
Aspiranet
~ May 2021 ~
Monthly Regulation Topic

COVID-19 VACCINE ELIGIBILITY FOR 16-17 YEAR OLD YOUTH IN FOSTER CARE

On April 29, 2021, the California Department of Social Services provided the following information regarding 16-17 year old youth receiving COVID vaccination:

On April 15, 2021, children, including youth in foster care, who are 16 years of age or older became eligible for COVID-19 vaccines statewide. Vaccinations are considered “ordinary treatment” according to Health and Safety Code (HSC) section 1530.6 and Welfare and Institutions Code (WIC) section 16519.57, and therefore, an approved resource parent may consent to vaccinations for a foster youth without a need for a court order. However, please consult with your Aspiranet Social Worker before consenting, as it is for consultation with the youth’s County Social Worker to occur in order to review all court orders for each youth to ensure that specific orders were not made regarding general medical care, vaccinations, or a COVID-19 vaccination specifically, which could require additional steps be taken prior to a youth receiving a COVID-19 vaccine.

For youth 18 and older, (Non-minor Dependents) have reached the legal age of majority and therefore have all of the legal decision-making authority as any other adult, including privacy regarding their medical conditions and the right to consent to receive treatment, including the ability to consent to COVID-19 vaccinations.

The following questions and answers below only apply to minor foster youth 16 -17 years:

FREQUENTLY ASKED QUESTIONS & ANSWERS

Q: What is the policy for COVID-19 vaccinations if a youth 16 or 17 years of age 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 therefore vaccination may be given with consent by the resource parent.

Q: Can 16-17 year old youth 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, until the foster youth reaches 18 years of age and becomes a legal adult, the decision to get a COVID-19 vaccination is not solely up to the youth. If a youth in foster care wants to get the COVID-19 vaccine, social workers, resource parents, and birth parents should talk to the youth about their desire to be vaccinated and come to a mutual agreement regarding a plan for vaccination. If the birth parent or resource parent disagrees and doesn’t consent to the youth getting vaccinated, the youth may want to seek the advice of their legal counsel.

Q: Can a resource parent 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 resource parent may consent to a vaccine. Consent from the resource parent, or birth parent 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. However, the foster youth **cannot** be forced to accept the COVID-19 vaccine if they do not wish to be vaccinated.

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

A: The social worker should encourage CFT discussions and facilitate conversations with foster youth, birth parent(s), and resource parents to help them come to agreements. However, if an agreement cannot be reached, a birth parent can petition the court to remove the authority to consent to vaccines from the resource parent. However, without an order from the court barring the resource parent from making that decision, the resource parents is legally authorized to give consent.

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

My signature below indicates that I have completed the May 2021 "COVID-19 Vaccination Eligibility for Youth 16-17 years old in Foster Care" training.

Signature Foster Parent #1

Date

Print Name Foster Parent #1

Signature Foster Parent #2

Date

Print Name Foster Parent #2

Aspiranet Authorized Signature

Date

Training credit: ____ minutes