

Draft: (No bill number has yet been assigned.)

A bill to amend the existing Foster Child Bill of Rights (WIC 16001.9) to strengthen the rights of foster children to participate in any decision to require mental health treatment and psychotropic medication.

The state of California finds that Foster Children are subjected to excessive diagnosis and treatment by psychotropic medications, and hereby amends the Foster Child Bill of Rights to include the following additional protections for children under the care of Child Protective Services.

Section 16001.9 (a) 5 of the Welfare and Institutions Code is amended to read: (changes in *italics*)

- (5) (a) To be free of the administration of medication or chemical substances unless authorized by physician.
- (b) *To be informed of the risks and benefits of psychotropic medication in an age appropriate manner.*
- (c) *To tell their doctor that they disagree with any recommendation to prescribe psychotropic medication,*
- (d) *To go to the judge with an advocate of their choice and state that they object to any recommendation to prescribe psychotropic medication,*
- (e) *To refuse the administration of psychotropic or other medication unless immediately necessary for the preservation of life or the prevention of serious bodily harm,*
- (f) *To refuse the off-label prescription of psychotropic drugs and at-risk polypharmacy,*
- (g) *To have prescribing doctors disclose any financial ties they have to pharmaceutical companies in writing in an age appropriate manner.*

Legal references:

- (a) Existing law, WIC 16001.9 (a) 5 with the term medical doctor substituted for “physician”
- (b) WIC Code 369(a); Cal R.of Ct.5.640(b),(c)(6)(G); Am Acad of Child & Adolescent Psychiatry, “A Guide for Public Serving Agencies on Psychotropic Medications for Children and Adolescents 8-9” (Feb 2012)
- (c) Am Acad of Child & Adolescent Psychiatry, “A Guide for Public Serving Agencies on Psychotropic Medications for Children and Adolescents 9” (Feb 2012); Cal R. of Ct. 5.640(c)(G); Cal. Juv. Ct. Form JV-220(A)(1)(a).
- (d) WIC Code 16001.9(a)17); Cal r. of Ct.5.640(c)(8)-(9); Cal Juv Ct Form JV-222; Cal R.of Ct.5.640(b),(c)(6)(G);Cal. Juv. Ct. Form JV-220(A)(1)(a)
- (e) WIC 224.71(e) – rights of youth confined in juvenile facility also added to foster care rights.