

Health Care Providers: How do I find out what a child's legal status is in child welfare?

Children served by Michigan's child welfare systems, including child abuse and neglect, may shift in legal status during the time they are connected to child welfare. Understanding legal status is important because the adults who make decisions for children served in child welfare change as legal status changes. For detail on consenting party see "[engaging correct consenting party](#)" guide also on this site.

Child Abuse and Neglect:

To find out the legal status of a child to decide who needs to be engaged in health care decision making, a primary care office can do the following:

Step 1: Identify the child's foster care worker.

- This information might be on the "permission to treat" card that a foster parent should bring with them to an appointment
- If you do not get this card, or if preparing before a scheduled appointment, contact the County DHHS office and explain your role ("I am ____ from Dr. _____ office. _____ is scheduled to see the doctor tomorrow). The county office should be able to get you name/contact information even if the child's foster care case is assigned to a private agency.

Step 2: Contact the foster care worker.

Step 3: Ask the foster care worker the legal status of the child.

- If the child is a Temporary Court Ward (TCW) – abuse and neglect, ask if there are any additional court orders that would affect medical decision-making; for example, is there an order allowing someone else to consent for non-routine care?
- If the child is a Michigan Children's Institute (MCI) ward, then ask the caseworker if they will be directly involved in decision making for non-routine care?

Step 4: Ask the foster care worker for name and contact information for all those involved in decision-making for the child (routine and non-routine) and include this information in the child's health record.

NOTE:

Juvenile Justice – health decision making for children under court jurisdiction for delinquency remains with birth/legal parents.

Dual wards – health decision making for children who are dual delinquent/Child Abuse and Neglect follows the rules for Child Abuse and Neglect.