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# Curatelle

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Curatorship is a judicial measure designed to protect an adult who, without being incapable of acting himself, needs to be advised or controlled in certain acts of civil life. The court shall be ordered only if it is established that the measure of protection of justice would be insufficient. There are several degrees of curatorship. The protection litigation judge shall appoint one or more trustees.

## Simple, reinforced or fitted carpet

There are different degrees of curatorship. The curator is chosen first and foremost from among the relatives of the person to be protected.

### Single Curatula

The person performs the acts of routine management alone (said \_\_\_\_\_ or \_\_\_\_\_), such as managing the bank account or taking out insurance.

On the other hand, it must be assisted by its trustee for more important acts (saiddisposition). For example, the trustee must consent to a loan.

### Enhanced Curatorship

The trustee collects the person's resources and pays his expenses into an account opened in the person's name.

### Curatelle

The judge lists the acts that the person can do alone or not.

## How to apply for a curatorship?

### Request to judge

The opening of a curatorship may be requested from the judge only by certain persons (<https://www.service-public.fr/particuliers/vosdroits/F23595?lang=en>) ..

The application must contain the following documents:

Full copy of birth certificate (<https://www.service-public.fr/particuliers/vosdroits/F1427?lang=en>)

- lang=en) of the person to be protected, less than 3 months

- Duplex copy of the identity document of the person to be protected

- Duplex copy of the applicant's identity document

Detailed medical certificate (<https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en>)

- lang=en)

- Completed Cerfa Application Form 15891

Application for legal protection of an adult (family or legal)(<https://www.service-public.fr/particuliers/vosdroits/R50473>)

- Proof of the relationship between the applicant and the person to be protected (copy of family records, Pacs agreement (<https://www.service-public.fr/particuliers/vosdroits/N144?lang=en>) etc.)

- Copy of the identity document and a copy of the domicile of the person wishing to perform the duties of authorized person

- Letters from family members accepting this appointment

Acceptance model for family members accepting the authorization or appointment of the guardian or curator(<https://www.service-public.fr/particuliers/vosdroits/R54517>)

The file must be sent to the protection litigation judge of the court of the domicile of the person to be protected.

## Folder Instruction

The judge examines the query (<https://www.service-public.fr/particuliers/vosdroits/F23693?lang=en>)

It shall also hear the person who made the request and any lawyers they may have.

## Curator designation

The judge designates as a priority for the person to be protected (<https://www.service-public.fr/particuliers/vosdroits/F23603?lang=en>) .. If this is impossible, the curatorship is entrusted to a professional called .. on a list drawn up by the prefect.

The judge shall appoint one or more curators. The court may be divided by the judge between

- a curator responsible for the protection of the person (example: marriage)
- and a curator responsible for heritage management (example: tax return).

The judge may also appoint curators who jointly exercise all the prerogatives relating to that function. In this case, each trustee shall be considered, in respect of third parties, to have received from the other the power to make the conservatory and administrative acts alone.

The judge may also designate a substitute curator (<https://www.service-public.fr/particuliers/vosdroits/F10507?lang=en>) to monitor the actions of the trustee, or to replace the trustee in the event of a conflict of interest. Where the curator is a member of the family, the judge shall, if possible, select the substitute curator in the other branch of the family.

In the absence of a substitute curator, the judge may also, for certain acts, appoint an ad hoc curator, in particular if there is a conflict of interest between the curator and the protected person.

The trustee is accountable to the protected person and the judge for the execution of his or her mandate. In the event of an enhanced curatorship, he or she must provide the court's director of court registry services with an annual account of his or her management.

## Remedy

In the event of the opening or refusal to terminate a guardianship, the protected person himself or any person entitled to request his release may appeal the decision.

In the event of a refusal to set up the curatorship, only the person who filed the application for curatorship may contest the judgment.

The appeal shall be made within **15 days** in the case following the judgment or the date of its notification for the persons to whom it is notified. The appeal shall be made by declaration made or sent by registered letter with application for acknowledgement of receipt to the court registry.

## Measure effects

The curatorship (opening, modification or end of the measure) gives rise to a marginal mention (<https://www.service-public.fr/particuliers/vosdroits/F1429?lang=en>) on the margin of the birth certificate.

## Acts of daily life

A person under the supervision of a trustee makes decisions about himself (such as changing jobs) if his condition permits.

She chooses her place of residence and has the right to maintain personal relations freely.

It shall retain the right to vote.

The person may request or renew an identity document (<https://www.service-public.fr/particuliers/vosdroits/F12883?lang=en>) ..

The person under supervision may perform administrative acts alone (example: carry out maintenance work in his dwelling).

## Family decisions

The person under supervision may perform certain acts alone (like recognizing a child).

A person under the supervision of a trustee may marry or enter into a marriage without the authorization of the curator or the judge.

She must inform her curator beforehand.

## Bill of sale, will

The person in trust must be assisted by his or her trustee to perform the dispositions (example: sell an apartment).

She can write a will by herself.

She can make donations with the assistance of her curator.

Any decision concerning the principal residence of the protected person must be authorized by the judge.

## Curator intervention

The curator may take such protective measures as are strictly necessary to put an end to the danger which, by reason of his behavior, the middle-aged person would present to himself. He shall immediately inform the judge.

When the curatorship is strengthened, the curator collects the protected person's income, settles the protected person's expenses with third parties and repays the surplus.

## Duration

The judge sets the duration. This period shall not exceed 5 years, renewable for the same period.

