### IDJI 2.12.4 – Consent on behalf of minor or incapacitated person

INSTRUCTION NO.\_\_

If the patient is a minor, or is incapacitated and not capable of giving consent, then the physician may obtain a valid consent from any competent parent, spouse or legal guardian. In this case, \_\_\_\_\_\_\_\_\_\_ (name), the patient's \_\_\_\_\_\_\_\_\_\_ (relationship) was a person authorized to give or withhold consent on behalf of the patient.

If no parent, spouse or legal guardian is readily available to do so, then a valid consent may be given by any competent relative representing himself or herself to be an appropriate, responsible person to act under the circumstances. If no relative is available, then any other competent individual, representing himself or herself to be responsible for the health care of such person, may provide a valid consent.

No person is authorized to override the express refusal to consent made by a patient who is a competent adult.

Comment:

Idaho Code § 39-4303A