

# Children's Rights

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**<https://www.childrensrights.org/press-release/childrens-rights-speaks-out-on-texas-child-assent-vaccination-policy/>**

## Public Facing Advocacy Writing

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A [new report](#) issued on February 24 by court monitors in the ongoing lawsuit [M.D. v. Abbott](#), brought by Childrens Rights on behalf of children in permanent foster care in Texas, raises concerns over the fact that more than 1,000 children in permanent care custody have been given a choice about whether to get the COVID-19 vaccine, contributing to low vaccine rates among these children. The court monitors contrasted this overly deferential child-assent vaccination policy with Attorney General Ken Paxton's own words in an advisory opinion issued on February 21 defining gender-affirming health care for transgender children as child abuse under Texas law. In that opinion, Paxton wrote that children under the age of 18 cannot weigh long-term risks the way adults do, and they are considered by the State in most regards to be without legal capacity to consent, contract, vote, or otherwise. The state is saying something very different in its direction to caregivers and caseworkers regarding child vaccinations.

**In response, Samantha Bartosz, Deputy Litigation Director, issued the following statement:**

It appears that the guidance being given to caseworkers and foster parents by the Department of Family and Protective Services is confusing and ambiguous at best with the result that almost half of children who are classified as being at higher risk of contracting the virus are not vaccinated. Medical consenters who by state policy must sign off on medical decisions for children are often not consulted. Instead, caseworkers are asking children, some as young as five, whether they will agree to be vaccinated, and not scheduling vaccinations if children say they don't want to take the shot. As a result, children in foster care, who depend on the state to protect their health, safety, and well-being, are being put at risk.

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