

Powers of the legal representative to grant consent to medical intervention of a minor patient

In this article the issue of consent for medical intervention to a minor patient was discussed. First of all, it was noted that in a discussed case we are dealing with two types of consent: double consent and surrogate consent. Double consent is given by the patient being over 16 years old together with his legal representative. However, surrogate consent is expressed by patient's legal representative or in a form of authorization of the guardianship court without taking into account the patient's will. Then, the author raised the issue of making decisions by parents regarding important matters of their child in the context of medical treatment and the abuse of parental authority in case of refusing medical treatment for their children based on their religious beliefs. The article also mentions about the competence of the adoptive parent, legal custodian and guardian, as the legal representatives of a child within the terms of undergoing medical procedures. At the end, the legal status of a minor patient was described, as well as - occurring on this ground - the inconsistency of the age limit between the regulation on the limited legal capacity stipulated in the Civil Code and granting the authorization to consent to medical intervention. In the conclusion, the author pointed out the areas that cause the greatest dilemmas where there is a lack of consistency and vision of the legislator, as well as he attempted to formulate *de lege ferenda* postulate connected with resigning by a pregnant woman from treatment, that is to the detriment of the unborn child.

Keywords: consent to medical treatment, minor patient, permission of the guardianship court, consent of the legal representative