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Bill of Rights for Individuals Facing Guardianship

The State of Nevada recognizes the following rights of individuals facing or under a guardianship:

- (1) The Right to have a guardianship that encourages the development or maintenance of maximum self-reliance and independence in the respondent with the eventual goal, if possible, of self-sufficiency;
- (2) The Right to be treated with respect, consideration, and recognition of the respondent's dignity and individuality;
- (3) The Right to reside and receive support services in the most integrated setting, including home-based or other community-based settings, as required by Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.);
- (4) The Right to have their current and previously stated personal preferences, desires, medical and psychiatric treatment preferences, religious beliefs, living arrangements, and other preferences and opinions given consideration;
- (5) The Right to financial self-determination for all public benefits after essential living expenses and health needs are met and to have access to a monthly personal allowance;
- (6) The Right to receive timely and appropriate health care and medical treatment that does not violate the respondent's rights granted by the constitution and laws of this state and the United States;
- (7) The Right to exercise full control of all aspects of life not specifically granted by the court to the guardian;
- (8) The Right to control the respondent's personal environment based on the respondent's preferences and to never be moved for the guardian's personal convenience;
- (9) The Right to complain or raise concerns regarding the guardian or guardianship to the court, including living arrangements, retaliation by the guardian, conflicts of interest between the guardian and service providers, or a violation of any rights under this section;

- (10) The Right to have a copy of the guardianship order and letters of guardianship and contact information for the court that issued the order and letters;
- (11) The Right to receive notice in the respondent's native language, or preferred mode of communication, and in a manner accessible to the respondent, of a court proceeding to continue, modify, or terminate the guardianship and the opportunity to appear before the court to express the respondent's preferences and concerns regarding whether the guardianship should be continued, modified, or terminated;
- (12) The Right to have a court investigator, attorney, or guardian ad litem appointed by the court to investigate a complaint received by the court from the respondent or any person about the guardianship;
- (13) The Right to participate in social, religious, and recreational activities, training, employment, education, habilitation, and rehabilitation of the respondent's choice in the most integrated setting;
- (14) The Right to self-determination in the substantial maintenance, disposition, and management of real and personal property after essential living expenses and health needs are met, including the right to receive notice and object about the substantial maintenance, disposition, or management of clothing, furniture, vehicles, and other personal effects;
- (15) The Right to personal privacy and confidentiality in personal matters, subject to state and federal law;
- (16) The Right to unimpeded, private, and uncensored communication and visitation with persons of the respondent's choice, except that if the guardian determines that certain communication or visitation causes substantial harm to the respondent:
 - (A) the guardian may limit, supervise, or restrict communication or visitation, but only to the extent necessary to protect the respondent from substantial harm; and
 - (B) the respondent may request a hearing to remove any restrictions on communication or visitation imposed by the guardian under Paragraph (A);
- (17) The Right to petition the court and retain counsel of the respondent's choice to represent the respondent's interest for capacity restoration, modification of the guardianship, the appointment of a different guardian, or for other appropriate relief under this subchapter;
- (18) The Right to vote in a public election, marry, and retain a license to operate a motor vehicle, unless restricted by the court;
- (19) The Right to personal visits from the guardian or the guardian's designee at least once every three months, but more often, if necessary, unless the court orders otherwise;

- (20) The Right to be informed of the name, address, phone number, and purpose of the State of Nevada Division of Aging Ombudsman, an organization whose mission is to protect the rights of, and advocate for, persons with disabilities, and to communicate and meet with representatives of that organization;
 - (21) The Right to be informed of the name, address, phone number, and purpose of an independent living center, an area agency on aging, an aging and disability resource center, and the local mental health and intellectual and developmental disability center, and to communicate and meet with representatives from these agencies and organizations;
 - (22) The Right to be informed of the name, address, phone number, and purpose of the Division of Financial Institutions and the procedure for filing a complaint against a licensed guardian;
 - (23) The Right to contact the Department of Family and Protective Services to report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, coercion, or retaliation; and
 - (24) The Right to have the guardian, on appointment and on annual renewal of the guardianship, explain the rights delineated in this subsection in the respondent's native language, or preferred mode of communication, and in a manner accessible to the respondent.
 - (25) The Right to not have their estate overbilled or overcharged, including paying high fees for ministerial tasks.
- (c) This section does not supersede or abrogate other remedies existing in law.