

## **Guardianship A Protected Person's Rights and Responsibilities**

- **What are my rights in the Guardianship process and how can I challenge it if I don't want a guardian?**
  - An adult who did not petition for their own guardianship is entitled to legal representation to challenge the guardianship. The adult can hire their own attorney, or the court may appoint one. The court will appoint an attorney if you cannot afford one.
  - Information about the fees and costs that can be associated with establishing a guardianship can be found here:  
<https://www.iowalegalaid.org/files/A3ED30CF-AFFE-7431-9310-0D521E4312AF/attachments/247CD2D2-FAB6-4D18-B764-B8844A0415F5/07-attorney-court-guardianship-fees-10-2023.pdf>
  
- **What decisions are my guardian prohibited from making?**
  - A guardian can only make the decisions the court has authorized the guardian to make. Certain decisions cannot be made without first getting permission from the court. This includes approving sterilization or an abortion. The protected person will be notified of their guardian's powers in writing.
  
- **Can my guardian prevent me from getting married, having children, voting, or making personal health care decisions?**
  - Having children:
    - A guardian may have authority to approve sterilization or an abortion. Not all guardians have this power. The guardian can only make these decisions if they get court approval.
  - Getting Married:
    - Not all guardians can prevent a marriage. If the court finds that the protected person does not have the capacity to enter into a marriage, the court may find that the protected person cannot marry.
  - Voting:
    - A guardian may only prevent the protected person from voting if the court finds the protected person does not have the ability to understand and exercise the right to vote. The court must put the restriction to vote in writing.
  - Making personal health care decisions:
    - Based on the facts of each case, a guardian may be granted the power to make health care decisions for the protected person. A guardian may also be authorized to consent to and arrange health care treatment for the protected person.

**It is very important to remember that all guardianships are unique and should be specific to the individual involved!**