



North Carolina Department of Health and Human Services Division of Social Services

325 North Salisbury Street • Raleigh, North Carolina 27603
Courier # 56-20-25

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

Pheon E. Beal, Director
(919) 733-3055

November 18, 2005

Dear County Director of Social Services

**Attention: Child Welfare Supervisors
Child Welfare Workers**

Subject: Using Foster Children as Subjects in Clinical Trials of New Drugs or in Research

As a result of media attention earlier this year relating to the use of foster children as subjects in clinical trials, and the fact that in order to save lives, several foster children in our state in the late 80 s and early 90 s were included in such clinical trials, the Division is providing the following guidance to accompany information issued from ACF.

A County Director of Social Services is the legal custodian of foster children in the director s respective county. N.C.G.S. 7B-903 (2) c. states that the director may, unless otherwise ordered by the court, arrange for, provide or consent to, any medical or surgical care or treatment. For elective medical or surgical care or treatment, however, the director should make reasonable efforts to obtain consent from a parent or guardian of the affected juvenile. In practice, if the juvenile s parent or guardian cannot be located or refuses to consent to medical or surgical care or treatment that is in the child s best interests, including participation in a research protocol, the director should then seek approval and an order from the juvenile court for such care or treatment.

The Administration for Children and Families ([ACYF-CB-IM-05-08](#)) has provided further guidance on this subject. (Attached is a copy of this memorandum that was issued on September 21, 2005.) The Information Memorandum can also be viewed at the ACF website at <http://www.acf.hhs.gov/programs/cb/laws/im/im00index.htm#2005>.

If you have any questions or need clarification, please contact Thomas Smith at 919-733-9465 or at thomas.smith@ncmail.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Ann Lamm".

Jo Ann Lamm, Chief
Family Support and Child Welfare Services Section

Attachment

Cc: Pheon Beal
Sherry Bradsher
Children's Program Representatives
Work First Representatives
Family Support and Child Welfare Services Team Leaders
Local Business Liaisons

FSCWS-53-05