

Mental Health – Psychotropic Medication

Relevant Colorado Statutes - Consent

§ 27-65-103, Colo Rev. Stat.

(2) Notwithstanding any other provision of law, a minor who is fifteen years of age or older, whether with or without the consent of a parent or legal guardian, may consent to receive mental health services to be rendered by a facility or by a professional person or mental health professional licensed pursuant to part 3, 4, 5, 6, or 8 of article 245 of title 12 in any practice setting. Such consent shall not be subject to disaffirmance because of minority. The professional person or licensed mental health professional rendering mental health services to a minor may, with or without the consent of the minor, advise the parent or legal guardian of the minor of the services given or needed.

§ 19-1-103, Colo. Rev. Stat.

(73)(a) “Legal custody” means the right to the care, custody, and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care. “Legal custody” may be taken from a parent only by court action.

Resources

Colorado Department of Human Services Psychotropic Medication Guidelines for Children and Adolescents in Colorado’s Child Welfare System

Children and youth who come to the attention of the child welfare system have disproportionately high rates of emotional and mental health challenges and are prescribed high rates of psychotropic medications. The Colorado Department of Human Services and the Colorado Department of Health Care Policy and Financing released 2017 Colorado Guidelines for Psychotropic Medication Use for Children and Adolescents in Colorado’s Child Welfare System. The guidelines are intended to provide practitioners involved in child welfare, particularly those serving a Medicaid population, with best practices and decision making tools for the prescribing of psychotropic medications to children and youth. (Please note that reference to Regional Care Collaborative Organizations (RCCOs) and Behavioral Health Organizations (BHO) is outdated, given the transition to the use of RAEs.

Colorado Department of Human Services (October 2017)

<https://www.colorado.gov/pacific/cdhs/psychotropic-medication-use-children-and-adolescents-practice-guidelines>

Main Clearinghouse: Resources to Educate Youth, Families, Child Welfare Staff, and Providers about Psychotropic Medications

To improve the appropriate use of psychotropic medications among children and youth in foster care, families, children/youth themselves, child welfare caseworkers, and providers must have an understanding of what these medications are for, how they are used, and what their impacts may be. The Center for Health Care Strategies (CHCS) developed this educational resource matrix at the request of the states participating in Improving the Use of Psychotropic Medication among Children and Youth in Foster Care: A Quality Improvement Collaborative. It highlights key educational materials and trainings available to the public for parents, foster parents, providers, and youth who are prescribed psychotropic medications. For additional resources,

interested parties should contact their state's child welfare agency for other materials that may be available.

Center for Health Care Strategies, Inc.

https://www.chcs.org/media/Educational-Resources-for-Families-and-Providers_FINAL-030818.pdf

Making Health Choices: A Guide on Psychotropic Medications for Youth in Foster Care (Factsheet for Youth)

This guide presents valuable information for youth in foster care related to making decisions about their mental health, treatment options, and the use of psychotropic medications.

Checklists and worksheets are included to help youth organize their thoughts.

Children's Bureau et al. (2012). *Making healthy choices: A guide on psychotropic medications for youth in foster care*. Washington, DC: Department of Health and Human Services, Children's Bureau.

<https://www.childwelfare.gov/pubs/makinghealthychoices/>

Promoting the Safe, Appropriate, and Effective Use of Psychotropic Medication for Children in Foster Care – Information Memo

This Information Memorandum (IM) defines the issues surrounding psychotropic medication use by children in foster care, highlights available resources for States to consider when developing their Annual Progress and Services Report (APSR), and encourages increasing access to clinically appropriate screening, assessment, and evidence-based interventions for foster children with mental health and trauma-related needs.

U.S. Department of Health and Human Services, Administration for Children and Families

<https://www.acf.hhs.gov/sites/default/files/cb/im1203.pdf>

Psychiatric Medication For Children And Adolescents Part I - How Medications Are Used

This brief "Facts for Families" article outlines common reasons for use of medications, as well as disclaimers for when and how medications should be used.

American Academy for Child and Adolescent Psychiatry (2017)

https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Psychiatric-Medication-For-Children-And-Adolescents-Part-I-How-Medications-Are-Used-021.aspx

Psychiatric Medication For Children And Adolescents Part II – Types of Medications

This brief "Facts for Families" article outlines types of medications.

American Academy for Child and Adolescent Psychiatry (2017)

https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Psychiatric-Medication-For-Children-And-Adolescents-Part-II-Types-Of-Medications-029.aspx

Psychiatric Medication For Children And Adolescents Part III – Questions to Ask

This brief "Facts for Families" lists questions that youth and parents should be asking.

American Academy for Child and Adolescent Psychiatry (2017)

https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Psychiatric-Medication-For-Children-And-Adolescents-Part-III-Questions-To-Ask-051.aspx

Psychotropic Medication and Children in Foster Care: Tips for Advocates and Judges

This article, adapted from the 2011 [ABA practice and policy brief](https://www.americanbar.org/groups/child_law/resources/child_law_practiceonline/child_law_practice/vol_31/Feb12/psychotropic_medicationandchildreninfostercaretipsforadvocatesan/) helps attorneys and judicial officers understand the proper role of psychotropic medications for these children, explains the benefits and drawbacks of medication, and supports a multimodal approach to treating children's mental health disorders. A list of questions every judge and attorney should ask in cases involving psychotropic medications provides a practical framework for decision making.

American Bar Association Practice & Policy Brief (2018)

https://www.americanbar.org/groups/child_law/resources/child_law_practiceonline/child_law_practice/vol_31/Feb12/psychotropic_medicationandchildreninfostercaretipsforadvocatesan/

Supporting Youth in Foster Care in Making Healthy Choices: A Guide for Caregivers and Caseworkers on Trauma, Treatment, and Psychotropic Medications

This guide is intended to help caseworkers, foster parents, or other caring adults learn about trauma experienced by youth in foster care and treatment options, including approaches other than psychotropic medication. The guide presents strategies for seeking help for youth, identifying appropriate treatment, and supporting youth in making decisions about their mental health.

Children's Bureau et al. (2015). *Supporting youth in foster care in making healthy choices: A Guide for caregivers and caseworkers on trauma, treatment, and psychotropic medications*. Washington, DC: Department of Health and Human Services, Children's Bureau.

<https://www.childwelfare.gov/pubs/mhc-caregivers/>