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Policy: Consent for COVID-19 Immunization of Children in Care

Purpose:

The purpose of this policy is to provide guidance to the Child and Family Services (CFS) sector responsible for the care of children who are now eligible to receive publically funded COVID-19 vaccines in the Manitoba Immunization Program regarding the consent requirements connected with vaccination.

Preamble:

A vital component of any immunization program is an open and informed decision-making partnership between the immunization provider and the vaccine recipient (or his/her parent/legal guardian). In instances where the child is in the care of a CFS agency, the immunization provider must ensure that the person giving consent is legally able to do so. This partnership forms the basis of the informed consent required prior to vaccines being administered. For all vaccine programs in Canada, clear vaccine risk and benefit disclosure are essential to avoid confusion, promote the integrity of the consent process and build trust in the vaccine program and the vaccine itself. Informed consent is derived from the *Patient's Bill of Rights* (Canada), the *Informed Consent Guidelines for Immunizations* (Manitoba), *The Public Health Act* (Manitoba) and *The Healthcare Directives Act* (Manitoba).

Informed Consent Guidelines:

“the need to obtain informed consent prior to an immunization is based on the principle that a client is autonomous and has the right to determine what happens or does not happen to them.”

Section D of the Informed Consent Guidelines for Immunizations states:

Consent if a client is a child

If the patient is a child, the information from section A (risks and benefits) must be given to the child's parent or guardian if the child:

- *is under 16 years of age,*

- *unless the immunization provider reasonably believes the child is able to understand the nature and effect of the information and is able to appreciate the consequences of a decision; or*
- *is 16 years of age or older, if the immunization provider reasonably believes the child is not able to understand the nature and effect of the information or able to appreciate the consequences of a decision.*

Informed Consent for Immunization:

To be able to give informed consent to receive a particular vaccine or series of vaccines, the immunization provider must ensure that the recipient and/or parent/legal guardian is informed of the following:

- nature and purpose of the vaccine;
- benefits of the vaccine;
- risks of the vaccine;
- possible consequences if the vaccine is refused;
- the need for follow-up, for example if immunization requires a series of injections;
- information on signs or symptoms of complications and actions to be taken if such symptoms occur; and
- any alternatives (including doing nothing) and their risks.

Procedure for Children in the Care of a CFS Agency:

Effective May 14, 2021, all youth aged 12 and up are eligible to receive the Pfizer COVID-19 vaccine. Appointments can be booked on behalf of a child in care by the agency or direct care provider, such as foster parents or group care staff.

A COVID-19 Vaccine Consent Form (https://www.gov.mb.ca/asset_library/en/covid/covid19_consent_form.pdf) must be completed for all youth attending for vaccinations.

Children in care must bring their signed consent form. Children who may provide their own consent (being under age 16 and a mature minor, or 16 years of age or older and not unable to understand the information provided or the consequences of the decision) may sign the COVID-19 Vaccine Consent Form themselves.

Children in care that cannot provide their own consent must bring a COVID-19 Vaccine Consent Form signed by the child's parent or legal guardian. Where a CFS agency is the child's legal guardian (by court order or voluntary surrender of guardianship), the form may be signed by the caregiver, a CFS worker or other representative of the guardian CFS agency, and should be accompanied by a Guardianship Agency Letter to Immunizer signed by an authorized representative of the agency.

Every child must also bring their Manitoba Health Card to the vaccination site. If a child's medical fragility requires consultation with a doctor, a letter confirming the vaccine is recommended for the child should be obtained and brought to the vaccination site too. **Service provider staff or a support network member can accompany the child in care to assist them at the vaccination site, if required.**

Children in care, who are under a Voluntary Placement Agreement or apprehension, must either be able to give informed consent in accordance with the Informed Consent Guidelines above, or the CFS agency must have the COVID-19 Vaccine Consent Form completed by the parent/legal guardian.

Obtaining Consent and Recording Consent in CFSIS:

Youth Consent:

Consent must be obtained in writing from the youth on Manitoba's COVID-19 Vaccine Consent Form.

