



COVID-19: VACCINATIONS FOR CHILDREN

This fact sheet has information about COVID-19 vaccinations for children and family law including when separated parents (or other caregivers) cannot agree on vaccinating their child.

Children aged 5 years and older are eligible to receive COVID-19 vaccines. Children 16 years and older can choose whether they wish to have a COVID-19 vaccine and give consent. Children younger than 16 years of age cannot give consent and an adult with parental responsibility must give consent.

Does my child have to have the COVID-19 vaccines?

COVID-19 vaccines for children are not mandatory and parents and other caregivers who have parental responsibility for a child can decide. However, if separated parents or other caregivers cannot agree, an application may need to be made to the Family Court for the court to decide.

My ex-partner and I are separated – who can decide if our child should have a COVID-19 vaccine?

Parents have parental responsibility for their child unless the court makes an order removing it.

Parental responsibility gives parents the power to make decisions for their child, including whether their child has vaccinations.

The law makes it clear that both parents continue to have parental responsibility for their child if they separate or re-marry.

It is generally best for separated parents to communicate with each other about issues such as vaccines for their child and try to reach an agreement.

This could be done by talking to each other or discussing the issue in writing (for example, by emails or texts).

What if I am unsure about whether my child should have a COVID-19 vaccine?

If you are unsure about whether your child should have a COVID-19 vaccine, consider speaking to your child's General Practitioner who can provide advice about whether the vaccine is suitable for your child and answer any questions you may have.

We have Family Court orders in place – does this change who can decide?

If you have Family Court orders you will need to check what your Family Court orders say about parental responsibility.

If you have sole parental responsibility for your child you can decide if your child has a COVID-19 vaccine. The same applies if your ex-partner (or another person such a family member or caregiver) has sole parental responsibility for your child – they can make the decision.

The situation is different if there is an order that you and your ex-partner (or another person) share parental responsibility for your child.

If you and another person share parental responsibility, the law requires you to consult with each other on the issue of vaccination and make a joint decision.

If you and another person share parental responsibility the law requires you to consult with each other on the issue of vaccination and make a joint decision. If you cannot reach an agreement, you should get legal advice about your options. You may need to make an application to the Family Court for the court to decide whether it is in the best interests of your child to have a COVID-19 vaccine.

What types of orders does the Family Court usually make about vaccines for children?

For other traditional childhood vaccines, the Family Court has generally made orders in support of children receiving vaccinations in accordance with the National Immunisation Program Schedule.

In cases about COVID-19 vaccines for children, the Family Court has taken a similar approach to cases about traditional childhood vaccines.

The court will always consider the facts of each individual case and the circumstances of the individual child when deciding what is in the best interests of the child.

If concerns have been raised about a child possibly having an adverse reaction to a vaccine, the court will carefully consider medical evidence from a medical professional who has examined the child.

In addition to health issues, the court may also consider other impacts on a child if they do not have the COVID-19 vaccines. For example, if this impacts on their ability to join in activities such as sport or visit other family members.

Unless there is medical evidence supporting a child not being vaccinated, parents can expect a court to find vaccination is in a child's best interests and to make orders for a child to be vaccinated.

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