



INFORMED CONSENT

Valid consent is viewed through the lens of three primary elements:

1) Capacity

- If the individual has a disability, know the disability and how it affects the individual.
- Does the individual have the ability to communicate, understand, and logically work with the information?
- Can the individual appreciate the meaning of a decision within the context of his or her life?
- Does the individual need support to establish capacity?

2) Information

- Has the individual been told about the nature of the decision, the anticipated risks and benefits of the given choice, possible alternatives, and what will happen if he or she chooses to do nothing?
- Has the person presenting information checked the individual's understanding? Ask the person to explain what was discussed.
- Is the information being presented using different methods? (visual aids, drawing, writing, speaking, visiting, etc.)

3) Voluntariness

- Is the person being asked to give consent acting freely?
- Consider what "freely" means in the context of the individual's current circumstances.
- Be aware of coercion or outside pressures.

If you need this handout in an alternative format, please contact the Protection & Advocacy Project.

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Each of the three consent elements - capacity, information, & voluntariness - is necessary to obtain valid consent

Always presume an individual has capacity

Capacity varies with time and decisions

A "risky" or "unwise" decision does not mean a lack of capacity

"Supporters" in Supported Decision-Making agreements cannot make decisions or give consent



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