

**Frequently Asked Questions:
COVID-19 Immunizations of Children in Care of a Child and Family Services
Agency, Aged 12-17**

1. What children are eligible to receive a COVID-19 vaccine?

- Effective May 14, 2021, all youth aged 12 and up are eligible to receive the Pfizer COVID-19 vaccine.

2. Who may book an appointment for children in care eligible to receive a COVID-19 vaccine?

- Appointments can be booked on behalf of a child in care by the Child and Family Services (CFS) agency or direct care provider, such as foster parents or group care staff.
- A child can also be supported to book the appointment for themselves, especially if they are able to give consent.

3. Can a youth 16 years of age or older give consent?

- If the youth is age 16 or older, and regardless of the child's legal status, they are presumed to be able to consent to the administration of the COVID-19 vaccine themselves. Manitoba's COVID-19 Vaccine Consent Form should be completed and the youth may sign it as the client.
- Despite being 16 years of age or older, if the youth is likely to be assessed by the vaccine providers as unable to understand the nature and effect of the information provided to them, or unable to appreciate the consequences of the decision, the youth's parent or legal guardian will need to consent on the youth's behalf (see information provided at #5 below).

4. Can a youth under the age of 16 years give consent?

- If the youth is under the age of 16, they may be considered a mature minor if (when assessed by the vaccine provider) they are reasonably believed to be able to understand the nature and effect of information about the vaccine provided to them and able to appreciate the consequences of the decision. If a youth is such a mature minor, they can consent to the administration of the COVID-19 vaccine themselves. Manitoba's COVID-19 Vaccine Consent Form should be completed and the youth may sign it as the client.
- If the youth is not such a mature minor, the youth's parent or legal guardian will need to consent on the youth's behalf (see information provided at #5 below).

5. When and who gives consent on the youth's behalf?

Is the child in the care of a CFS Agency due to an apprehension or a voluntary placement agreement?

- Where a child cannot consent for themselves, and if the CFS Agency is not the legal guardian of the child, the child's parent or legal guardian must provide the required consent. Manitoba's COVID-19 Vaccine Consent Form should be completed and the child's parent or legal guardian must sign it.
- Where no parent or guardian is available (after reasonable efforts to locate them), the CFS agency may confirm that the vaccine is recommended by a duly qualified medical practitioner. If the vaccine is so recommended, the CFS agency may consent on behalf of the child in care, in accordance with s. 25(1) of *The Child and Family Services Act*. It is recommended that the views and preferences of the child be considered by the CFS agency, where they can reasonably be ascertained.
- A parent's or guardian's refusal to consent is not the same as not being available and should be respected.
- Even if the child cannot consent for themselves, if they are 16 years of age or older, the CFS agency cannot consent on the youth's behalf unless the youth consents, in accordance with s. 25(2) of *The Child and Family Services Act*.
- Should a CFS agency want to challenge a refusal by a parent/guardian, or child over 16, it is recommended that the agency consult with legal counsel to determine what steps may be taken (application to court, for example).

Is the CFS agency the legal guardian of the child pursuant to a guardianship order (permanent or temporary) or voluntary surrender of guardianship?

- Where the child cannot consent for themselves, and as legal guardian of the child in care, the CFS agency must provide the required Guardian Agency Letter to Immunizer completed and signed by an authorized representative of the CFS agency; and it must be accompanied with a completed Manitoba COVID-19 Vaccine Consent Form which can be signed by the CFS Guardian agency representative or the alternate caregiver (foster parent, group care provider).

6. What documents should a child in care have with them to present to the immunizer?

- A completed and signed Manitoba COVID-19 Vaccine Consent Form.
- A completed and CFS representative signed Guardian Agency Letter to Immunizer, if a CFS agency is the child's legal guardian.
- Health Card or health card numbers.

7. Do the views of the child have to be considered in making the immunization decision?

- As for all decisions made by CFS agencies in respect of their children in care, the best interests' analysis requires the CFS agency to consider the views and preferences of the child where they can reasonably be ascertained.
- The CFS agency may and is encouraged to engage the child's family in this process, however it is not required unless the parent retains legal guardianship.

8. Can consent be withdrawn?

- At any time, an individual or a minor's parents/legal guardian can withdraw previous consent for a single vaccine or a series of vaccines.

9. What records should the CFS agency make or maintain?

- Consents must be obtained in writing, and copies made for the CFS agency's files.
- Where a child in care receives a COVID-19 vaccination, the immunization window should be completed on CFSIS and the consent forms saved to the child in care file.
- If consent for vaccination is refused by a child, parent or guardian, a detailed note of both the consent discussion and the refusal should be made in the CFSIS child in care record.
- Documentation that an individual or parent/legal guardian is withdrawing consent should be completed in the child in care CFSIS file. Additionally, a detailed note on the consent withdrawal discussion should be recorded.
- For youths able to consent to vaccination themselves, and while it may be encouraged, they are not required to share this information with the CFS agency as it is protected personal health information under *The Personal Health Information Act*.

For more information on vaccines including appointment bookings please see the Manitoba COVID-19 website at: <https://www.gov.mb.ca/covid19/vaccine/index.html>.