

**Cuyahoga County Division of Children and Family Services
(CCDCFS)
Policy Statement**

Policy Chapter: Child Health Care
Policy Number: 9.02.09
Policy Name: Do Not Resuscitate (DNR) Orders for Children in Custody

Original Effective Date: 04/05/2006
Revision Date(s): 10/01/2021, 10/01/2015, 05/01/2006
Current Revision Date: 10/01/2024
Approved By: Jacqueline M. Fletcher

PURPOSE: To set forth a policy and protocol for the authorization of “Do Not Resuscitate” (DNR) orders for children in the custody of the Cuyahoga County Division of Children and Family Services (CCDCFS) who are ill/injured and comatose or near death.

SCOPE: This policy applies to all staff with children on their caseloads in CCDCFS custody.

POLICY

- I. CCDCFS, through the Director, has the authority and responsibility to give consent to medical care for children in custody, as expressed in the Ohio Revised Code (ORC) and relevant case law. The "Do Not Resuscitate" (DNR) order is considered a form of medical care and CCDCFS has the legal authority upon the advice of a physician to give consent to such an order, as well as the obligation to determine, based on the child's best interest, whether or not to give the consent in a particular case.
- II. The Director of CCDCFS, upon an attending physician's recommendation for a DNR order for a child who is in the permanent custody (PC) of CCDCFS, and who is ill/injured and comatose or near death, seeks the appropriate advice and consultation, including a second medical opinion, and renders a timely decision based on the best interest of the child.
- III. For all CCDCFS children in emergency custody (EC), temporary custody (TC), or planned permanent living arrangement (PPLA), the physician is informed that the child's family of origin have sole authority to make a DNR decision. If necessary, the Agency will locate and contact the child's family of origin, and provide support to them in reaching a “Do Not Resuscitate” decision.
- IV. If CCDCFS determines the parental decision regarding the DNR order is contrary to the best interest of the child, the Director, via the Prosecutor's

Office, seeks an immediate review by Juvenile Court. In this instance, the final decision regarding the DNR order is made by the court.

- V. In some cases, a DNR order is requested for an older child (16 years of age and older) who may have expressed an opinion about such an order. The child's opinion is given consideration in the decision-making process.
- VI. When CCDCFCS and the child's family of origin agree about the DNR consent, court involvement, other than notification, is not required. In such an instance, the Prosecutor's Office sends the appropriate notification regarding the decision directly to the court.

PROCEDURES

NOTE: The time frame and sequence for the steps in this procedure cannot be specified as they are determined by the urgency of the medical condition of the child. A "Do Not Resuscitate" (DNR) order is not always, and when possible, should not be requested on an emergency basis. It is best if the DNR recommendation is made as early as possible and the decision made as quickly as possible. In some cases, a DNR order may not be ordered into effect until certain later conditions occur. Per Ohio Revised Code (ORC) 2133.04, a DNR can be revoked at any time.

- I. A physician recommending a DNR order for a child in the custody of CCDCFCS contacts the CCDCFCS KIDS Hotline. The child's Worker of Record (WOR) confirms the custody status of the child through journal entry. The WOR immediately informs the Supervisor, Senior Manager, Deputy Director, Director, and the Supervisor of the CCDCFCS Prosecutor's Office of the DNR recommendation. If the child is not in agency custody, the physician is informed.
- II. For all DNR recommendations, the WOR requests the attending physician to complete the ***"Do Not Resuscitate (DNR) Request Form."***
- III. If the child is in EC, TC, or PPLA, the WOR locates the parents and advises them of the DNR recommendation. The WOR informs the parents that a meeting with the attending physician is needed to become informed about the child's condition and the need for the DNR order. The WOR provides assistance in coordinating the meeting and obtaining a second opinion, if requested.
- IV. In instances where a DNR recommendation will be made for a child in EC, TC, or PPLA whose parents are unavailable, are deemed incompetent, or whose decision CCDCFCS feels is contrary to the child's best interest, the Prosecutor's Office is notified by the WOR and Supervisor after consultation with the Senior Manager, Deputy Director and Director, and they file an appropriate motion for immediate review by Juvenile Court.

- V. For all DNR recommendations, the WOR prepares a summary. The summary includes a list of family members and other significant persons involved with the child, current custody status, and reasons for the child's custody episode, current case status, background of the child's current medical status, and any other pertinent information. It is noted whether the child has expressed an opinion at any time about a DNR request. The summary is provided to the Supervisor, Senior Manager, Deputy Director and Director. Additionally, a Critical Incident Report is completed by the WOR.
- VI. When the physician's written DNR recommendation is obtained for a child in PC, the WOR contacts the Administrator of the Health Care Unit who requests and obtains a second medical opinion or consultation in writing from an outside medical advisor. The WOR provides assistance in obtaining a second opinion for a child in EC, TC or PPLA, if requested. The medical advisor is provided a copy of the summary and original written DNR recommendation.
- VII. The Prosecutor's Office notifies the child's guardian ad litem of the DNR recommendation and provides copies of the medical opinions.
- VIII. On a case by case basis, CCDCFS requests the involvement of a hospital ethics committee to assist in clarifying issues and reaching a decision.
- IX. For a child in PC, the WOR, Supervisor, Senior Manager, Deputy Director, and the Supervisor of the Prosecutor's Office meet with the CCDCFS Director. Copies of the attending physician's DNR recommendation, the medical advisor's second opinion, the social service summary, and any other documentation are provided. *Based on the child's best interest*, the Director determines to consent or not consent to the DNR order. The Director's decision to consent or not consent to the DNR order is documented in the child's record.
- X. The WOR notifies the child's attending physician and/or hospital of the agency's decision either granting or denying consent to the DNR order.
- XI. For a child in EC, TC, or PPLA, the WOR provides the parent with the social summary and if requested the second medical opinion, and attends the meeting between the child's parents and the attending physician. Afterward, the WOR informs the Supervisor, Senior Manager, Deputy Director, and Director of the result of the meeting, including the parent's decision granting or denying consent. The parental decision to consent or not to the DNR order is documented in the child's record.
- XII. The WOR completes the follow up to the Critical Incident report once a determination for the DNR recommendation is made.
- XIII. Upon the death of the child, CCDCFS provides, as needed, referrals for grief counseling to the child's WOR, family, caretakers, and significant others.

XIV. Upon the death of the child, the Prosecutor's Office notifies Juvenile Court by filing a notice of abatement by death. The Prosecutor's Office also notifies the child's guardian ad litem. In addition, the WOR files a case plan amendment removing the child from the case plan and all services related to the child. If the child is the only one on the case plan, the amendment closes out the case.

XV. Upon the death of a child in PC, the agency *may* notify the child's family of origin depending on the circumstances. The final decision is made by the Director of CCDCFS in consultation with the case management team.

SEE ALSO:

Ohio Administrative Code

Section: 3701-62-05 - Appendix

Cuyahoga County Division of Children and Family Services Policies and Procedures Manual

Policy 9.00.01

Comprehensive Health Care for Children in Placement and HIPAA Signature Authorization

FORM

Location: DCFS Intranet

- Do Not Resuscitate (DNR) Request Form
- Critical Incident Report Form
- Critical Incident Follow Up Report Form

Location: Traverse

*AP144B Form for Consent

* Note: AP144B Form "Requires Senior Supervisor or Deputy Director Approval"