

GOVERNMENT OF THE DISTRICT OF COLUMBIA



Child and Family Services Agency

Administrative Issuance: CFSA-21-2

TO: CFSA staff, private provider staff, and resource providers
FROM: Ann Reilly, Deputy Director for Program Operations *AR*
DATE: July 2, 2021
RE: Informed Consent for COVID-19 Vaccination for Children Served in Out-of-Home Care

The DC Child and Family Services Agency (CFSA) requires children under 18 years of age to get regularly scheduled vaccines when the vaccines are listed on the Centers for Disease Control and Prevention’s (CDC) recommended vaccination schedule and when the birth parent, or other adult with legal authority to consent to medical care for the child, has provided consent.¹ The CDC recommends that individuals ages 12 years and older should get a COVID-19 vaccination to help protect against the virus. As of the date of this issuance, the COVID-19 vaccine is not a regularly scheduled vaccine and, therefore, CFSA encourages, but does not require, children ages 12 and older to receive the vaccine.

Vaccinations are not considered routine medical care and resource providers are not permitted to consent to the administration of vaccines generally, nor for the COVID-19 vaccine, for a child under 18 years old in the care of CFSA, unless an exception exists, such as the termination of parental rights. Youth ages 18 through 21 are permitted under law to provide consent, unless they are developmentally incapable of doing so.² Effective March 16, 2021, the District law entitled [Minor Consent for Vaccinations Amendment Act of 2020](#), allows children ages 11 to 17 to provide informed consent to vaccination.

This administrative issuance outlines the process for seeking informed consent for the COVID-19 vaccine, for children under 18 years old in CFSA’s care, within the parameters of the [Minor Consent for Vaccinations Amendment Act of 2020](#). For general questions about vaccinations, send an email to CFSA’s Health Services Administration at cfsa.healthservices@dc.gov. Specific questions may be directed to the child’s social worker or nurse care manager if assigned.

Emergency Use Authorization for Vaccines

The COVID-19 vaccines are under Emergency Use Authorization (EUA) by the federal Food and Drug Administration (FDA). The Advisory Committee on Immunization Practices (ACIP) provides advice and guidance to the Director of the CDC regarding use of vaccines and endorses the EUA for the COVID-19 vaccine. On May 10, 2021, the FDA expanded the emergency use authorization for the Pfizer-BioNTech COVID-19 vaccine to include individuals ages 12 and older. On May 14, 2021, the ACIP made an interim recommendation for use of the Pfizer-BioNTech COVID-19 vaccine for individuals ages 12 and older.

For current and future EUAs, CFSA will follow guidance from the CDC, the FDA, and DC Health. (*For further information about CFSA practice, please see the [Administrative Issuance about immunizations for children in foster care](#).*)

Informed Decisions

Vaccine recipients or their caregivers must make the decision to receive a vaccine based on choice, which requires the decision to be voluntary and that the patient has the capacity to understand information and communicate decisions.

¹ The CDC [recommended vaccination schedule](https://www.cdc.gov/vaccines/schedules/easy-to-read/adolescent-easyread.html) is available at <https://www.cdc.gov/vaccines/schedules/easy-to-read/adolescent-easyread.html>.
² Development capability refers to the youth’s ability to consciously recognize, understand, and articulate their understanding in adult terms.

The FDA requires that vaccine recipients or their caregivers receive vaccine-specific EUA information to help them make an informed decision about vaccination. Physicians should provide information to parents and caregivers, and children in a developmentally appropriate way that respects the minor patient's cognitive ability, engaging the child in decision-making to the extent possible, and seeking the child's consent to proposed interventions. Specifically, the vaccination provider must communicate to the individual receiving the vaccine, or their caregiver, information consistent with the "Fact Sheet for Recipients and Caregivers" prior to the individual receiving Pfizer-BioNTech COVID-19 Vaccine.³

Minor Consent for Vaccinations

Under the District law entitled [Minor Consent for Vaccinations Amendment Act of 2020](#), children ages 11 through 17, can provide consent for vaccination and access their vaccination record without parental consent. A parent's use of religious exemption will not remove the minor's right to consent to vaccination. The law provides that a minor, 11 years of age or older, may consent to receive a vaccine if the minor is capable of meeting the informed consent standard, the vaccine is recommended by the United States Advisory Committee on Immunization Practices ("ACIP"), and will be provided in accordance with ACIP's recommended immunization schedule. A minor shall be deemed to meet the informed consent standard if the minor is able to comprehend the need for, the nature of, and any significant risks ordinarily inherent in the medical care. This law does not negate the Agency's ability to first seek parental consent, rather, it provides an avenue for consent when a parent or caregiver does not consent.