He may decide to renew it for a longer period but not exceeding 20 years if the alteration of the faculties of the protected adult appears irreparable. In this case, the doctor's assent, which is included in the list drawn up by the public prosecutor, is necessary.

The measure may end:

- at any time if the judge decides that it is no longer necessary, at the request of the adult or any person entitled to request a curatorship, after medical opinion.
- on expiry of the fixed period, in the absence of renewal,
- if a guardianship measure replaces the curatorship.

## Request for review

Before the end of the legal protection measure, such persons may submit a request to the protection litigation judge to review the protected person (form cerfa n°14919\*03). This request is to extend the duration of the measure.

Application to the guardianship judge - New examination of a measure of judicial protection of an adult (<https://www.service-public.fr/particuliers/vosdroits/R31793>)

## Statute and miscellaneous references

- Civil Code: Articles 425 to 427 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150531&cidTexte=LEGITEXT000006070721>)  
Measures of legal protection
- Civil Code: Articles 428 to 432 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150110&cidTexte=LEGITEXT000006070721>)  
Opening of legal protection
- Civil Code: Rule 440 (<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006427481&cidTexte=LEGITEXT000006070721>)  
Curatorial definition and guardianship
- Civil Code: Articles 441 to 443 (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165753&cidTexte=LEGITEXT000006070721>)  
Measurement duration
- Civil Code: Articles 467 to 472 (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165757&cidTexte=LEGITEXT000006070721>)  
Acts in the curatorship
- Code of Civil Procedure: Articles 1220 to 1221-2 (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031147&cidTexte=LEGITEXT000006070716>)  
Request statement
- Code of Civil Procedure: Articles 1222 to 1224 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031133&cidTexte=LEGITEXT000006070716>)  
Conditions for consultation of the file and issuance of copies
- Code of Civil Procedure: rule 1225 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031107&cidTexte=LEGITEXT000006070716>)  
Disclosure to the Public Prosecutor's Office
- Code of Civil Procedure: Articles 1226 to 1229 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031103&cidTexte=LEGITEXT000006070716>)  
Decisions of the Protection Litigation Judge
- Code of Civil Procedure: Articles 1230 to 1231 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031092&cidTexte=LEGITEXT000006070716>)  
Notification of decisions of the judge
- Code of Civil Procedure: rule 1233 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031082&cidTexte=LEGITEXT000006070716>)  
Implementation of the decision

- Code of Civil Procedure: Articles 1234 to 1235 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031072&cidTexte=LEGITEXT000006070716>)  
Family council
- Code of Civil Procedure: rule 1236 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031050&cidTexte=LEGITEXT000006070716>)  
Family council for a minor
- Code of Civil Procedure: Articles 1237 to 1238 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031045&cidTexte=LEGITEXT000006070716>)  
Family council for a major
- Code of Civil Procedure: Articles 1239 to 1247 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000021538184&cidTexte=LEGITEXT000006070716>)  
Appeal procedure
- Code of Civil Procedure: Articles 1253 to 1254-1 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020030967&cidTexte=LEGITEXT000006070716>)  
Inventory
- Code of Civil Procedure: Articles 1255 to 1257 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020030959&cidTexte=LEGITEXT000006070716>)  
Curatorship and guardianship for an adult (early designation - medical certificate)
- Code of Criminal Procedure: Article R217-1 (<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000020050566&cidTexte=LEGITEXT000006071154>)  
Physician fees for certificate
- Code of Criminal Procedure: Article R224-2 (<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000027907220&cidTexte=LEGITEXT000006071154>)  
Certification fee
- Decree No. 2008-1484 of 22 December 2008 on acts of management of the assets of persons placed in curatorship or guardianship (<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020017088>)

## Online services and forms

- Application for legal protection of an adult (family or legal)(<https://www.service-public.fr/particuliers/vosdroits/R50473>)  
lang=en  
Form
- Application to the guardianship judge - New examination of a measure of judicial protection of an adult(<https://www.service-public.fr/particuliers/vosdroits/R31793?lang=en>)  
Form
- Acceptance model for family members accepting the authorization or appointment of the guardian or curator(<https://www.service-public.fr/particuliers/vosdroits/R54517?lang=en>)  
Document template

## FAQ

- Guardianship, curatorship, protection of justice: what differences?(<https://www.service-public.fr/particuliers/vosdroits/F10424>)  
lang=en
- Who can apply for guardianship, guardianship or safeguarding of justice?(<https://www.service-public.fr/particuliers/vosdroits/F23595>)  
lang=en
- How is the procedure for applying for protection of an adult?(<https://www.service-public.fr/particuliers/vosdroits/F23693>)  
lang=en
- Who can be appointed curator, tutor or special agent?(<https://www.service-public.fr/particuliers/vosdroits/F23603>)  
lang=en
- What is a marginal entry on a civil registration document?(<https://www.service-public.fr/particuliers/vosdroits/F1429>)  
lang=en
- Can a protected adult (guardianship, curatorship, etc.) apply for an identity document?(<https://www.service-public.fr/particuliers/vosdroits/F12883>)  
lang=en
- How can relatives control the action of the tutor or curator?(<https://www.service-public.fr/particuliers/vosdroits/F10507>)  
lang=en
- Application for guardianship, curatorship etc. :: how do i obtain the medical certificate?(<https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en>)
- What is the cost of a tutorship or curatorship?(<https://www.service-public.fr/particuliers/vosdroits/F3165>)  
lang=en

## Additional topics

- Abuse of weakness (<https://www.service-public.fr/particuliers/vosdroits/F35140>)  
lang=en  
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