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Tutelle, curatelle, safeguarding justice: what differences?

Verified 19 février 2021 - Legal and Administrative Information Directorate (Prime Minister)

The difference between the various protections is the degree of constraint on the actions of the middle finder. Guardianship is the legal protection measure with the most impact on the actions of the protected adult. Other protections are less restrictive of one's freedom of action.

Illness, disability, accident can impair a person's ability to defend their interests.

The judge may then decide on a legal protection measure by which another person helps him protect his interests.

Protection depends on the ability of the person to protect.

The request for protection may come from the person, a relative and, in some cases, the public prosecutor (upon request of a doctor in particular).

Differences between different protections

Protection Type	Applicant	Asset Management	Voting rights
<u>Legal entitlement for representation of spouse</u>	Bride or wife	By the eligible spouse	Yes
<u>Family empowerment</u>	Other member couple, ascending, downhill brother or sister	By the authorised person (limited or general authorisation)	Yes
<u>Safeguarding Justice</u>	- Data subject - Other member couple, family ally or close friend, the Prosecutor himself or upon request of the doctor/director of health care	The person retains the right to perform all acts of civil life, except those entrusted to the special agent	Yes
<u>Curatelle</u>	- Data subject - Other member couple - Family, ally or close friend - Prosecutor himself or at the request of the doctor/director of a health establishment	The person under trusteeship may manage and administer his property freely, but must be assisted by his trustee for all disposition.	Yes. But the protected person cannot be elected.
<u>Tutelle</u>	- Data subject - Other member couple - Family, ally or close friend - Prosecutor himself or at the request of the doctor/director of a health establishment	By the guardian	Yes. But the protected person cannot be elected.

Statute and miscellaneous references

- Civil Code: Article 440 [↗](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006427481) (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006427481)
Definition of curatorship and guardianship
- Electoral Code: Article L200 [↗](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006353475) (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006353475)
Ineligibility of persons placed under trusteeship or guardianship

- Electoral Code: Articles L1 to L6 [↗](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006148454) (https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006148454)
Possibility of granting voting rights to a person in guardianship (Article L5)
 - Civil Code: Articles 500 to 502 [↗](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006150533) (https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006150533)
Determination of the budget for the guardian
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