

# **GUARDIANSHIP BILL OF RIGHTS AND LEGAL PROCESS FOR TERMINATION**

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# GUARDIANSHIP BILL OF RIGHTS (pt. 1)

The person subject to guardianship (PSG) has the right to:

- ▶ Treatment with dignity and respect
- ▶ Due consideration of current and previously stated personal desires and preferences
- ▶ Participate in decision making about and receive timely and appropriate health care and medical treatment
- ▶ Exercise control of all aspects of life not delegated specifically to the guardian by court order
- ▶ Guardianship services individually suited to the conditions and needs of the PSG
- ▶ Petition the court to prevent or initiate a change in abode
- ▶ Care, comfort, social and recreational needs, employment and employment supports, training, education, habilitation, and rehabilitation care and services

# GUARDIANSHIP BILL OF RIGHTS (pt. 2)

- ▶ Be consulted concerning the reasonable care and disposition of the personal property of the PSG
- ▶ Personal privacy
- ▶ Communication and visitation with persons of their choice
- ▶ Marry and procreate
- ▶ Elect or object to sterilization
- ▶ Petition the court to modify or terminate guardianship or if disagree with a decision made by the guardian
- ▶ Be represented by an attorney in any proceeding
- ▶ Vote, unless restricted by the court
- ▶ Be consulted and make decisions concerning personal image and name
- ▶ Execute a health care directive, if the court has not granted a guardian certain powers

# Considerations and Potential Challenges for Termination

- ▶ Does the PSG still need assistance in some areas? How much assistance is required?
- ▶ Should the guardianship be modified or terminated?
- ▶ Alternatives to guardianship
- ▶ Does the guardianship have an automatic termination date?
- ▶ Do all parties / family / guardians support changing the guardianship?
- ▶ Contacting an attorney for assistance

# Considerations: Alternatives to Guardianship

- ▶ Alternatives:
  - ▶ Power of Attorney
  - ▶ Health Care Directive (AKA Medical Power of Attorney)
  - ▶ Supported Decision Making Arrangement (formal/informal)
- ▶ Power of Attorney/Health Care Directive requires capacity to understand and sign those documents at age 18.
- ▶ Supported Decision Making arrangements can be established formally or informally

# Legal Process of Terminating or Modifying Guardianship

- ▶ File Petition
- ▶ Court schedules hearing date
- ▶ Request statements in support of guardianship termination from service providers
- ▶ Court visitor – meet with PSG
- ▶ Court-appointed attorney – meet with PSG
- ▶ Testimony
- ▶ PSG must be present
- ▶ Court will issue the Order

# Questions?

Thank you!



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