



POLICY: Legally Authorized Representatives Children and Guardians

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1. PURPOSE

1.1. This policy describes the University's determination of which individuals are:

- 1.1.1. <Legally Authorized Representatives> (LARs)
- 1.1.2. <Children>
- 1.1.3. <Guardians>

2. POLICY

2.1. When research is conducted in Oklahoma the following individuals are <Legally Authorized Representatives>:

2.1.1. Under 63 O.S. §3201A, under certain conditions consent of a cognitively impaired individual to participate in a research project may be obtained from a legal guardian, attorney-in-fact with health care decision authority, or a family member (in the following order: spouse, adult child, either parent, adult sibling, or a relative by blood or marriage). However, if cognitively impaired individuals were legally competent to express permission or prohibition prior to becoming cognitively impaired, the legal guardian or family member cannot override the individual's previously expressed permission or prohibition.

2.2. For research outside Oklahoma, legal counsel determines which individuals are <Legally Authorized Representatives>.

2.3. When research is conducted in Oklahoma, individuals under the age of 18 years are <Children>.

2.3.1. A minor may consent to research if a lawfully recognized court of law has entered an order specifying the minor can consent to a specific research activity. Additionally, a minor as defined in 63 O.S. §2602 who may consent to health services, may consent to research that is to preserve the child's life or the research has been approved by an IRB and relates to the management of reportable diseases.

2.4. For research outside Oklahoma, legal counsel determines which individuals are <Children>.

2.5. Individuals who can document that they are legally authorized to consent on behalf of the child to general medical care may serve as a <Guardian>. Before obtaining permission for a child to take part in research from someone who is not a parent, contact legal counsel.

3. REFERENCES

- 3.1. 63 O.S. §3201A
- 3.2. 63 O.S. §2602