



Consent FAQs

What happens if a client who is 16 years of age or older does not have the capacity to consent?

Capacity here refers to the client's ability to

- *understand the information as described on the HIFIS & By-Name List Consent form;*
- *appreciate the reasonably foreseeable consequences of consenting or not consenting; and*
- *communicate their decision, verbally or in writing, to consent or not consent.*

*If the client will not, in the foreseeable future, have the capacity to consent, the client may agree to have a guardian or spouse sign on their behalf. In such cases, the worker performing intake should write the following beside or under the proxy signature: **PROXY SIGNER, CLIENT DOES NOT HAVE CAPACITY TO CONSENT.***

If the client is experiencing a temporary impairment and will, in the foreseeable future, have the capacity to consent, the worker doing intake is advised to wait until the client is not impaired before collecting consent and adding the client to HIFIS.

The determinations as described above are based on the best judgement of the worker doing the intake based on the information available to them at that time.

What happens if a client who is 16 years of age or older has a physical disability that prevents them from signing their name?

*If the client can make an X or any other mark as an alternative to a written signature, direct the client to provide this mark on the relevant Form Boxes, and on the signature block. Record the following on or next to the signature block: **VERBAL CONSENT GIVEN, CLIENT MARK WITNESSED.***

*If the client cannot provide a mark on the form and is unaccompanied, record the following on the signature block: **VERBAL CONSENT GIVEN, CLIENT CAN'T PHYSICALLY SIGN***

*If the client is accompanied and cannot provide a mark on the form, the client may direct the person accompanying them to sign on their behalf. In such cases, record the following next to the proxy signature beside or under the signature block: **PROXY SIGNER, CLIENT CAN'T PHYSICALLY SIGN***