

Division of Children and Family Services Protection and Safety Procedure # 13-2015	
Regarding:	Life Sustaining Measures
Date Effective:	04/14/2015
Contact:	Sherri Haber at 402-471-7989 or sherri.haber@nebraska.gov
Issue by:	Tony Green, Acting Director, Division of Children and Family Services



Philosophy:

It is important that CFS Specialists, Supervisors and Administrators have the support and involvement of other leaders and experts within the Department to assist with decisions regarding complex medical issues that involve the life of a child involved with our system.

Case law requires the procedures outlined in 390 NAC 11-002.04I (Withholding or Withdrawal of Life Support) be revised to reflect the changes in case law until new regulations are passed.

Procedure:

When a physician requests authorization for the Withdrawal of Life Support or recommends an authorization to not resuscitate a child who is a ward of state, the CFS Specialist will notify and consult with his or her supervisor and complete a Critical Incident Report. The CFS Specialist will instruct the medical providers to continue life sustaining measures until notified otherwise by the Department of Health and Human Services.

The Division of Children and Family Services (DCFS) must make a decision to either 1) Request that the Court terminate Department custody; or 2) Request that the Court enter an order authorizing the Department to consent to withdrawal of life support or other life sustaining measures, including a do not resuscitate order. These types of decisions will be made based on information gathered by the CFS Specialist, consultation with DHHS Administration, and information from interested parties and hospital personnel.

Withdrawal of Life Support and Do Not Resuscitate

When a physician recommends and requests informed consent for the Withdrawal of Life Support for a state ward or other life sustaining measures, the following protocol will be implemented. The CFS Specialist should involve the parent(s) and others as appropriate, such as the Guardian ad Litem and County Attorney, throughout this process. The DHHS decision will be reviewed in light of the child's neurological devastation or proximal death or both.

1. The CFS Specialist will instruct the medical providers to continue life support pending a decision by the court and the Director of Children and Family Services.
2. The CFS Specialist will instruct the medical provider that DCFS requires written documentation from the requesting physician of the recommendation to cease life sustaining measures.

3. The CFS Specialist will notify his or her supervisor of the situation. The Supervisor will notify the CFS Administrator and the Service Area Administrator. The Service Area Administrator will notify the CFS Field Operations Administrator.
4. The CFS Specialist will obtain information from the physician about the risks and benefits of treatment. The CFS Specialist may seek consultation from physicians within the DHHS System.
5. The CFS Specialist will consult with DHHS Legal on all requests for Withdrawal of Life Support or other life sustaining measures throughout the situation.
6. The CFS Specialist will inform the parents and guardian ad litem that the Department has received a communication from the state ward child's physician to cease life sustaining measures and the risks and benefits of continued treatment.
7. The CFS Specialist will be culturally sensitive in having a discussion with the parents' to obtain their thoughts, feelings and wants related to the withdrawal of life support or other life sustaining measures.
8. Consultation that includes the DHHS Medical Director or designee and DHHS Legal, may occur with the hospital ethics committee.
9. The CFS Specialist and their administrative team will coordinate a conference call to include the Deputy Director, DHHS Legal, DHHS Medical Director or designee, CFS Administrator and the Service Area Administrator.
10. The participants of the conference call will assist in making the following recommendations:
 - a. Should DHHS request the court to terminate DHHS custody so that the parent can make all future medical decisions; or
 - b. Should DHHS request the court to determine that the Department can authorize the withdrawal of life support or a Do Not Resuscitate Order.
11. The CFS Specialist will prepare a letter of consent, in the attached format for the Director's signature when a Court makes a determination that the Department has authorization to issue an order,
12. The CFS Specialist will contact all legal parties and apprise them of the decision.
13. The CFS Specialist will document narrative in the Program Person narrative, Medical. All documents will be entered into N-FOCUS Document Imaging in the Medical Folder.

References:

Not Applicable

Attachment:

Letter of Support template

Date:

Doctor
Facility
Address
City, State, Zip

RE: [Name of Ward]

This letter is in response to our receipt of the attached request to consent that, in the event of respiratory depression or respiratory arrest and/or in the event of cardiac depression or cardiac arrest, no cardiopulmonary resuscitation should be performed on [Name of Ward]. This letter serves as the Department's consent.

Please contact me, [Directors Name], at [email] or at 402-471-1878 or [Name of SAA] at [email] or at [phone number] if you have any questions.

Sincerely,

Name of Director
Director
Division of Children and Family Services

CC: [Name], Medical Director
Department of Health and Human Services

[Name], Service Area Administrator