

April 29, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

**ALL COUNTY INFORMATION NOTICE NO. I-34-21
PROVIDER INFORMATION NOTICE NO. 21-16-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 foster youth 16 years of age and older.



KIM JOHNSON
DIRECTOR

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

April 29, 2021

ALL COUNTY INFORMATION NOTICE NO. I-34-21
PROVIDER INFORMATION NOTICE 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 YOUTH 16 AND 17 YEARS OF AGE IN FOSTER
CARE

REFERENCE: HEALTH & SAFETY CODE § [1530.6](#); WELFARE AND
INSTITUTIONS CODE § [16519.57](#); GOVERNOR'S
PROCLAMATION OF A STATE OF EMERGENCY, [MARCH 4,](#)
[2020](#); ALL COUNTY LETTERS [20-25](#); [20-28](#); [20-31](#); and [20-33](#)

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 16 years of age and older.

COVID-19 VACCINE ELIGIBILITY FOR YOUTH IN FOSTER CARE 16 YEARS OF AGE OR OLDER

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” 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 youth¹ 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 questions and answers below only apply to minor foster youth 16 years of age and older.

¹ For the purpose of this notice, “foster youth” includes dependents and wards who are 16 and 17 years of age, both child welfare and probation supervised.

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 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.²

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

² WIC § [16001.9](#)

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. 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.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ, Deputy Director
Children and Family Services Division

KEVIN GAINES, Deputy Director
Community Care Licensing Division