

Assisted Living
VERBAL INFORMED SEXUAL CONSENT
ASSESSMENT TOOL

It is important to identify if a tenant is cognitively able to give verbal consent to have sexual contact with another tenant in the facility. The use of this tool is meant to assist staff in an attempt to determine if the tenant is capable of making that decision.

DEFINITION OF SEXUAL CONTACT

What it isn't: Incidental or accidental contact, handholding, hugging, kissing on cheek or hand.

What it is: Kissing on the mouth, touching of the clothed or unclothed inner thigh, breast, groin, buttocks, anus, pubes or genitals; or a sex act defined as:

- Penetration of the penis into the vagina or anus.
- Contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person.
- Contact between the finger or hand of one person and the genitalia or anus of another person.
- Ejaculation onto the person of another.
- By use of artificial sexual organs or substitutes contacting with the genitalia or anus of another person.

Before engaging a tenant in answering these questions, staff should assure the following:

1. The purpose of this assessment has been explained to the tenant,
2. The assessment is completed in a private place, and
3. The tenant is informed that his/her answers to the questions will be kept confidential and used only to assist with providing the best care during his/her stay at the facility.

ASSESS CURRENT SEXUAL KNOWLEDGE:

1. Is there someone NOW that you can talk to about sex? If so, who is that person?

2. Are there sexual things you feel should not be talked about? If so, what do you think some of these things are? (example: sex outside of marriage, marital infidelity, etc.).

3. What are some things that two people can do together sexually? (kiss on the mouth, use their hands to touch each other's bodies, use their mouths on each other's bodies, oral, anal and vaginal sex).

ASSESS CURRENT SOCIO-SEXUAL ISSUES:

1. Have you had sex within the past year?
2. Have you had sex with someone when you did not want to?
3. If you had a problem with someone hurting you or forcing you to have sex, what would you do?

Tenant's Name	MR#	Physician
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4. Who do you think is in charge of making sexual decisions in your life?

SCENARIO:

Imagine you are in a private place with a person you have kissed, hugged and touched before. Now this person unzips their pants and asks you to put your hand inside. What do you think this person is asking you to do?

What would you do?

(NOTE: If the tenant says they are willing to engage in this activity, ask, what if you didn't feel like touching this person?)

SAFE SEX QUESTIONS:

1. When a man and a woman have sexual intercourse, the woman can become pregnant. What can you do to prevent pregnancy?
2. Sometimes two people have sexual behaviors, such as oral, anal and vaginal sex and if one person has an infection the other person can get it. What can a couple do to prevent an infection?

LEGAL/ILLEGAL QUESTIONS (Conditional. Ask these questions to determine if the tenant is able to understand illegal sexual activity):

Do you know of any sexual behaviors that are against the law?

Is it ok to watch a 'porno' film?

Is it ok to pay money to have sex?

Is it ok for an adult to have sex with a child?

What is a child?

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FOUR PRINCIPLES OF SEXUAL INFORMED CONSENT:

Tenant demonstrates:

1. Cognitive ability to make informed decisions by scoring 4 or below on the GDS assessment tool. If the tenant's GDS score is 5 or higher, does the interviewer observe that the tenant is capable of giving informed consent by being able to understand content of interview questions? If they have a Guardian and guardianship paperwork has specified orders allowing the guardian to make decisions about the tenant's sexual behavior, the guardian must also be okay with the tenant engaging in sexual behavior.

2. An awareness of the nature of sexual acts and the ability to choose to engage or abstain.

_____ Yes _____ No

3. An understanding of how to avoid STDs. _____ Yes _____ No.

4. The ability to identify harmful situations and to avoid being exploited.

_____ Yes _____ No

Based on the answers to the assessment questions and the tenant's ability to demonstrate the Four Principles of Sexual Informed Consent (above), the tenant falls into one of three groups:

1. Tenant fulfills requirements of principles and can give verbal informed sexual consent.
This determination is made ONLY if all 4 of the above principles are answered "YES".

2. Tenant cannot give verbal informed sexual consent at the time as he/she has not fulfilled the requirements of principles as evidence by _____

3. The tenant's ability to provide verbal informed sexual consent is vague and could not be determined at the time as evidenced by _____

- Approach: (1) Re-interview tenant on _____ (date).
 (2) Educate tenant to determine capability to give informed consent. Done on _____ (date).
 (3) Based on these approaches, can the tenant give informed consent?
 _____ Yes _____ No

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4. Tenant refused interview? _____ Yes _____ No

_____ Staff Signature

_____ Date

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