Obtaining Consent for COVID-19 Vaccination

1. Parental consent

Unless parental rights have been terminated, the Agency will continue obtaining parental consent for vaccination.

- a. Social workers will ensure that parents receive the share "Fact Sheet for Recipients and Caregivers" before obtaining their consent to ensure they are making an informed decision about their child receiving the COVID-19 vaccine.
- b. When a parent reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall provide the parent the [Informed Consent for the COVID-19 Vaccine form](#) to sign. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- c. Where a parent refuses or is unable to provide consent for the vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

Note: A resource provider may not consent to the administration of the COVID-19 vaccine for a child in CFSA's care. Additionally, a resource provider may not prohibit immunizations of children in care for any reason. See [FAQ documents on Immunizations for Children and Youth in Foster Care](#).

2. Medical decision maker consent

If parental rights are otherwise intact, but a medical decision maker has been designated, the Agency will seek the designee's consent for vaccination.

- a. Social workers will ensure that medical decision makers receive the share "Fact Sheet for Recipients and Caregivers" before obtaining their consent to ensure they are making an informed decision about the child receiving the COVID-19 vaccine.
- b. When a medical decision maker reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall provide the [Informed Consent for the COVID-19 Vaccine form](#) to sign. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- c. Where a medical decision maker refuses to provide consent for the vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

³ COVID-19 Emergency Use Authorization Recipient and Caregiver Fact Sheets for the Pfizer-BioNTech COVID-19 vaccine, in various languages, can be found on the FDA website at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/pfizer-biontech-covid-19-vaccine>.

3. Agency consent

Where parental rights have been terminated, the Agency will seek the primary care provider's assistance in obtaining the child's informed consent for vaccination.

- a. Social workers shall ensure a visit (in-person or virtual) occurs with the child and the primary care provider as appropriate to determine the medical necessity of the COVID-19 vaccine for the child.
- b. Social workers will ensure that age and developmentally appropriate information about the COVID-19 vaccine is provided to the child by the primary care provider. This information must be shared with the child before the vaccine is administered to the child. The primary care provider must confirm that the child understands that they are making an informed decision about their consent to receive the vaccine.
- c. When the child reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall ensure that the child signs an [Informed Consent for the COVID-19 Vaccine form](#), whether provided by the primary care provider or CFSA. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- d. If the child consents, the primary care provider will be responsible for arranging and administering, recommending, or prescribing the vaccine.
- e. Where a youth refuses to provide consent for the vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

4. Children ages 11 through 17⁴

If a child, age 11 through 17, requests to be vaccinated against COVID-19, and the Agency has not obtained parental consent, CFSA will ensure that the child meets with their primary care provider.

- a. Social workers will ensure that age and developmentally appropriate information about the COVID-19 vaccine is provided to the child by the primary care provider. This information must be shared with the child before the vaccine is administered to the child. The primary care provider must confirm that the child understands that they are making an informed decision about their consent to receive the vaccine.
- b. When a child reviews and understands information about the COVID-19 vaccine and agrees to consent, the social worker shall ensure that the child signs an [Informed Consent for the COVID-19 Vaccine form](#), whether provided by the primary care provider or CFSA. A copy of the form must be kept in the child's case file and shall be documented in FACES.net.
- c. If the child consents, the primary care provider will be responsible for arranging and administering, recommending, or prescribing the vaccine.
- d. Where a youth refuses to provide consent for vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

Note: The Agency may transport or make transportation arrangements for the child to the location where the vaccine will be administered if it is not at the primary care provider's location.

5. Youth ages 18 through 21

Youth, who are of age and developmentally capable, may consent to vaccination.

- a. Social workers will ensure that youth receive the share "Fact Sheet for Recipients and Caregivers" before obtaining their consent to ensure they are making an informed decision about receiving the COVID-19 vaccine.
- b. When a youth reviews information about the COVID-19 vaccine and agrees to consent, the social worker shall provide the [Informed Consent for the COVID-19 Vaccine form](#) to sign. A copy of the form must be kept in the youth's case file and shall be documented in FACES.net.
- c. Where a youth refuses to provide consent for vaccination, the social worker shall document their efforts to obtain consent in FACES.net.

⁴ At the time of publishing of this issuance, the Pfizer/BioNTech vaccine is only authorized for use in children age 12 and older. It is expected that the vaccine will be approved for children under 12, and at that time, children aged 11 may also provide informed consent for the vaccine.