**Child Welfare Practice Guidance during COVID-19 Crisis- COVID-19 Vaccination Guidance for Children and Youth in the Custody of Local Departments of Social Services**

**Purpose**

The purpose of this document is to ensure that child welfare workers are provided guidance regarding the COVID-19 vaccine as it pertains to vaccine eligible youth in foster care.

- **August 23, 2021, FDA-approved the Pfizer-BioNTech COVID-19 vaccine (being marketed as COMIRNATY) as a 2- dose series for the prevention of COVID-19 in individuals 16 years of age and older.**
- **Pfizer-BioNTech COVID-19 vaccine continues to be available under EUA for the prevention of COVID-19 in individuals 12 through 15 years and as an additional dose in individuals 12 and over with moderate to severe immunocompromise.**
- **Moderna and Janssen (J&J) are authorized only for adults (18 years and older) at this time.**
- **North Carolina Session Law 2021-110 Section 9 changed the minor's consent law for vaccines granted emergency use authorization (EUA).** SECTION 9. G.S. 90-21.5 reads as rewritten: "§ 90-21.5. Minor's consent sufficient for certain medical health services. (a) Any Subject to subsection (a1) of this section, any minor may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services for the prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional disturbance. This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-223.
  (a1) Notwithstanding any other provision of law to the contrary, a health care provider shall obtain written consent from a parent or legal guardian prior to administering any vaccine that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual under 18 years of age.
  (b) Any minor who is emancipated may consent to any medical treatment, dental and health services for himself or for his child."

**Guidance for Permanency Planning**

Currently, youth in foster care age 12 years and above are eligible to receive the Pfizer COVID-19 vaccine. The COVID-19 vaccine is not required by state immunization rules or laws.

**Consent**

**Starting August 20, 2021, North Carolina Session Law 2021-110 Section 9 requires health care providers to "obtain written consent from a parent or legal guardian prior to administering any vaccine that that has been granted emergency use authorization and is not yet fully approved by the United States Food and Drug Administration to an individual under 18 years of age."** However, on August 23, 2021, the Pfizer-BioNTech COVID-19 vaccine (marketed as COMIRNATY) received full FDA approval for use in individuals 16 years and older. **According to SL 2021-110, 16 and 17 year old individuals have the legal authority to consent to receive the Pfizer-BioNTech COVID-19 Vaccine (COMIRNATY) if they demonstrate the decisional capacity to do so**. Decisional capacity is a person's ability to understand their health and health care needs and options, and to make decisions about them.

Pfizer COVID-19 vaccine continues to be available under emergency use authorization for the following:

- use in individuals ages 12-15 years old and
- Those 12 and over who may be eligible for an additional dose due to certain immunocompromised conditions.

**Therefore, children who are 15 years or younger and youth under age 18 receiving an additional dose if immunocompromised must have written consent prior to receiving the COVID-19 vaccine**.

Prior to arranging for a child in its custody to receive the COVID-19 vaccine, a local Department of Social Services should review NC General Statutes 7B-505.1 and 90-21.5 which address medical consent issues for minors. Local Departments of Social Services should consult with their attorneys to determine if any legal action should be taken in cases where parental consent is not obtained.

A local Department of Social Services must consult with the child's treating health care provider for medical advice prior to COVID-19 vaccine administration to determine if there are any considerations associated for the youth based upon the youth's individual medical history. A local Department of Social Services will need to be prepared to provide the necessary information to complete the **CDC pre-vaccination checklist** for the COVID-19 vaccine to be administered to the youth.

If a local Department of Social Services obtains the legal authority for a foster child to receive a COVID-19 vaccine, then it should provide the Fact Sheet for Recipients and Caregivers, which includes essential information about the vaccine, to the child, parent providing consent (if applicable), and current placement provider for the child. This required fact sheet for recipients and caregivers is available on the Pfizer and FDA websites: Fact Sheet for Recipients and Caregivers[1]. North Carolina's COVID-19 Vaccines: Take your best shot against COVID-19[2] , the https://covid19.ncdhhs.gov/teenvaxfacts, **https://covid19.ncdhhs.gov/vacunasparajovenes** , and the NC DHHS COVID-19 Response Team site also contain helpful information about the vaccine for youth and birth parents.

For children in residential care settings that are in the custody of a local Department of Social Services, a blanket authorization for medical treatment and services should not be used as authorization for a child to receive the COVID-19 vaccine. A local Department of Social Services should only authorize for the arrangement and consent to the administration of a COVID-19 vaccine once it has obtained the appropriate written consent if required or if the child has decisional capacity to consent and does so.

Local Departments of Social Services and residential child care providers must document in the child's record:

- Its legal authority to arrange for and consent to the vaccination (written consent from parent guardian or youth providing consent)
- Discussion with the child's healthcare provider

**Accessing the COVID-19 Vaccine**

[1] https://www.cvdvaccine.com/
[2] download (ncdhhs.gov)

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Here are strategies for how to locate a COVID-19 vaccination;

- The best place is to look at the NC DHHS Find A Vaccine Portal.
- You can also call the NC DHHS COVID-19 Vaccine Help Center 1-888-675-4567**.** It's a free call.
- Another place to contact is the local county health department. There are also vaccines available at local pharmacies and more primary care offices are starting to carry COVID-19 vaccine.
- A local vaccine provider can help a youth get his/her/their shot.
- Please confirm that the vaccination site has Pfizer COVID-19 vaccine available for those individuals under 18 years of age.

**Private child placing agency and Residential Child Care Provider Guidance**

To ensure all protocols in the Guidance for Permanency Planning section above are followed, private child placing agency and residential child care providers should communicate any requests made for the eligible minor to be vaccinated with the child welfare worker assigned to the child from the local Department of Social Services so that it can be determined if the local Department of Social Services can consent to the vaccine.

**Resources**

COVID-19 Vaccine Information | NC DHHS COVID-19
NC Vaccine Finder

**Additional Considerations**

It is expected that for most teens, information about vaccination will be shared with parents and guardians and parental/guardian consent will be obtained for COVID-19 vaccination for youth under age 18 in cases where the parents retain their parental rights.

As stated above, local Departments of Social Services must consult with the minor's health care provider for medical advice to determine considerations associated with the COVID-19 vaccine based on the minor's individual medical history. If appropriate, parents should be invited to participate in the COVID-19 vaccination appointment.