In Manitoba all children age 16 and over can provide legal consent, regardless of their CFS in care status, provided the vaccine provider does not believe that the child is not able to understand the nature and effect of the information or able to appreciate the consequences of a decision. Manitoba's COVID-19 Vaccine Consent Form should be signed by the child in care if over the age of 16.

Children under the age of 16 may provide legal consent as mature minors if assessed by the vaccine provider and is reasonably believed to be able to understand the nature and effect of the information provided to them about the vaccine and is able to appreciate the consequences of a decision to take, or refuse, the vaccine. Such mature minors may also sign Manitoba's COVID-19 Vaccine Consent Form.

Upon a youth receiving their COVID-19 vaccination, the vaccination data should be documented in CFSIS in the immunization window, under the child well-being tab. As per *The Personal Health Information Act (PHIA)*, and while it may be encouraged, a youth (mature minor) who has given consent does not have to share this information with the CFS agency.

For children in care pursuant to an apprehension or Voluntary Placement Agreement, should the parent or guardian of the child be unavailable to consent to the vaccination, and section 25(1) of *The Child and Family Services Act* is otherwise applicable, the CFS agency must obtain and document the consent of the child before authorizing or consenting to a vaccination.

Regardless of the legal status of the child, any decisions made by a CFS agency regarding the child continue to be subject to an analysis of the child's best interests, including the views and preferences of the child where they can reasonably be ascertained.

Any former permanent wards that are 18 years of age or older must sign Manitoba's COVID-19 Vaccine Consent Form, or have their substitute decision maker do so, even if they are on an Agreement with Young Adult. A CFS agency cannot provide consent for such adults.

Guardian Consent:

Consent from a parent or the legal guardian is required when:

- The youth is under the age of 16 and is not considered a mature minor. In Manitoba, a mature minor is a child under the age of sixteen (16) who is assessed by the vaccine provider and is reasonably believed to be able to understand the nature and effect of the information provided to them about the vaccine and is able to appreciate the consequences of a decision to take, or refuse, the vaccine.
 - All efforts to work with youth under age 16 with the legal guardian are recommended. However, youth could simply walk in to a vaccine site, and they will be assessed to determine if they are a mature minor.
- A youth over the age of 16 has been assessed by the vaccine provider and is reasonably believed unable to understand the nature and effect of the information provided to them about the vaccine, or unable to appreciate the consequences of a decision to take, or refuse, the vaccine. Examples of such youth may include those known to have significant cognitive delays that impede decision making capabilities.

The legal guardian is required to sign Manitoba's COVID-19 Vaccine Consent Form. If a CFS agency is the child's legal guardian, a Guardian Agency Letter to Immunizer should be signed by an authorized representative of the agency to accompany the Consent Form.

The CFS agency has signing authority as the legal guardian for children in care under a permanent or temporary order of guardianship or a voluntary surrender of guardianship. The Guardian Agency Letter to Immunizer should be signed by the agency representative to accompany Manitoba's COVID-19 Vaccine Consent Form, which may be completed and signed by a CFS worker or direct care provider, such as foster parents or group care staff. It is recommended when possible, family be part of this process, however it is not required. As noted above, the views and preferences of the child should be considered, where they can reasonably be ascertained.

The immunization window should be completed on CFSIS and the consent forms saved to the child in care file.

Parental Permission:

- For children that cannot consent for themselves (i.e. those under 16 who are not mature minors; and those 16 and over unable to understand information

provided or the consequences of a decision), parental/guardian consent is required if they are in care under apprehension status, or under a voluntary placement agreement as section 25 of the CFS Act applies.

- The parent/guardian is required to sign Manitoba's COVID-19 Vaccine Consent Form.

The immunization window should be completed on CFSIS and the consent forms saved to the child in care file.

Refusal of Consent:

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.

CFS agencies must respect the decision of youth who are 16 years or older, in accordance with section 25(2) of *The Child and Family Services Act*. Follow up conversations can occur to ensure youth have all necessary information.

In the event that the consent of a child, parent or (non-agency) guardian is required, and refused, the CFS agency may seek legal advice as to what options may be available for consideration (application to court in accordance with section 25(3) of *The Child and Family Services Act*, for example).

Withdrawal of Consent:

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. 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 of the consent withdrawal discussion should be recorded.