

§4071. Medical treatment order

1. Petitioner. The department, a physician or a chief medical administrator of a hospital may petition for a medical treatment order.

[PL 1979, c. 733, §18 (NEW).]

2. Contents of petition. A petition shall be sworn and shall include at least the following:

A. Name, date of birth and municipal residence, if known, of the child; [PL 1979, c. 733, §18 (NEW).]

B. The name and address of the petitioner and the petitioner's professional position; [RR 2021, c. 2, Pt. B, §193 (COR).]

C. Name and municipal residence, if known, of each parent and custodian; [PL 1979, c. 733, §18 (NEW).]

D. A summary of the medical diagnosis and treatment alternatives; [PL 1979, c. 733, §18 (NEW).]

E. A request for the court to order specific treatment; and [PL 1979, c. 733, §18 (NEW).]

F. A statement that attempts to notify and secure consent from the custodians have been unsuccessful, either because they cannot be located or they have refused consent. [PL 1979, c. 733, §18 (NEW).]

[RR 2021, c. 2, Pt. B, §193 (COR).]

3. Notice to parents and custodians. The petitioner shall, by any reasonable means, attempt to notify the parents and custodians of the petitioner's intent to request the order and of the time and place the petitioner will make the request, unless the petitioner believes that the child would suffer increased serious injury during the time needed to notify them.

[RR 2021, c. 2, Pt. B, §194 (COR).]

4. Order. On the basis of the petition or other evidence, the court may order medical treatment for the child if the custodians are unable or unwilling to consent to it, and the treatment is necessary to treat or prevent an immediate risk of serious injury. The order shall include a notice to the parents and custodians of their right to counsel, as required under section 4032, subsection 2, paragraph G, and notice of the date and time of the hearing.

[PL 1979, c. 733, §18 (NEW).]

5. Service of order. If a hearing has not been held prior to issuing the order, a copy of the order and petition shall be served on the parents and custodians by:

A. In-hand delivery by the judge or court clerk to any parent, custodian or their counsel who is present when the order is issued; [PL 1979, c. 733, §18 (NEW).]

B. Service in accordance with the District Court Civil Rules. Notwithstanding the civil rules, service by publication of an order and petition shall be complete 5 days after a single publication; or [PL 1979, c. 733, §18 (NEW).]

C. Another manner ordered by the court. [PL 1979, c. 733, §18 (NEW).]

[PL 1979, c. 733, §18 (NEW).]

6. Hearing. If a hearing has not been held prior to issuing the order, then it shall be held within 10 days of its issuance, unless all parties agree to a later date. If, after the hearing, the court finds, by a preponderance of the evidence, that the medical treatment ordered is necessary to treat or prevent the immediate risk of serious injury to the child, then it may continue the order.

[PL 1979, c. 733, §18 (NEW).]

SECTION HISTORY

PL 1979, c. 733, §18 (NEW). RR 2021, c. 2, Pt. B, §§193, 194 (COR).

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