

IN THE SENATE

SENATE BILL NO. 1181

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1627, IDAHO CODE,
2 TO PROVIDE THAT A COURT SHALL CONSIDER CERTAIN METHODS WHEN DECIDING
3 WHETHER TO AUTHORIZE MEDICAL OR SURGICAL CARE FOR A CHILD.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 16-1627, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 16-1627. AUTHORIZATION OF EMERGENCY MEDICAL TREATMENT. (1) At any
9 time whether or not a child is under the authority of the court, the court may
10 authorize medical or surgical care for a child when:

11 (a) A parent, legal guardian or custodian is not immediately available
12 and cannot be found after reasonable effort in the circumstances of the
13 case; or

14 (b) A physician informs the court orally or in writing that in his pro-
15 fessional opinion, the life of the child would be greatly endangered
16 without certain treatment and the parent, guardian or other custodian
17 refuses or fails to consent.

18 (2) If time allows in a situation under subsection (1) (b) of this sec-
19 tion, the court shall cause every effort to be made to grant each of the par-
20 ents or legal guardian or custodian an immediate informal hearing, but this
21 hearing shall not be allowed to further jeopardize the child's life.

22 (3) In making its order under subsection (1) of this section, the
23 court shall take into consideration any treatment being given the child by
24 prayer through spiritual means alone, if the child or his parent, guardian
25 or legal custodian are adherents of a bona fide religious denomination that
26 relies exclusively on this form of treatment in lieu of medical treatment.
27 Furthermore, in making its order under subsection (1) of this section, the
28 court shall take into consideration any treatment being given the child by
29 alternative health care methods, if the child or his parent, guardian or
30 legal custodian rely on this form of treatment in lieu of medical treatment.

31 (4) After entering any authorization under subsection (1) of this sec-
32 tion, the court shall reduce the circumstances, finding and authorization to
33 writing and enter it in the records of the court and shall cause a copy of the
34 authorization to be given to the physician or hospital, or both, that was in-
35 volved.

36 (5) Oral authorization by the court is sufficient for care or treatment
37 to be given by and shall be accepted by any physician or hospital. No physi-
38 cian or hospital nor any nurse, technician or other person under the direc-
39 tion of such physician or hospital shall be subject to criminal or civil lia-
40 bility for performance of care or treatment in reliance on the court's autho-
41 rization, and any function performed thereunder shall be regarded as if it
42 were performed with the child's and the parent's authorization.