

Apprehension Where Medical Care or Treatment to Preserve Life is Refused

The Child Protection Worker shall apprehend a child under the direction of the Director of Child and Family Services, if he or she has reasonable grounds to believe that a child needs protection if the child's parent(s) and/or guardian(s) refuse to permit treatment that is considered essential.

REFERENCE

NWT Child and Family Services Act sections 31(1)

PURPOSE

- To ensure the physical safety of the child and where appropriate, gather information from the child to assist with the investigation.
- To ensure all Section 31 (1) investigations are carried out in a timely manner.

PROCEDURES

1. Determine the basis of the reporter's belief that medically required treatment is being or will be withheld.
2. Determine if:
 - The parent(s) and/or guardian(s) is responsible for the child's health care decision; or
 - The child is capable of giving or refusing consent to health care under the governing health legislation;
 - And whether the parent(s) and/or guardian(s) are not able, or unavailable, or refuse to consent to the health care.
3. Determine if in the opinion of two (2) qualified health care providers, it is necessary to provide health care to the child to preserve the child's life, prevent serious physical or mental harm, or to alleviate severe pain. This must occur before the Director can intervene and must be in writing.
4. Discuss with Supervisor the plan to work with the family or to proceed to court for an order under *NWT Child and Family Services Act Section 31 (1)*. **Due to the sensitive nature of this issue, any decision to proceed to court or take the child into the custody of the Director must be made in collaboration the Supervisor and Assistant Director of the Health and Social Services Authority as well as the Director of Child and Family Services.**

5. Consult with the parent(s) and/or guardian(s) to determine:
 - Knowledge of child's condition;
 - Knowledge of treatment;
 - Reason(s) for refusal; and
 - If there is a qualified health care provider's opinion to support the parent(s) and/or guardian(s) position.
6. If the parent(s) and/or guardian(s) are not providing needed medical treatment because of religious or cultural beliefs, give the parent(s) and/or guardian(s) the opportunity to find an adequate and reasonable alternative that will satisfy the protection concerns; e.g.; preserve the child's life, prevent serious physical or mental harm, or alleviate severe pain, unless the child is in immediate danger.
7. In cases where consent for medical treatment is still not provided, proceed to court to allow the court to make a declaration that the child needs protection and for an order authorizing the medical care or treatment. If a court order is granted, the attending physician must be advised immediately by telephone and followed up by letter.

Note:

In some cases, there may be a request for consent to medical treatment when the parent(s) and/or guardian(s) are not available. A doctor can act in an emergency situation without the need for the parent(s) and/or guardian(s)' consent.

FORMS

- None

TOOLS

- None

COURT DOCUMENTS

- None