

May 14, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY INFORMATION NOTICE NO. I-42-21  
PROVIDER INFORMATION NOTICE NO. 21-18-CRP**

This All County Information Notice (ACIN) and Provider Information Notice (PIN) provides county child welfare agencies, Title IV-E Agreement Tribes, juvenile probation departments, children's residential licensees and providers, resource families, and tribally approved homes with updated guidance and instructions regarding COVID-19 vaccination eligibility for minor foster youth 12 years of age and older. This ACIN/PIN supersedes ACIN I-34-21 and PIN 21-16-CRP.



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

May 14, 2021

ALL COUNTY INFORMATION NOTICE NO. I-42-21 (**Supersedes ACIN I-34-21**)  
PROVIDER INFORMATION NOTICE 21-18-CRP (**Supersedes PIN 21-16-CRP**)

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY MENTAL HEALTH DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL INDEPENDENT LIVING PROGRAM MANAGERS  
ALL INDEPENDENT LIVING PROGRAM COORDINATORS  
ALL TRANSITIONAL HOUSING COORDINATORS  
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS  
ALL CDSS ADOPTION REGIONAL OFFICES  
ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES  
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS  
HOMES CERTIFIED/APPROVED BY A FOSTER FAMILY AGENCY  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: GUIDANCE REGARDING COVID-19 VACCINATION ELIGIBILITY FOR MINOR FOSTER YOUTH 12 YEARS OF AGE AND OLDER

REFERENCE: HEALTH & SAFETY CODE § [1530.6](#); WELFARE AND INSTITUTIONS CODE § [16519.57](#); GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY, [MARCH 4, 2020](#); [ACIN I-34-21](#); AND [PIN 21-16-CRP](#)

The purpose of this dual All County Information Notice (ACIN) and Provider Information Notice (PIN) is to provide county child welfare agencies, Title IV-E Agreement Tribes, juvenile probation departments, children's residential licensees and providers, resource families, and tribally approved homes with guidance regarding COVID-19 vaccination eligibility for minor foster youth 12 years of age and older. This ACIN/PIN supersedes [ACIN I-34-21](#) and [PIN 21-16-CRP](#) and provides updated guidance regarding the age at which minor youth in foster care may receive a COVID-19 vaccine (12 years of age and older instead of 16 years of age and older).

## **COVID-19 VACCINE ELIGIBILITY FOR YOUTH IN FOSTER CARE 12 YEARS OF AGE OR OLDER**

On May 10, 2021, the Food and Drug Administration approved the Pfizer-BioNTech COVID-19 Vaccine for emergency use in children 12 years of age and older. Based on this approval and the Centers for Disease Control and Prevention's updated [recommendations](#), California has authorized the COVID-19 vaccine for children 12 years of age and older, as outlined in its vaccination plan [here](#).

Vaccinations are considered "ordinary treatment" pursuant to Health and Safety Code (HSC) section [1530.6](#) and Welfare and Institutions Code (WIC) section [16519.57](#), and therefore, a licensed or approved foster caregiver or residential care provider (facility administrator or their designee) may consent to vaccinations for a foster youth<sup>1</sup> without a need for a court order. However, it is important 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 measures be taken prior to the provision of a COVID-19 vaccine.

It is important for caseworkers to engage caregivers, parents, and youth in discussions about the COVID-19 vaccine. The foster care Public Health Nurses (PHNS) should also be included as they can provide critical health education regarding vaccination safety, efficacy, resources and support the youth through the process. Vaccine discussions should also be a part of Child and Family Team meetings (CFT) to ensure that youth, parents, caregivers, and other important supportive adults have the opportunity to work together to make decisions about the COVID-19 vaccine.

For the purpose of this notice, "foster caregiver" includes all home-based foster caregivers, such as resource families, certified family homes, and tribally approved homes, as well as children's residential providers, such as short-term residential therapeutic programs (STRTPs), transitional housing placement programs, and group homes. For children's residential providers, the facility administrator or their designee must be the one authorizing or consenting to the COVID-19 vaccine for the foster youth in their care.

Nonminor dependents have reached the legal age of majority (18 years of age or older) 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. Therefore, the

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<sup>1</sup> For the purpose of this notice, "foster youth" includes minor dependents and wards who are 12 years of age and older, both child welfare and probation supervised.

questions and answers below only apply to minor foster youth 12 years of age and older.

## **FREQUENTLY ASKED QUESTIONS & ANSWERS**

Q: What is the policy for COVID-19 vaccinations if a minor youth 12 years of age or older 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, are subject only to consent by the foster caregiver.

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, 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, caseworkers, caregivers, and 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 parent or foster caregiver 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 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. Consent from the adult foster caregiver, or 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.<sup>2</sup>

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

A: The caseworker should encourage CFT discussions and facilitate conversations with foster youth, parent(s), and caregivers to help them come to agreements. However, if an agreement cannot be reached, a parent can petition the court to remove the authority to consent to vaccines from the foster caregiver. However, absent an order

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<sup>2</sup> WIC § [16001.9](#)

from the court barring the foster caregiver from making that decision, the foster caregiver is legally authorized to give consent.

### **ADDITIONAL COVID-19 VACCINE INFORMATION**

California provides vaccination appointment information at <https://myturn.ca.gov/>. For additional information, please see CDPH's [Provider Bulletin](#) or any of the following resources:

- American Academy of Pediatrics COVID-19 Clinical Guidance Q& A  
<https://services.aap.org/en/pages/covid-19-clinical-guidance-q-a/>
- Centers for Disease Control and Prevention (CDC) Guidance COVID-19  
<https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/index.html>
- Administration for Children and Families COVID-19 Response and Resources  
<https://www.acf.hhs.gov/coronavirus#chapter-3>
- CDC COVID-19 Frequently Asked Questions  
<https://www.cdc.gov/coronavirus/2019-ncov/faq.html>
- CDPH COVID-19 website  
<https://www.cdph.ca.gov/>

If you are a Title IV-E placing agency and have any questions or need additional guidance regarding the information in this ACIN, please contact the Placement Services Support Unit at (916) 657-1858 or [CFSD@dss.ca.gov](mailto:CFSD@dss.ca.gov). If you are a licensee and have any questions or need additional guidance regarding the information in this PIN, please contact the appropriate [Children's Residential Regional Office](#) or the Children's Residential Program Policy Bureau via email at [CRPOPpolicy@dss.ca.gov](mailto:CRPOPpolicy@dss.ca.gov).

Sincerely,

### ***Original Document Signed By***

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Community Care Licensing Division