

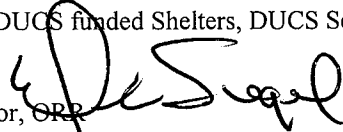


DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
OFFICE OF REFUGEE RESETTLEMENT
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

MAR 21 2008

TO: DUCS Staff, DUCS funded Shelters, DUCS Service Providers

FROM: David Siegel, 
Acting Director, ORR

RE: **Medical Services Requiring Heightened ORR Involvement**

This memo is to inform you of DUCS' current medical policy on medical services and to recommend a change in such policy.

Policy

Serious medical services, including significant surgical or medical procedures, abortions, and services that may threaten the life of a UAC, require heightened ORR involvement and limited decision-making by grantees.

Procedures

When a grantee learns that a UAC has been advised by a doctor to undergo or wishes to seek medical services requiring heightened ORR involvement (i.e., significant surgical or medical procedures, abortions, and services that may threaten the life of a UAC), the grantee must follow the procedures for Significant Incident Documentation and Reporting at section 1.03 and for Medical Services at section 3.04. In addition, the grantee must immediately call the DUCS Director and provide all available details about the situation. If the grantee is uncertain whether a medical service requires heightened ORR involvement, the grantee should call the DUCS Director for guidance.

As the situation progresses, grantees must respond to requests from the DUCS Director for information and updates as soon as possible and no later than within 24 hours of such requests. Grantees are prohibited from taking any actions in these cases without direction and approval from ORR. (Note: This does not include emergency medical situations. Follow procedures at section 3.05 for emergency medical procedures.)

In cases requiring heightened ORR involvement, ORR may contact or may require the grantee to contact the UAC's parent or legal guardian. Depending upon the particular circumstances, ORR (or the grantee at ORR's request) may inform the parent or legal guardian of the UAC's medical situation and ask the parent or legal guardian how he/she wishes the situation to be resolved.

When parental consent is required by State law prior to the administration or provision of medical services or procedures addressed in this policy guidance, the UAC's parent or legal guardian must give consent. Neither ORR nor the grantee may provide consent.¹ If consent from the parent or legal guardian cannot be obtained and the UAC wishes to proceed with the medical services, relevant requirements of state law must be followed.

Each grantee must have and follow documented procedures that follow its respective state law in regard to medical procedures on minors where parental consent cannot be obtained (including instances in which a minor wishes to have an abortion). Also see section 3.04 on Medical Services.

¹ Pursuant to 6 U.S.C. § 279(b)(1)(B), ORR must ensure that "the interests of the child are considered in decisions and actions relating to the care . . ." of a UAC. ORR has not been instructed to act in the "best interests of the child" and therefore defers to individuals (e.g., parents) and institutions (e.g., state courts) that are required to act in the children's best interests in cases where serious medical services are involved.

Medical Related Costs

In instances where the cost of the medical procedure or the medical service exceeds that of routine medical procedures, the grantee must obtain prior approval in writing from ORR before the procedure is conducted or the service is provided.

Approval to cover the related costs in no way implies consent to conduct the procedure or provide the service when consent by a parent or legal guardian is required and cannot be obtained. In such an instance, as stated above, respective state law must be followed.

ORR funds may not be expended for an abortion, except in a case where:

- (1) the pregnancy is the result of an act of rape or incest; or
- (2) a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.²

In addition, ORR funds may not be used for legal services or court costs related to the case of a UAC seeking an abortion through a state judicial bypass procedure.

² See section 507 and 508 of Title II of Division G of Public Law 110-161, "The Consolidated Appropriations Act, 2008."