

HB413 INTRODUCED



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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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



HB413 INTRODUCED

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

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

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

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

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

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

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

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

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

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

53 (1) Be treated with dignity and respect;

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

56 (3) Remain as independent as possible;



HB413 INTRODUCED

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

59 (5) Personal privacy; and

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

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

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

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

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

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

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

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



HB413 INTRODUCED

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.