

**POLICY:**

It is the policy of this program that all communication avenues will be utilized to insure that an individual/guardian of this program has given informed consent to the waiving of any right. In addition this program will follow the informed consent criteria when discussing issues relating to choice with an individual served by this program. When an individual does not have a guardian and there is a question regarding the individual's ability to exercise informed consent it may be necessary to seek a temporary guardian, a conservator, or a guardian.

The constitutional test for informed consent requires consent to be given:

1. **KNOWINGLY** - the person must be given all the information necessary to make an informed decision including the pros and cons of the issue at hand, e.g., a medical procedure, selecting a new place of employment, approving an ISP and a behavior change program. The information must be conveyed in a manner so that it is understandable to the individual, e.g., in writing, orally, pictorially, sign language. The individual must understand the right to grant, withdraw, to withhold his/her permission.
2. **VOLUNTARILY** - Informed consent must be given wholly voluntarily and free from coercion/threats that are expressed or implied.
3. **INTELLIGENTLY** - The individual must have the capacity to understand the right that is being waived or the choice that is offered and to understand the probable consequences. The question is not whether others agree, but whether the individual is able to weigh the information and make an informed decision.

Any concerns regarding the ability of an individual who does not have a legal guardian to exercise informed consent should be referred to the individual's Case Manager for review and recommendations by the ISP Team.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Jon Cooper, Director