

## **Re: Information for Families where Parents/Legal Guardians are Separated/Divorced**

Dear Parent/Legal Guardian,

To best support your child and your family, it is important for us to collect certain information from you. This information sharing and partnership is to ensure staff know how to best communicate with you and understand how you make decisions for your child. To achieve this shared goal in partnership we have a list of expectations:

### **Legal Issues & Substitute Decision Making:**

**Please provide the Hospital with a copy of the most current agreement and/or court order regarding custody and access also referred to as decision making responsibility and parenting time.**

It is your responsibility to provide the most current or updated agreement and/or court order regarding custody and access information when a referral is made or when an appointment is booked. Our staff will ask you questions like: who the child lives with, who makes health care decisions and who to call for appointments. This will allow us to serve you in the best way possible. Without this information we follow the hierarchy for substitute decision makers meaning both parents/legal guardians have equal rights around decision making, custody and access.

When healthcare decisions must be made, and the staff has determined the client does not have capacity to make their own health care decision, we will ensure that the custodial parent/legal guardian has the necessary information to make an informed decision in the Best Interest of the Child. (Please refer to the definition of Best Interests in the Health Care Consent Act, which is the law in Ontario, on the last page of this document)

The most recent agreement and/or court order can be sent to the Health Information Management (HIM) Department by fax, mail, or in person. Email can be used if the parent/guardian is comfortable with sharing the personal information electronically.

Holland Bloorview does not take sides in custody disputes. Please do not engage our staff in these disputes. Staff will not provide letters of support for family court regarding custody or parenting. It is the duty of the staff to focus on the health of your child and will only issue documents related to caring for the health of your child. If staff have significant concerns about a parent/legal guardian's ability to care for their child, they will report their concerns to the appropriate Children's Aid Society, as required by law.

### **Appointments & Information Sharing:**

**It is the responsibility of the parent/legal guardian who schedules the child's ongoing hospital appointments to share this information with the other parent.**



We encourage all parents/legal guardians to be with their children while they are inpatients as well as during clinic visits. If this is not possible, then it is the responsibility of the attending parent to share the information with the parent not in attendance. If this is not possible due to legal reasons, please share this information with your clinician.

We serve a large number of separated families and our clinical staff cannot take time away from client care to duplicate information sharing.

## Visiting the Hospital:

It is essential that the child's hospital experience be supportive, informative, and as stress-free as possible. To achieve this goal, we would encourage parents/legal guardians to use hospital stays and clinic visits to focus on the well-being of their child. Should disagreements arise between parents/legal guardians related to custody and access these should be discussed outside of the hospital property. The primary legal responsibility of Holland Bloorview is to provide high quality, safe and effective care to your child. Parents/legal guardians who cannot accompany their child at the same time, either by court order, or by choice, are asked to work out reasonable arrangements for access by the other parent using the current court orders and/or agreements.

**Thank you for your co-operation to help us achieve the best outcomes for all clients and their families.**

**HIM Department** fax 416-425-5709, Level 5 | 5W165, [releaseofinformation@hollandbloorview.ca](mailto:releaseofinformation@hollandbloorview.ca)



### Addendum

#### **Legal Principles for all Substitute Decision Makers (including parents/legal guardians)**

Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A

#### **Best interests**

(2) In deciding what the incapable person's best interests are, the person who gives or refuses consent on his or her behalf shall take into consideration,

- (a) the values and beliefs that the person knows the incapable person held when capable and believes he or she would still act on if capable; ( note if expressed those wishes after 16 years of age 1996, c. 2, Sched. A, s. 21 (1).)
- (b) any wishes expressed by the incapable person with respect to the treatment that are not required to be followed under paragraph 1 of subsection (1); and
- (c) the following factors:
  - 1. Whether the treatment is likely to,
    - i. improve the incapable person's condition or well-being,
    - ii. prevent the incapable person's condition or well-being from deteriorating, or
    - iii. reduce the extent to which, or the rate at which, the incapable person's condition or well-being is likely to deteriorate.
  - 2. Whether the incapable person's condition or well-being is likely to improve, remain the same or deteriorate without the treatment.
  - 3. Whether the benefit the incapable person is expected to obtain from the treatment outweighs the risk of harm to him or her.
  - 4. Whether a less restrictive or less intrusive treatment would be as beneficial as the treatment that is proposed. 1996, c. 2, Sched. A, s. 21 (2).