

Civil Rights of Protected Persons

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 this list.

1. **Employment.** The right to seek or retain employment.
2. **Guardianship.** The right to have a qualified Guardian.
3. **Humane Treatment.** The right to be treated with dignity and respect, and be protected against emotional or psychological abuse, physical abuse, sexual abuse, neglect and exploitation
4. **Independent Living.** The right to remain as independent as possible; To be served in the most integrated setting appropriate to Protected Person's needs; To determine their place of residency, or have their preference honored.
5. **Legal Services.** The right to counsel and access to available advocacy services; To have access to the courts; To notice and to attend all proceedings relating to their capacity; To be restored to capacity at the earliest possible time; To have review of the need for restriction of rights.
6. **Medical & Personal Services.** The right to receive services to which they are entitled; 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).
7. **No Discrimination.** Including age, disability, ethnicity, gender, marital status, national origin, race, religion, and sexual orientation.
8. **Own Property.** 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.
9. **Privacy.** The right to keep personal records or information private including email, phone calls, and other personal communications.
10. **Religion.** The right to practice the religion of their choice or abstain from the practice of religion.
11. **Social Life.** The right to receive visitors and communicate with others.
12. **Travel.** The right to travel.
13. **Voice Opinions & Concerns.** The right to voice grievances and complaints without interference, coercion, or reprisal.
14. **Voting.** The right to participate in the political process, including the right to vote in accordance with the New Mexico Constitution, which states that every person who is qualified to vote in elections in New Mexico may do so, except as restricted by reason of mental incapacity, being limited only to those persons who are unable to mark their ballot and who are concurrently also unable to communicate their voting preference.