
Aspiranet
~ April 2023 ~
MONTHLY REGULATION TRAINING

**COVID-19 VACCINATION ELIGIBILITY
FOR MINOR FOSTER CHILDREN 6 MONTHS OF AGE AND OLDER**

Community Care Licensing released the following information on March 17, 2023 regarding COVID-19 vaccination:

The Food and Drug Administration approved the Pfizer COVID-19 Vaccine for emergency use in children 6 months of age and older. Based on this approval and the Centers for Disease Control (CDC) and Prevention's recommendations, California has authorized the COVID-19 vaccine, which is recommended by the American Academy of Pediatrics, **for children 6 months of age and older.**

The vaccines for children ages 6 months to 4 years come in a lower dose than those used for children 5 to 11, which were already reduced from the dosages for individuals 12 years and older. Like the vaccine for adults and teens, it also will be given in a minimum of 2 doses, typically 4 weeks apart. Boosters may be recommended on a routine basis within six months of receiving the second dose and/or in subsequent years depending on whether the individual is immunocompromised.

As a reminder, current Health & Safety and Welfare & Institution Codes state that vaccinations are considered ordinary care for which resource parents are able to provide consent for minor children in foster care receiving the Pfizer COVID vaccine.

However, some counties have implemented their own specific policies regarding COVID vaccination consent. Therefore, all resource parents are *requested to contact your Aspiranet Social Worker* prior to taking a child or youth in your care to receive COVID vaccination. Your Aspiranet Social Worker can then make contact with the County Social Worker to determine if any further county protocols are needed regarding vaccination. In addition, it is important that the County Social Worker confirms there are no current court orders that may impact consent for COVID vaccination for a child or youth.

As a reminder, any youth 18 or older is able to consent to COVID-19 vaccination and consultation with the County Social Worker is not needed prior to vaccination.

FREQUENTLY ASKED QUESTIONS & ANSWERS

The questions and answers below only apply to minor foster youth 6 months of age up to the age of 18 years:

Q: What is the policy for COVID-19 vaccinations if a minor in foster care requests to be vaccinated?

A: HSC Section 1530.6 and WIC Section 16519.57 state that vaccinations are considered ordinary care, and as such, may be consented to by the parent, legal guardian, or by the foster caregiver unless there is a court order to the contrary. For any eligible youth who is not currently vaccinated for COVID-19, and for whom neither the parent nor the caregiver have provided consent, the caseworker may want to consider scheduling a conversation with the parent, caregiver, and the youth's public health nurse, health care provider, and/or other qualified medical professional to discuss vaccination.

Q: Can youth (minors) in foster care make the decision to get vaccinated?

A: While it is important the foster youth be engaged in the discussion regarding getting a COVID-19 vaccine shot when age or developmentally appropriate, adult consent is required until the foster youth reach 18 years of age. If the parent, foster caregiver, or congregate care provider disagrees and doesn't consent to the youth getting vaccinated, the caseworker should work with all parties to see if an agreement can be reached. The youth or the youth's advocate may also seek the advice of their legal counsel consistent with the Foster Youth's Bill of Rights; youth have the right to access and receive medical care with reasonable promptness that meets the needs of the child, to have diagnoses and services explained in an understandable manner, and to participate in decisions regarding health care treatment and services.

Q: Can a foster caregiver make the decision to have a youth in foster care vaccinated?

A: Yes, if there are no conflicting court orders. Based upon HSC Section 1530.6 and WIC Section 16519.57, a foster caregiver may consent to a vaccine, but do not have the ability to object to vaccines. Foster caregivers are required to provide adequate medical care and treatment to the youth in their care. CCL standards require a resource family to consult with a physician, request adequate and practical written instructions, and to provide healthcare in accordance with those written instructions. Additionally, foster youth have a right to access and receive medical care that meets the needs of the child [WIC 16001.9(22)(A)]. As such, the foster caregivers should be consulting with the physician and following the directives of the physician. Consent from the youth over the age of 12 and a parent or foster caregiver where a court order has not removed their authority to make medical decisions for the foster youth is required in order for the foster youth under the age of 18 to be vaccinated.

Q: What happens if a biological parent and a foster caregiver disagree about COVID-19 vaccination?

A: If the court has not limited medical rights, a parent can provide consent to the vaccine. Likewise, unless there is an order to the contrary, a foster caregiver can provide consent to the vaccine. If there is a disagreement, the caseworker should encourage discussions and facilitate conversations with foster youth, parent(s), and caregivers to help them come to agreements. However, if an agreement cannot be reached, either the parent or the caregiver can make a recommendation, by way of JV-290 Caregiver Information Form, that the court make an order regarding the vaccination. For instance, the parent can ask the court to remove the authority from the foster caregiver to consent to the vaccine, or the foster caregiver can recommend the court override the parent's vaccination decision. However, absent an order from the court barring the foster caregiver from making that decision, the foster caregiver is legally authorized to give consent.

Q: Can a school delay enrollment if a foster youth does not have their COVID-19 vaccine?

A: No. Per Education Code 48853.5 (f)(8)(A) & (B), when there is agreement that the youth's best interests are served by transfer to a school other than the school of origin, the new school cannot delay enrollment if a foster youth is unable to produce proof of immunization or vaccination status. Please refer to local school districts regarding evolving COVID-19 vaccination policies.

Q: What happens if there is a conflict between the foster youth's educational needs and their vaccination status?

A: If disagreements arise regarding vaccination status and the impact on the foster youth's education, the caseworker should work with all parties, including the education rights holder, the caregiver, and

the parent, to see if an agreement can be reached. The youth or the youth's advocate may also seek the advice of their legal counsel.

Q: Is additional information available about COVID-19 vaccine booster shots for children and youth?

A: As of September 8, 2022, the CDC recommends everyone stay up to date with COVID-19 vaccination, including all primary series doses and boosters for their age group:

- Children ages **6 months through 4 years** should get all COVID-19 primary series doses.
- Children ages **5 years and older** should get all primary series doses, and the booster dose recommended for them by CDC, if eligible.
- Children ages **5 years to 11 years** are currently recommended to get the **original (monovalent) booster**.
- People ages **12 years and older** are recommended to receive one **updated Pfizer or Moderna (bivalent) booster**. This includes people who have received all primary series doses and people who have previously received one or more original (monovalent) boosters.
- Children aged **12 years to 17 years** can only receive the **updated Pfizer bivalent booster**.

Please consult with the child's doctor about recommended COVID-19 vaccination for their age and health status.

As always, reach to your Aspiranet Social Worker should you have questions or concerns.

Please sign and return this page to your Aspiranet Social Worker for training credit.

My signature below indicates that I have completed the April 2023 "COVID-19 Vaccination for children 6 month & above".

Signature Resource Parent #1

Date

Print Name Resource Parent #1

Signature Foster Resource #2

Date

Print Name Resource Parent #2

Aspiranet Authorized Signature

Date

Training credit: ____ minutes