



Protected Person's Bill of Rights

The **Protected Person's Bill of Rights** establishes the foundational protections that must be upheld for individuals subject to guardianship. These rights are intended to preserve dignity, autonomy, and due process while ensuring necessary support and protection. Attorneys working in guardianship matters should understand these principles, as they guide ethical decision-making, court oversight, and guardian accountability.

This overview reflects core principles derived from the [National Guardianship Association Standards of Practice](#) and the ethical framework that guides professional guardianship.

At its core, the Bill of Rights reinforces that a protected person does not lose their civil or human rights simply because a guardian has been appointed. Guardianship is meant to support the individual, not replace their identity, voice, or values.

Key Principles Attorneys Should Know

Respect and Dignity

Protected persons have the right to be treated with respect, compassion, and dignity at all times. Guardians must recognize the individual as a person first, not a case or condition.

Self-Determination and Participation

Individuals retain the right to participate in decisions affecting their lives to the greatest extent possible. This includes being informed, heard, and involved in choices related to care, living arrangements, relationships, and daily life.

Least Restrictive Alternatives

Guardianship should be limited to what is necessary. Decisions and interventions must use the least restrictive, least intrusive options that still protect the individual's safety and well-being.

Cultural, Religious, and Personal Preferences

Protected persons have the right to have their personal history, cultural background, beliefs, values, and preferences respected. Guardians must incorporate these factors into all decisions whenever possible.

Due Process and Legal Rights

Protected persons retain the right to legal representation, access to the court, and to raise concerns or objections regarding their guardianship. They must be informed of their rights in a manner they can understand.

Freedom from Abuse, Neglect, and Exploitation

The Bill of Rights affirms a protected person's right to safety and protection from physical, emotional, financial, or psychological harm. Guardians have a duty to actively safeguard against risk and report concerns.

Privacy and Confidentiality

Protected persons have the right to reasonable privacy and confidentiality regarding personal, medical, and financial information, consistent with applicable law and court oversight.

Why This Matters in Practice

For attorneys, the Protected Person's Bill of Rights serves as a critical framework for evaluating guardianship appointments, reviewing guardian conduct, and advising clients. It helps ensure that guardianship remains person-centered, ethically grounded, and legally sound, with accountability to both the court and the individual being protected.

Understanding these rights supports stronger advocacy, clearer court filings, and better outcomes for vulnerable individuals.