

Protected Person's Civil Rights

A Protected Person for whom a guardian has been appointed retains all legal and civil rights except those that have been expressly limited by court order. These civil rights include, but are not limited to, the following:

- the right to be free from unlawful discrimination, including age, disability, ethnicity, gender, marital status, national origin, race, religion, and sexual orientation;
- the right to be treated humanely, with dignity and respect, and be protected against emotional or psychological abuse, physical abuse, sexual abuse, neglect and exploitation;
- the right to be served in the most integrated setting appropriate to Protected Person's needs;
- the right to practice the religion of their choice, or abstain from the practice of religion;
- the right to receive visitors and communicate with others;
- the right to privacy;
- the right to participate in the political process, including the right to vote;
- the right to voice grievances and complaints without interference, coercion or reprisal;
- the right to counsel and access to available advocacy services;
- the right to have access to the courts;
- the right to receive services to which they are entitled;
- the right to be restored to capacity at the earliest possible time;
- the right to have review of the need for restriction of rights;
- the right to have a qualified guardian;
- the right to remain as independent as possible;
- the right to determine their place of residency, or have their preference honored;
- the right to own, use and control their property, or have their property managed prudently and have timely information about how their property is being managed;
- the right to consent to or refuse medical treatment, unless that authority has been granted to a guardian, or if a treatment guardian has been appointed to make mental health treatment decisions pursuant to the Mental Health and Developmental Disabilities Code (NMSA 1978, § 43-1-15);
- the right to seek or retain employment;
- the right to travel (if appropriate); and
- the right to notice and to attend all proceedings relating to their capacity.