



Office of Children and Family Services

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Guidance for COVID-19 Vaccine Access for Persons age 12 to 17

Local departments of social services (LDSS) and provider 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 age 12 or over against the COVID-19 virus. This guidance also applies to LDSS and voluntary agencies regarding foster children residing in certified or approved foster homes and pre-adoptive homes.

This guidance is intended to underscore the expectation that districts and agencies make every effort to engage and assist families in an effort to facilitate informed consent and 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 historically distributed inequitably.

Parent Engagement

LDSS and provider 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. The consent form, the frequently asked questions and the fact sheet on the Pfizer Vaccine must be shared. The letter template is optional. All documents can be shared electronically or in hard copy. The communication should become part of the youth's case record.

- [COVID-19 Immunization Consent Form](#)
- [The NYS Department of Health Frequently Asked Questions on COVID-19 vaccination](#)
- [The federal Food and Drug Administration information on Pfizer Vaccine](#)
- An optional use letter template for contacting parents or guardians

Parent 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 your 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 you in hard copy or electronically. It is incumbent upon the program or agency to work with families to get this information to them in the manner most likely to allow a timely response. When received, the consent form must be made part of the youth's permanent record.

Youth Engagement

LDSS and provider agencies must provide each youth with copies of the NYS Department of Health FAQs and the FDA Pfizer Vaccine fact Sheet. Additionally, each youth must be given an age and capacity appropriate 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 or LDSS consent may not override the youth's decision. Conversely, if a youth does want to be vaccinated, the program or agency should assist in whatever way possible to obtain the consent of the parent or guardian.

No Parent 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, an agency has a variety of options on how to proceed based on who has 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 may be vaccinated with the assent of the youth and consent provided by the LDSS commissioner with custody.
- Youth in care under Article 3 of the FCA, Article 7 of the FCA, a voluntary placement agreement, 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 Consent NOT needed

In certain circumstances parental 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 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.

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.
