress review on previously ordered psychotropic medication, and must include a blank copy of *Child's Opinion About the Medicine* (form JV-218) and a blank copy of *Statement About Medicine Prescribed* (form JV-219).
- (4) If the progress review is not held at the time of the status review hearing, notice must be provided as required under section 293 or 295; must include a statement that the hearing will be a progress review on previously ordered psychotropic medication; and must include a blank copy of *Child's Opinion About the Medicine* (form JV-218) and a blank copy of *Statement About Medicine Prescribed* (form JV-219).

- (5) Before each progress review, the social worker or probation officer must file a completed *County Report About Psychotropic Medication* (form JV-224) at least 10 calendar days before the hearing. If the progress review is set at the same time as a status review hearing, form JV-224 must be attached to and filed with the report.
- (6) The child, caregiver, parents, and Court Appointed Special Advocate, if any, may provide input at the progress review as stated in (c)(2).
- (7) At the progress review, the procedures described in section 349 must be followed.

*(Subd (g) adopted effective July 1, 2016.)*

#### **(h) Copy of order to caregiver**

- (1) Upon the approval or denial of the application, the county child welfare agency, probation department, or other person or entity who submitted the request must provide the child's caregiver with a copy of the court order approving or denying the request.
- (2) The copy of the order must be provided in person or mailed within two court days of when the order is signed.
- (3) If the court approves the request, the copy of the order must include the last two pages of form JV-220(A) and all medication information sheets (medication monographs) that were attached to form JV-220(A).
- (4) If the child resides in a group home, a copy of the order, the last two pages of form JV-220(A), and all medication information sheets (medication monographs) that were attached to the JV-220(A) must be provided to the group home administrator, or to the administrator's designee, as defined in California Code of Regulations, regulation 84064.
- (5) If the child changes placement, the social worker or probation officer must provide the new caregiver with a copy of the order, the last two pages of form JV-220(A), and the medication information sheets (medication monographs) that were attached to form JV-220(A).

*(Subd (h) adopted effective July 1, 2016.)*

#### **(i) Emergency treatment**

- (1) Psychotropic medications may be administered without court authorization in an emergency situation. An emergency situation occurs when:
  - (A) A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
  - (B) The purpose of the medication is:
    - (i) To protect the life of the child or others, or
    - (ii) To prevent serious harm to the child or others, or
    - (iii) To treat current or imminent substantial suffering; and
  - (C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.
- (2) Court authorization must be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.

*(Subd (i) relettered effective July 1, 2016; adopted as subd (g); previously amended effective January 1, 2007, and January 1, 2008.)*

#### **(j) Section 601-602 wardships; local rules**

A local rule of court may be adopted providing that authorization for the administration of such medication to a child declared a ward of the court under sections 601 or 602 and removed from the custody of the parent or guardian for placement in a facility that is not considered a foster-care placement may be similarly restricted to the juvenile court. If the local court adopts such a local rule, then the procedures under this rule apply; any reference to social worker also applies to probation officer.

*(Subd (j) amended and relettered effective July 1, 2016; adopted as subd (i); previously relettered as subd (h) effective January 1, 2008; previously amended effective January 1, 2007, and January 1, 2009.)*

#### **(k) Public health nurses**

Information may be provided to public health nurses as governed by Civil Code section 56.103.

*(Subd (k) adopted effective July 1, 2016.)*

*Rule 5.640 amended effective July 1, 2016; adopted as rule 1432.5 effective January 1, 2001; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2003, January 1, 2008, January 1, 2009, and January 1, 2014.*