



State of Florida
Department of Children and Families

Ron DeSantis
Governor

Shevaun L. Harris
Secretary

DATE: April 7, 2021

TO: Regional Managing Directors
Community-Based Care Lead Agency CEOs

THROUGH: Patricia Babcock, Deputy Secretary *Patricia Babcock*

FROM: Patricia Medlock, Assistant Secretary for Child Welfare *Pat Medlock*

SUBJECT: COVID-19 Vaccination Consents & Court Orders

PURPOSE: The purpose of this memorandum is to provide child welfare professionals guidance on procedures that must be complied with prior to the administration of an FDA-approved COVID-19 vaccine to youth who are in out-of-home care or permanently committed to the Department.

BACKGROUND: On December 11, 2020, the U.S Food and Drug Administration (FDA) issued the first emergency use authorization (EUA) for the Pfizer vaccine for the prevention of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in individuals 16 years of age and older. On December 18, 2020, the FDA issued an EUA for the second vaccine (Moderna) for prevention of COVID-19 caused SARS-CoV-2. The emergency use authorization allows the Moderna COVID-19 Vaccine to be distributed in the U.S. for use in individuals 18 years of age and older. On February 27, 2021, the FDA issued an EUA for the Janssen vaccine (also known as the Johnson & Johnson vaccine) for prevention of COVID-19 caused SARS-CoV-2, which may be distributed in the U.S. for use in individuals 18 years of age and older. Additional vaccines are in the clinical trial process and may be approved for use in the future.

ACTION REQUIRED:

Effective immediately, a child welfare professional may seek the administration of a vaccine to a youth who is in out-of-home care or permanently committed to the Department in compliance with the process outlined below when the following conditions have been met:

1. The FDA has issued an EUA for the specific vaccine to be administered for the youth's age.
2. The youth has been assessed to ensure there are no known medical conditions that would result in an adverse reaction to the vaccine.
3. The youth meets the population requirements of the Executive Order issued by the Office of the Governor that is in effect at the time the vaccine is sought. Executive orders can be found at: <https://www.flgov.com/executive-orders-desantis/>.
4. The youth requests or consents to the administration of the vaccine. If the youth is not of sufficient maturity to consent, the legal custodian may consent to the administration but only as provided below and consistent with Florida law.

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If a youth meets the above conditions and has been permanently committed to the Department, the contracted service provider may provide consent for the administration of the vaccine consistent with Florida Administrative Code 65C-28.003(7). The child welfare professional responsible for the case shall provide documentation of the consent for the vaccine and shall document the consent and administration in FSFN.

If a youth meets the above conditions and the youth's parents' rights have not been terminated, the child welfare professional shall obtain the parent's express and informed consent consistent with section 39.407, Florida Statutes (2020). The child welfare professional responsible for the case shall provide documentation of the parent's written consent for the vaccine to the medical professional and shall document the consent and administration in FSFN. If a parent of the youth is unavailable, cannot be located, or refuses to consent to treatment, the child welfare professional shall request a legal staffing to determine if the necessary medical evidence is available to seek a court order.

CONTACT INFORMATION: If you have any questions regarding these procedures, please contact Stephanie Zimmerman, CLS Deputy Director, at stephanie.zimmerman@myflfamilies.com or 850-443-6273.

cc: Regional Family and Community Services Directors
Grainne O'Sullivan, Director of Children's Legal Services
The Center for Child Welfare