

COVID-19: Vaccinations for children – who makes the decision?

FACTSHEET

This factsheet is part of a series from Legal Aid NSW that aims to help answer your questions about COVID-19 and family law.

The court has made it very clear that the COVID-19 pandemic is not a time for parents to make one sided decisions about their children's care. Common sense and the best interests of the children are the main considerations.

This fact sheet is specifically about disagreements between parents about covid vaccinations. In terms of other medical issues for children, including a child's capacity to provide their own consent to medical treatments, specific legal advice should be sought.

Children under 16

The law says that generally children under 16 are not able to consent to a vaccination.

When a child is unable to consent to treatment, a person who has parental responsibility can give that consent on behalf of the child.

Each parent has parental responsibility and can make decisions about covid vaccinations unless there are court orders about who has parental responsibility.

The court expects that parents will discuss the vaccination and, if possible, reach decisions together. If an agreement cannot be made, you should seek legal advice about your options including whether court is an appropriate option for your family.

Children 16 or over

A child over the age of 16 is lawfully able to give consent to a vaccination, unless they are under some form of incapacity.

Vaccination and specific medical issues

All families have different arrangements for children and some families also have specific medical issues.

It is really important that if the issue of vaccination comes up in your family, you get legal advice about your options.

How do I resolve my disagreement about vaccination?

There are pre-court options like mediation and court-based options like a special [covid list at court](#).

It is important to talk with a lawyer to understand which option may be best for your family.

You should get legal advice if you are thinking about making a court application. You can also read answers to frequently asked questions that have been published by the [Federal Circuit and Family Court of Australia](#).

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Where can I get more information?

You can read more about COVID-19 and parenting arrangements [here](#).

There is also a series of [factsheets about COVID-19 and family law](#) available on the Legal Aid NSW website.

For COVID-19 health questions or to check symptoms call the National Coronavirus Helpline on **1800 020 080** (open 24 hours a day, 7 days a week).

The [NSW Government website](#) is the best source of information to tell you what the current rules and restrictions are.

How can I get help?

For free legal help call LawAccess NSW on **1300 888 529**.

If you are experiencing family violence please call our Domestic Violence Unit on **1800 979 529** for legal advice about covid vaccinations or about other family issues.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.

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