



Immunization of Children in the Custody of the Department of Health and Human Services

STATE of Maine
OFFICE OF CHILD AND FAMILY SERVICES POLICY

Section

Subsection

Approved by: [Signature]
OCFS, Director

IV-A

B

EFFECTIVE DATE:
March 23, 2021

LATEST REVISION:

Table of Contents

I. SUBJECT 1
II. STATUTORY AUTHORITY 1
III. DEFINITIONS 1
IV. POLICY 2
V. PROCEDURES 2
Introduction 2
Consenting to Vaccinations. 2
Caseworker Sharing Information with Resource Parents. 3
Informing Youth in Care. 4
VI. POLICY SUPERSEDES 4
VII. LINKS TO RELATED POLICIES 4
VIII. APPENDICES 4

I. SUBJECT

Immunization of Children in the Custody of the Department of Health and Human Services.

II. STATUTORY AUTHORITY

22 M.R.S. §4036, §4037

III. DEFINITIONS

Child: As defined in 22 M.R.S. §4002 (2), which states: "Any person who is less than 18 years of age."

Vaccination: The act of introducing a vaccine into the body to produce immunity to a specific disease.

Immunization: A process by which a person becomes protected against a disease through vaccination.

Resource Parent/Resource Family: As defined in [22 M.R.S. §4002 \(9-D\)](#), which states, “A person or persons who provide care to a child in the child welfare system and who are foster parents, permanency guardians, pre-adoptive parents or members of the child’s extended birth family.”

IV. POLICY

Immunizations are recommended by the medical profession and the Advisory Committee on Immunization Practices (ACIP), which provides advice and guidance to the Director of the U.S. CDC regarding use of vaccines and related agents for control of vaccine-preventable diseases in the civilian population of the United States. The U.S. CDC sets the immunization schedules based on ACIP’s recommendations. The childhood and adolescent schedules are also approved by the American Academy of Pediatrics (AAP), the American Academy of Family Physicians (AAFP), and the American College of Obstetricians and Gynecologists.

The Department of Health and Human Services (DHHS) is responsible for the coordination of medical care for all children in DHHS custody, including receiving all recommended vaccinations. For this policy, children in DHHS custody means children for whom there is a signed jeopardy order placing them in DHHS custody. When jeopardy has been established, DHHS is the legal guardian and has the authority to make decisions regarding immunizations for children in custody.

V. PROCEDURES

Introduction. When a child enters the custody of the Department of Health and Human Services through a Preliminary Protection Order (PPO) or a Jeopardy Petition the caseworker will:

- a. Obtain a copy of the child’s immunization records from the child’s Primary Care Physician (PCP).
- b. Enter the immunization record in the child’s record.
- c. Provide a copy of the immunization record to the resource parents. **Timeframe:** A copy of the immunization record will be provided to the resource parent within five days of placement.

Consenting to Vaccinations.

- a. If the child has had previous vaccinations, the child’s caseworker will consent to continuing the vaccination schedule as recommended by the child’s PCP. The caseworker will discuss the vaccination schedule with the parents.
- b. If a child has not had previous vaccinations the child’s caseworker will discuss and seek verbal consent from the parents for vaccinations to be administered. Parental consent will be documented in the case record.

- c. In Indian Child Welfare Cases (ICWA) cases, the caseworker will partner with the appropriate tribal child welfare staff to make decisions regarding vaccinations.
- d. If a parent objects to their child receiving vaccinations, the caseworker will:
 - i. Arrange for each parent to consult with medical providers to address the concerns. This may include the parent participating in medical appointments, coordinating a time for them to speak with the PCP, or discussing their concerns in a family team meeting with medical providers. **Note:** If there is more than one legal parent and they have differing positions on vaccinations. The determination process shall be applied individually to each parent.
 - ii. In pre-jeopardy cases, if after the consultation, a parent refuses vaccinations for their child, the caseworker will document the conversation in the case record. The caseworker will then consult with the PCP for the child, the Office of Child and Family Services (OCFS) Medical Director and the child protection Assistant Attorney General (AAG) to determine whether a court order may be necessary to authorize the OCFS Director to act on the medical recommendation and consent to vaccinate the child. If neither a court order nor consent by the OCFS Director is given, the DHHS caseworker may be required by the PCP to sign a refusal form at the PCP's office.
 - iii. In cases where a Jeopardy Order has been signed with custody granted to DHHS, if a parent refuses vaccination, and all applicable steps above have been completed, the OCFS Director has the legal authority to consent to vaccinations for children in DHHS custody. In these situations the following will occur:
 - 1. **Timeframe:** Within 14 days of a parent's refusal the caseworker will consult with the PCP for the child and the OCFS Medical Director. The caseworker will then report this information to the Program Administrator.
 - 2. If medically indicated, the Program Administrator will submit a memo outlining the recommendation for vaccinations to the Associate Director of Child Welfare for review. The Associate Director of Child Welfare will submit the memo and a recommendation to the OCFS Director for consideration.
 - 3. The memo will include, but is not limited to, the recommendation of the child's PCP and the OCFS Medical Director, the necessity for immunizations in order for the child to attend school or childcare or remain in the foster home, the capacity of the parent to act in the child's best interest, and the parent's engagement in Family Team Meetings (FTMs), medical consultations and/or PCP appointments at which the recommended immunizations and schedule are presented and an opportunity is afforded for their questions to be answered.
 - iv. **Note:** If the jeopardy order is pending appeal, the OCFS caseworker should consult with the child protection AAG regarding the status of the appeal.

Caseworker Sharing Information with Resource Parents.

- a. Caseworkers will ensure that resource parents are:

- i. Informed of the policy and practice expectations related to immunizations during their initial training and through coordination of the child's care with the DHHS caseworker.
- ii. Informed that OCFS authorizes the resource parents to provide consent for routine medical services, such as preventive health screenings, immunizations, treatment for minor illnesses and well child services.
- iii. Informed that Resource Parents cannot refuse immunizations for children in DHHS custody and will keep the Department informed regarding all medical services, treatment and immunizations.

Informing Youth in Care. The caseworker will either provide information about the risks and benefits of vaccinations to youth aged 14 and older or make arrangements for the youth to meet with their PCP.

VI. POLICY SUPERSEDES

The Immunization section under Medical/Dental Services of the Decision Making and Service Authorization Policy IV-A. A.

VII. LINKS TO RELATED POLICIES

None.

VIII. APPENDICES

None.

Note: The hyperlinks to these documents only work on DHHS issued computers. If you would like to request a copy of these documents, please email your request to:

OCFSPolicyTraining.DHHS@maine.gov