

BILL OF RIGHTS FOR WARDS AND PROTECTED PERSONS

MAGiC proudly developed and adopted the state's first and only Bill of Rights for Wards and Protected Persons in 1996, demonstrating MAGiC's commitment to ensuring the protection of rights of wards and protected persons, alongside the court appointed responsibility to protect their interests and well-being. In 2009, Minnesota law was amended to include a Bill of Rights, which was substantially borrowed from MAGiC's original list of rights remaining with the ward/protected person even after the appointment of a guardian/conservator.

NOTE: The statutory Bill of Rights does not state that the ward retains the right to make a will; in fact, this right is not automatically lost and depends on the ward/protected person's level of capacity

STATUTE: Minn. Statute Section 524.5-120

The ward/protected person retains all rights not restricted by court order and these rights must be enforced by the court. These rights include the right to:

- (1) treatment with dignity and respect;

- (2) due consideration of current and previously stated personal desires, medical treatment preferences, religious beliefs, and other preferences and opinions in decisions made by the guardian or conservator;

- (3) receive timely and appropriate health care and medical treatment that does not violate known conscientious, religious, or moral beliefs of the ward or protected person;

- (4) exercise control of aspects of life not delegated specifically by court order to the guardian/conservator;

- (5) guardianship or conservatorship services individually suited to the ward or protected person's conditions and needs;

- (6) petition the court to prevent or initiate a change in abode;

(7) care, comfort, social and recreational needs, training, education, habilitation, and rehabilitation care and services, within available resources;

(8) be consulted concerning, and to decide to the extent possible, the reasonable care and disposition of the ward or protected person's clothing, furniture, vehicles, and other personal effects, to object to the disposition of personal property and effects, and to petition the court for a review of the guardian's or conservator's proposed disposition;

(9) personal privacy;

(10) communication and visitation with persons of the ward or protected person's choice, provided that if the guardian has found that certain communication or visitation may result in harm to the ward's health, safety, or well-being, that communication or visitation may be restricted but only to the extent necessary to prevent the harm;

(11) marry and procreate, unless court approval is required, and to consent or object to sterilization as provided in section 524.5-313, paragraph (c), clause (4), item (iv);

(12) petition the court for termination or modification of the guardianship or conservatorship or for other appropriate relief;

(13) be represented by an attorney in any proceeding or for the purpose of petitioning the court; and

(14) vote, unless restricted by the court.