



## Office of Children and Family Services

**KATHY HOCHUL**  
Governor

**SHEILA J. POOLE**  
Commissioner

### **UPDATED: Guidance for COVID-19 Vaccine Access for Persons age 5 to 11**

Local departments of social services (LDSS) and voluntary provider agencies (agencies) operating OCFS licensed or certified residential programs including foster care, close to home, detention, homeless youth programs, and domestic violence shelters must prepare for vaccination of any youth in care age 5 or over against the COVID-19 virus. This guidance also applies to LDSS and voluntary authorized agencies regarding foster children residing in certified or approved foster homes and in approved pre-adoptive homes.

This guidance is intended to underscore the expectation that LDSSs and agencies make every effort to engage and assist families in an effort to educate them to the benefits of vaccinating children (as young as 5) against the COVID-19 virus. This guidance also serves to facilitate informed consent in an effort to vaccinate as many youth in care outside of their family homes as possible. Engaging families in understanding the safety and importance of vaccination is particularly critical within historically underserved communities, where medical services may have been distributed inequitably.

#### **Parent/Guardian Engagement**

LDSS and agencies must engage with the parents and guardians of the youth in their care to obtain consent for the administration of the COVID-19 vaccine. Attached to this letter and linked below are several resources which may be useful for engagement with the families of the youth in care, and should be provided to families. The letter template is for example purposes and is optional. All documents can be shared electronically or in hard copy. The communication must become part of the youth's case record.

- [COVID-19 Immunization Consent Form](#)
- [The NYS Department of Health updated Guidance for: Vaccination of Children Ages 5-11](#)
- [The NYS Department of Health FAQs](#)
- [An optional use letter template for contacting parents or guardians](#)

#### **Parent/Guardian Consent**

The consent form is a detailed form issued by the NYS Department of Health (DOH). Once complete, this form must be a permanent part of the youth's medical record. A parent or guardian with legal authority to consent to the medical care of the youth must sign the form for their youth to be eligible to receive the COVID-19 vaccine. It is important that the applicable LDSS or agency is prepared to provide assistance needed for a parent or guardian to understand or complete this form.

The consent form may be sent to parents and guardians electronically or in hard copy and may be returned to the applicable LDSS or agency in hard copy or electronically. It is incumbent upon the LDSS or agency to work with families to get this information to them in the manner most likely to allow

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a timely response. When received, the consent form must be made part of the youth's permanent record.

### **Youth Engagement**

LDSSs or agencies (if the LDSS delegates responsibility to the agency) must provide each youth with copies of the NYS Department of Health FAQs. Additionally, dependent upon age and capacity, each youth must be given an overview of the information in the FAQ's regarding the vaccine (verbal communication is fine) and allow the youth to give verbal confirmation that they would like to receive the vaccine before the vaccine may be administered. If a youth refuses the vaccine, parental, guardian or LDSS consent may not override the youth's decision. Conversely, if a youth does want to be vaccinated, the LDSS or agency should assist in whatever way possible to obtain the consent of the parent or guardian.

### **No Parent/Guardian Consent Received**

If a parent or guardian with legal authority to consent to the medical care of the youth cannot be located, has not responded to outreach or has denied the request, a LDSS or agency has a variety of options on how to proceed based on who has legal custody of the youth, and the manner in which the youth came in to care. These options are detailed in the attached decision tree.

- Youth in LDSS custody under Article 10 of the Family Court Act (FCA) or as a destitute child under Article 10-C of the FCA may be vaccinated with the assent of the youth and consent provided by the LDSS commissioner with legal custody.
- Youth in care under Article 3 of the FCA, Article 7 of the FCA, a voluntary placement agreement under section 384-a of the Social Services Law, a youth detention program or in pre-dispositional detention may be vaccinated with the assent of the youth and a court order from the court of relevant jurisdiction.
- For youth in homeless programs who request to be vaccinated, and who do not have a parent or guardian available to provide consent to vaccination, local health departments may elect to vaccinate such minors after informing them of the risks and benefits of the vaccine in a manner that is appropriate for the patient.

### **Parental/Guardian Consent NOT needed**

In certain circumstances parental or guardian consent is not needed for scheduling or administering the vaccination of youth.

- A pregnant or parenting youth of any age can give consent for medical care (including vaccination) for themselves and for their child. (Public Health Law § 2504).
- Where a youth has been freed for adoption, the youth may be vaccinated with the assent of the youth and consent provided by the LDSS commissioner with legal custody.
- A youth who is married or has been married or who has borne a child, even if not currently parenting, may consent for their own medical services including vaccination (Public Health Law §2504).

If you have any questions about the vaccine process, please contact your local department of health. If you have any questions about this guidance, please contact your OCFS program lead.

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