



Judicial Council of California

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Subject Text

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Title

Rules and Forms | Juvenile Law: Psychotropic Medication Information Release (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends adopting one rule of the California Rules of Court and amending four rules, approving two forms, adopting one form, and revising four forms, to conform to recent statutory changes regarding children for whom the juvenile court has approved requests for prescription of psychotropic medications, which were enacted by Senate Bill 377 (McGuire; Stats. 2019, ch. 547).

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2020:

1. Amend rule 5.640 of the California Rules of Court to add three new forms (discussed below) to the list of the documents the applicant must provide the child's attorney when providing notice of the request for psychotropic medication, and to add "Indian custodian" whenever there is a reference to "parent or legal guardian."
2. Adopt rule 5.642 to provide the requirements for processing the forms, including providing the forms to the child and child's attorney, signing the authorization form, and sending the authorization form to the California Department of Social Services (CDSS).
3. Amend rules 5.706 and 5.708 to require the social worker to provide before the hearing a blank copy of *Withdrawal of Release of Information to Medical Board of California* (form JV-229) to the child if the child has signed *Position on Release of Information to Medical Board of California* (form JV-228) if it is the last hearing before the child turns 18 years of age or if the social worker is recommending termination of juvenile court jurisdiction.
4. Amend rule 5.810 to require the probation officer to provide before the hearing a blank copy of *Withdrawal of Release of Information to Medical Board of California* (form JV-229) to the child if the child has signed *Position on Release of Information to Medical Board of California* (form JV-228) if it is the last hearing before the child turns 18 years of age or if the social worker is recommending termination of juvenile court jurisdiction.
5. Approve *Position on Release of Information to Medical Board of California* (form JV-228) for the child or child's attorney to indicate whether the child authorizes CDSS to release the child's identification information to the Medical Board of California (the board) so it can ascertain whether there is excessive prescribing of psychotropic medication.
6. Approve *Background on Release of Information to Medical Board of California* (form JV-228-INFO) to give to the child and child's attorney to explain why form JV-228 is being provided, what information may be revealed to the board, the confidentiality of the information revealed to the board, and a description of the process to withdraw any authorization.
7. Adopt *Withdrawal of Release of Information to Medical Board of California* (form JV-229) as a

mandatory form for the child or child's attorney to use to withdraw any authorization to release information to the board.

8. Revise *Proof of Notice on Application* (form JV-221) to include the three additional documents that must be served on the child and child's attorney by the applicant.
9. Revise *Order on Application for Psychotropic Medication* (form JV-223) to add a new item for the court to indicate whether the authorization is for three or more concurrent psychotropic medications for 90 days or more and, if so, order the applicant to provide the child and the child's attorney blank copies of *Position on Release of Information to Medical Board of California* (form JV-228), *Background on Release of Information to Medical Board of California* (form JV-228-INFO), and *Withdrawal of Release of Information to Medical Board of California* (form JV-229).
10. Revise *County Report on Psychotropic Medication* (form JV-224) to add an item for the social worker or probation officer to indicate whether the court order is for three or more concurrent psychotropic medications for 90 days or longer. If so, the item would ask whether form JV-228 has been filed with the court.
11. Revise *Confidential Information* (form JV-287) to amend the instructions to indicate the form can be used with form JV-228, that the form must be kept under seal in the court file, and that only the court, the agency, and the child's attorney can look at the information.