Research Involving Children (HRPP 4.4) (*45 CFR 46 Subpart D*)

Description:

This policy describes UNMC's requirements for research involving children.

Definitions:

Children: Individuals who have not reached the legal age of consent for research-related procedures under local law.

- **Nebraska-specific:**
  - **Minors**: under 19 years of age
  - **Emancipation via marriage:** ends minority, even if under 19
- **Exceptions**:
  - **Native American children on federal tribal lands:** Age of majority is 18 (federal law overrides state law)
  - **Research outside of Nebraska:** legal age determined by that state's law

Assent: a child's affirmative agreement to participate in research.

Commensurate: the requirement that children are familiar with procedures that are reasonably similar in nature and risk proportional to those the child has experienced.

Dissent: a child's affirmative refusal to participate.

Parent: a child's biological or adoptive parent.

Guardian: a person legally authorized to consent for the child's medical care under state or local law.

Ward (of the state): a child under state custody, such as:

- Foster children
- Children in the care of public child welfare agencies

Categories of Research Involving Children:

Research involving children **must fit into one or more** of the following categories:

1) **Minimal Risk** (45 CFR 46.404)
    a. Risk is less than or equal to that in normal life/routine exams
    b. Requires assent of the child (if capable) and permission of at least 1 parent

2) **Greater than Minimal Risk with Direct Benefit** (45 CFR 46.405)
    a. More than minimal risk, but with potential direct benefit to the individual subject
    b. Must justify:
        i. Benefit outweighs risk
        ii. Risk-benefit ratio at least as favorable as alternative
    c. Assent of the child and 1 parent's permission is sufficient unless IRB specifies otherwise

3) **Greater than Minimal Risk without Direct Benefit but with Generalizable Knowledge** (45 CFR 46.406)
    a. No direct benefit to subject, but research offers vital generalizable knowledge about the child's condition
    b. Must meet:
        i. Only minor increase over minimal risk
        ii. Experiences are reasonable with regards to their actual medical experiences/situations
        iii. Likely to yield generalizable knowledge which is of vital importance to the subject's disorder/condition
    c. Assent of the child and both parents' permission required unless exceptions apply

4) **Not Otherwise Approvable** (45 CFR 46.407)
    a. IRB cannot approve under standard categories, but the study may address a serious problem affecting the health or welfare of children
    b. Referred to federal-level review (HHS/FDA), or a Local 407 Panel if not federally regulated

Research Involving Wards of the State:

    c. Wards can only participate in:
        i. **Categories 404 & 405** if Subpart D is followed
        ii. **Categories 406 & 407 only if:**
            1. Research is related to ward status or occurs in settings where non-wards are the majority
            2. An independent advocate is appointed to protect the child's interests
    d. In Nebraska, **participation must involve direct benefit,** and DHHS exception approval is required

Parental Permission Requirements:

Consent is required unless:

IRB grants waiver per:

- Parental permission is not reasonable *(e.g. abused/neglected children)*
- General waiver of consent *(minimal risk, etc.)*

Research **no more than minimal risk**	Research **greater than minimal risk** and **has direct benefit**	Research **greater than minimal risk** and **no direct benefit**	Not otherwise approvable.
• 1 parent signature	• 1 parent signature	• 2 parent signatures	• 2 parent signatures

Exceptions to 2 parent signatures:

- Parent deceased
- Parent unknown
- Parent incompetent
- Parent not reasonably available
- Only 1 parent has legal responsibility for care and custody of the child

Assent Requirements:

Assent required unless:

- Children lack capacity *(maturity, illness, etc.)*
- Procedure offers direct benefit only available via research
- The research meets the requirements for a waiver of assent

General Age Guidelines:

Less than 7 years of age	7-12 years of age	13-18 years of age
Not capable of formal assent; engage child appropriately	Use Child Information Sheet; verbal assent documented in the record	Use Informed Consent Form; written assent required

If a Child Reaches 19 During Research:

- Upon reaching the age of majority, the subject must sign the adult informed consent form at their **first visit after reaching 19**
- If the research is in data analysis only, re-consent is not required
- If the now adult subject is unable to give informed consent, the existing parent/guardian consent remains in effect *(this should be documented in the study records)*
- If the now adult subject refuses to give consent, no new procedures or data collection may occur, but existing data may still be used

If a Child Reaches 13 During Research:

- The child must begin providing written assent if capable at their **first visit after reaching 13**
- If only data analysis remains, written assent is not required
- If the subject is unable to give written assent, the existing parent/guardian consent remains in effect *(this should be documented in the study records)*
- If the child refuses to give assent, no new procedures or data collection may occur, but existing data may still be used