Bill of Rights for Persons Under Guardianship

Every person under a guardianship has the following rights, unless limited by a court or otherwise restricted by law:

To have a copy of the guardianship order and letters of guardianship and contact

information for the probate court that issued the order and letters;

to have a guardianship that encourages the development or maintenance of

maximum self-reliance and independence in the ward with the eventual goal, if

possible, of self-sufficiency;

to be treated with respect, consideration, and recognition of the ward's dignity

and individuality;

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

federal Americans with Disabilities Act;

to consideration of the ward's current and previously stated personal

preferences, desires, medical and psychiatric treatment preferences, religious

beliefs, living arrangements, and other preferences and opinions;

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;

to receive timely and appropriate health care and medical treatment that does not

violate the ward's rights granted by the constitution and laws of Texas and the

United States;

to exercise full control of all aspects of life not specifically granted by the court to

the guardian;

to control the ward's personal environment based on the ward's preferences;

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 the bill;

to receive notice in the ward's native language, or preferred mode of

communication, and in a manner accessible to the ward, of a court proceeding to

continue, modify, or terminate the guardianship and the opportunity to appear

before the court to express the ward's preferences and concerns regarding

whether the guardianship should be continued, modified, or terminated;

to have a court investigator, guardian ad litem, or attorney ad litem appointed by

the court to investigate a complaint received by the court from the ward or any

person about the guardianship;

to participate in social, religious, and recreational activities, training, employment,

education, habilitation, and rehabilitation of the ward's choice in the most

integrated setting;

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;

to personal privacy and confidentiality in personal matters, subject to state and

Federal law

to unimpeded, private, and uncensored communication and visitation with

persons of the ward's choice, except that if the guardian determines that certain

communication or visitation causes substantial harm to the ward the guardian

may limit, supervise, or restrict communication or visitation, but only to the extent

necessary to protect the ward from substantial harm, and the ward may request a

hearing to remove any such restrictions on communication or visitation imposed

by the guardian;

to petition the court and retain certified counsel of the ward's choice to represent

the ward's interest for capacity restoration, modification of the guardianship, the

appointment of a different guardian, or for other appropriate relief, including a

transition to a supported decision-making agreement, except as otherwise

limited;

to vote in a public election, marry, and retain a license to operate a motor vehicle,

unless restricted by the court;

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;

to be informed of the name, address, phone number, and purpose of Disability

Rights Texas and to communicate and meet with representatives of that

organization;

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;

to be informed of the name, address, phone number and purpose of the Judicial

Branch Certification Commission and the procedure for filing a complaint against

a certified guardian; and

to contact the Department of Family and Protective Services to report abuse,

neglect or exploitation, or violation of personal rights without fear of punishment,

interference, coercion or retaliation.