

HB413 INTRODUCED



1 HB413
2 YFDGN26-1
3 By Representative Almond
4 RFD: Children and Senior Advocacy
5 First Read: 04-Apr-24



SYNOPSIS:

This bill would establish the Guardianship Bill of Rights to provide adults with guardians certain rights relating to access to justice, core human rights, and decision-making.

A BILL
TO BE ENTITLED
AN ACT

Relating to adults with guardians; to establish the Guardianship Bill of Rights; to provide adults with guardians certain rights relating to access to justice, core human rights, and decision-making.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Guardianship Bill of Rights.

Section 2. (a) For the purposes of this act, the following terms have the following meanings:

(1) ADULT. An individual who has reached the age of majority pursuant to Section 26-1-1, Code of Alabama 1975.

(2) GUARDIAN. The same meaning as Section 26-2A-20, Code of Alabama 1975.

(b) Each adult with a guardian has the right to access



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justice, which includes the right of each adult with a guardian to:

(1) Maintain all rights that the court has not granted to his or her guardian;

(2) A lawyer who advocates for the outcome that he or she desires;

(3) Be present and participate in all court hearings relating to him or her;

(4) Inform the court of his or her concerns or complaints about his or her guardianship or guardian;

(5) Ask the court to review whether to change, continue, or end his or her guardianship and to review whether his or her guardian is right for him or her;

(6) If there is a question about his or her capacity to exercise a specific right, have a qualified person evaluate his or her abilities and whether some or all of his or her rights should be restored;

(7) Support and accommodations as necessary to effectively communicate with the court and to understand court proceedings; and

(8) Have his or her rights explained in the method of communication and in the language that he or she chooses.

(c) Each adult with a guardian retains core human rights, including the right of each adult with a guardian to:

(1) Be treated with dignity and respect;

(2) Be free from abuse, neglect, exploitation, and discrimination;

(3) Remain as independent as possible;



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(4) Express and practice his or her own religious preferences;

(5) Personal privacy; and

(6) Humane, safe, and sanitary living, learning, and working environments.

(c) Each adult with a guardian retains decision-making rights, including the right to:

(1) A competent guardian who advocates for and respects his or her goals, needs, preferences, and desires, including but not limited to those relating to medical treatment, cultural practices, and religious beliefs;

(2) Fully participate in all decisions to the extent that he or she desires to and is able to be involved, especially those decisions affecting his or her care, living situation, activities, and social interactions;

(3) Receive necessary services and rehabilitation in the least restrictive conditions, within available resources and which protect his or her personal privacy;

(4) Have his or her guardian prudently manage his or her resources;

(5) Fully participate in decisions relating to the management of his or her property, to the extent that he or she desires to and is able to be involved; and

(6) Keep confidential those matters that he or she wishes to keep confidential, unless that information is necessary to: (i) obtain services; (ii) prevent abuse, neglect, or exploitation; or (iii) modify his or her guardianship order.



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85 (d) The rights provided in this section are together
86 with, and in addition to, the rights of an adult with a
87 guardian otherwise provided by the law.

88 Section 3. This act shall become effective on October
89 1, 2024.