

CIRCULAR

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To: CFS Authorities, CFS Agencies and Community Care Providers

Subject: COVID-19 Vaccinations for children in care aged 5-11

Program(s): All

Type: Policy Standards Amendment For Internal Use Only
 Procedure Regulatory Amendment For Information

Effective Date: Pending Health Canada approval for vaccination of children 5 to 11 years

In Manitoba, children born before December 31, 2009 are already eligible to receive COVID-19 vaccination. In the coming weeks, Health Canada approval for COVID-19 vaccination use in children aged 5-11 years is anticipated. In advance of this decision, the policy on COVID-19 immunization consent has been revised and reflected below.

A vital component of any immunization program is an open and informed decision-making partnership between the immunization provider and the vaccine recipient or in the case of children, the parent/legal guardian. For the consent of a child aged 5-11 years, the information regarding risks and benefits of an immunization program must be given to the child's parent or guardian.

When the COVID-19 vaccine is approved by Health Canada and available in Manitoba for children aged 5-11 years, and once the care provider has a signed consent form immunization 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.

Most children in care aged 5-11 years will not be able to provide their own consent and must bring a COVID-19 Vaccine Consent Form signed by the child's parent or legal guardian before they can be immunized. Where a CFS agency is the child's legal guardian (by court order or voluntary surrender of guardianship), the form may be signed by a CFS worker or other representative of the guardian CFS agency. It is possible that a child (even one under the age of 12) may be assessed by the immunizer as a mature minor able to provide their own consent, or refuse consent. Where the child is considered a mature minor, consent or lack of consent from the child's parent or legal guardian is irrelevant as only the child is able to give consent or refuse consent to receive the vaccine.

A COVID-19 Vaccine Consent Form

(https://www.gov.mb.ca/asset_library/en/covid/covid19_consent_form.pdf) must be completed for all children attending for vaccinations.

Every child aged 5-11 years should also bring their Manitoba Health Card to the vaccination site, or other piece of identification. If no identification is available, they will still be able to receive their vaccination. Service provider staff, foster parents or a support network member can accompany the child in care to assist them at the vaccination site.

For children in care aged 5-11 years who are under a Voluntary Placement Agreement or apprehension, the CFS agency must have the COVID-19 Vaccine Consent Form completed by the parent/legal guardian unless it is anticipated that the child will be assessed by the immunizer to be a mature minor who can provide their own consent.

As per previous direction for youth, a child aged 5-11 years receiving their COVID-19 vaccination, the vaccination data should be documented in CFSIS in the immunization window, under the child well-being tab.

If consent for vaccination is refused by a child assessed to be a mature minor, parent or guardian, a detailed note of both the consent discussion and the refusal should be made in the CFSIS child in care recorded. If a child is fearful and not assessed to be a mature minor, the parent or guardian will share information and support vaccination.

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).

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Appendix A: Frequently Asked Questions: COVID-19 Immunizations of Children in Care of a Child and Family Services Agency, Aged 5-11

Appendix A: Frequently Asked Questions

COVID-19 Immunizations of Children in Care of a Child and Family Services Agency, Aged 5-11

1. Which population of children are eligible to receive a COVID-19 vaccine?

- Currently, all children and youth born on or before December 31, 2009 are eligible to receive the Pfizer COVID-19 vaccine.
- The Pfizer COVID-19 pediatric vaccine for those aged 5 to 11 years is currently under review by Health Canada with approval anticipated in the coming weeks. Once Health Canada authorizes the Pfizer pediatric vaccine for use in Canada, it is expected that the National Advisory Committee on Immunization (NACI) will release a statement with its recommendations for use that will be considered for Manitoba's Pediatric COVID-19 Immunization Program roll out.

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.

3. Can a youth under the age of 12 years give consent?

- While not frequent, children under the age of 12 may be assessed by an immunizer to be a mature minor such that the child's parent or legal guardian will not need to consent on the child's behalf.
- Where a child is assessed by the immunizer to be a mature minor, only the child can consent to receive the vaccine. If the child does not consent to receive the vaccine, regardless of the views of the child's parent or legal guardian, the immunizer cannot administer the vaccine.
- As whether the child will be assessed by the immunizer to be a mature minor cannot be determined in advance of a vaccination appointment, it is recommended that consent of the child's parent or legal guardian be sought.

4. When and who gives consent on behalf of a child who cannot consent for themselves?

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

- Where 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.
- Should a CFS agency want to challenge a refusal by a parent/guardian, 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?

- As legal guardian of the child in care, the CFS agency must provide the completed Manitoba COVID-19 Vaccine Consent Form which can be signed by the CFS Guardian agency worker or representative.
- Only the Manitoba COVID-19 Vaccine Consent form is required.

5. 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.
- Health Card or health card numbers, or other form of identification (in the absence of a Manitoba Health Card). If no identification is available, the child will still be able to receive their vaccination.
- Note: CFS guardian agencies are responsible for ensuring these documents are available and provided to whomever is taking the child to be vaccinated.

6. 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.

7. Can consent be withdrawn?

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

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