RUTGERS UNIVERSITY
Office for Research

WORKSHEET: Surrogate Consent – Selecting a Surrogate		
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This form provides support for investigators enrolling adults represented by a surrogate in research conducted in New Jersey. This worksheet may be used as a guide to select an individual to serve as a surrogate decision-maker and their order of priority in relationship to the adult lacking decision-making capacity, consistent with NJ State Law. When conducted outside of NJ, the research must comply with the applicable surrogacy laws in the jurisdictions where the research is taking place. If helpful, this worksheet may be completed and retained in the study file for each adult represented by a surrogate.

Categories of Potential Surrogates

NJ Access to Medical Research Act N.J.S.A. 26:14-1, et. seq. states that, if an adult who may be the subject of research is unable to consent and does not express dissent or resistance to participation, surrogate informed consent may be obtained from an authorized representative with reasonable knowledge of the subject, who shall include any of the following persons, in the following descending order of priority:

Indicate Surrogate Chosen	**Categories of Surrogate Decision-Making Priority**	**Name(s) of Individual(s) and Contact Information**
	1st: the guardian of the Subject who has authority to make health care decisions for the subject	
	2nd: the healthcare representative of the Subject pursuant to an advance directive for healthcare	
	3rd: the spouse or civil union partner, as applicable, of the Subject	
	4th: the domestic partner of the Subject (identified by a Certificate of Domestic Partnership)	
	5th: an adult son or daughter of the Subject	
	6th: a custodial parent of the Subject	
	7th: an adult brother or sister of the Subject	
	8th: an adult grandchild of the Subject	
	9th: an available adult relative with the closest degree of kinship to the Subject	

Selection Considerations

1) The investigator must make a good faith effort to contact the individual at the highest level of priority.
2) Potential surrogates must be advised that if a higher-ranking surrogate is identified at any time, the investigator, wherever feasible, will defer to the higher-ranking surrogates' decision regarding the subject's participation in the research.
3) The investigator must assure that if one or two or more available persons in the same order of priority expresses opposition to the participation of the subject in the study, the investigator must exclude the subject from the study.
4) The investigator must assure that when two or more available persons are in different orders of priority, refusal to consent by a potential surrogate who is of higher priority controls and cannot be superseded by the consent of a person who is of a lower priority.

Study Protocol #:	
Study Title:	
Name of Adult to be represented by a Surrogate:	