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Tutelle of a major

Verified 19 mars 2021 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

Guardianship is a judicial measure designed to protect a person of age and/or all or part of his estate if he is no longer able to look after his own interests. A guardian represents her in the acts of civil life. The judge may, at any time, list acts that the person may or may not do alone, on a case-by-case basis.

Who are the people concerned?

Guardianship is for a person of age who needs to be continuously represented in the acts of civil life:

- due to impairment of mental faculties
- or when she is physically unable to express her will.

What is the procedure?

Request

The opening of a guardianship may be requested from the protection litigation judge by one of the following persons:

- No one to protect
- Person who lives couple with the person to protect
- Parent or ally
- Person with middle finger close and stable ties
- Person who (already) exercises the legal protection measure (curator or guardian)
- Public Prosecutor

The measure shall be proportionate and individualised according to the degree of impairment of the personal faculties of the person concerned.

The application must include the following documents:

- Full copy of birth certificate (<https://www.service-public.fr/particuliers/vosdroits/F1427?lang=en>) of the person to be protected, less than 3 months
- Duplex copy of the person to be protected
- Duplex copy of applicant's ID
- Detailed medical certificate (<https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en>)
- Completed Cerfa Application Form #15891

Application for legal protection of an adult (family or legal protection)

Cerfa n° 15891*03 - Ministry of Justice

Go to
form(pdf - 115.8 KB)

(https://www.formulaires.service-public.fr/gf/cerfa_15891.do)

Consult the online manual

- [Notice - Application for legal protection of an adult \(family or legal protection\)](https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52257&cerfaFormulaire=15891) (<https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52257&cerfaFormulaire=15891>)

- Proof of the relationship between the applicant and the person to be protected (copy of family records, marriage contract, [civil partnership agreement](https://www.service-public.fr/particuliers/vosdroits/N144?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/N144?lang=en>) etc.),
- Copy of the identity document and copy of the domicile of the person who wishes to perform the duties of authorised person
- [Letters from family members](https://www.service-public.fr/particuliers/vosdroits/R54517?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/R54517?lang=en>) accepting this appointment
- If a sale is planned, at least 2 property value notices

The application shall be addressed to the protection litigation judge of the court on which the place of residence of the adult to be protected depends.

Who shall I contact

- [Court or Proximity Court](https://www.justice.fr/recherche/annuaires)  (<https://www.justice.fr/recherche/annuaires>)

Query Shape

The query shall include:

- the [medical certificate](https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en>),
- the identity of the person to be protected,
- a statement of facts indicating the need to implement the measure.

Convocation of the person to be protected

The person to be protected is summoned by the judge.

The right to [lawyer](https://www.service-public.fr/particuliers/vosdroits/F2153?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2153?lang=en>) is mentioned in the notice of meeting.

The person to be protected may also apply to the court for the bearer to appoint a lawyer who will act within 8 days of his application.

Hearing of the protected or protected person

The hearing is not public.

The judge is obliged to hear or call the person to protect who may be accompanied by:

- a lawyer,
- or, with the consent of the judge, by the person of his choice.

After opinion of the doctor who established the [medical certificate](https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F21667?lang=en>), the judge may decide not to hear the person. His decision is justified.

Pending judgement, the judge may temporarily place the person in [safeguarding justice](https://www.service-public.fr/particuliers/vosdroits/F2075?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2075?lang=en>).

 **Please note :** the person requesting protection is automatically heard.

Guardian designation

The judge appoints one or more guardians. The guardianship can be divided between a guardian responsible for the protection of the person (for example, in case of marriage) and a guardian responsible for the management of the property (for example, to make the tax declaration).

The guardian is chosen first and foremost from the relatives of the person to be protected. If this is not possible, the judge shall appoint a professional, called *judicial officer for the protection of minors* on a list drawn up by the prefect.

The judge may also designate [subrogate](https://www.service-public.fr/particuliers/vosdroits/F10507?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F10507?lang=en>) in particular to monitor the acts of the guardian.

In the absence of a substitute guardian, the judge appoints an ad hoc tutor.

The guardian shall establish an [management account](https://www.service-public.fr/particuliers/vosdroits/F33832?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F33832?lang=en>).

call

In the event of a refusal by the judge to grant guardianship, only the person who filed the application for guardianship may appeal.

Any person entitled to apply for guardianship (parent, ally etc.) may appeal other decisions of the guardians' judge.

The appeal shall take place within **15 days** following the judgement or the date of its notification for the persons to whom it is notified. The appeal shall be heard in a court of appeal but shall be made by statement made or sent by letter [RAR](#) () the court registry.

What are the effects of guardianship?

The guardianship (opening, modifying or ending of the measure) gives rise to [mention](https://www.service-public.fr/particuliers/vosdroits/F1429?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F1429?lang=en>) carried on the margins of the protected person's birth certificate.

Disposition and administration

The judge authorises the disposition.

The administrative acts can only be done by the guardian.

Family decisions

The protected person performs certain acts alone *strictly personal* (example: recognise a child).

Guardianship does not result in deprivation of parental authority.

Renewal of an identity document

The adult under guardianship can apply for an identity card alone but guardian must be informed (<https://www.service-public.fr/particuliers/vosdroits/F12883?lang=en>).

Marriage and Civil partnerships

The guardianship adult may marry or enter into a civil partnership without the permission of the guardian or the judge.

He must inform his guardian beforehand.

Vote

The adult in guardianship exercises his or her right to vote for which he or she cannot be represented by his or her guardian.

He or she may not give power of attorney to any of the following:

- Agent in charge of its protection
- Physical person who is a director or employee (employee or volunteer) in the host institution where he is
- Home

Complaint

The adult in guardianship alone takes decisions concerning his person to the extent that his condition allows it. He can therefore lodge a complaint alone.

Protected person's primary dwelling

Any decision concerning the principal dwelling of the protected person must be authorised by the judge.

Testament and donations

The adult can make his will alone with the authorisation of the judge. He can revoke it alone.

The guardianship major may make donations by being assisted or represented by the guardian, with the authorisation of the judge.

How long is the guardianship?

The protection litigation judge shall determine the duration of the measure.

It is limited to:

- 5 years
- or 10 years if the impairment of the person's personal faculties is clearly not likely to improve according to the data acquired by science. The judge may renew the measure directly if a medical certificate issued at the last renewal indicated that no improvement in the health status of the adult was possible. This renewal of the guardianship measure may not exceed 20 years.

The judge can lighten the measure at any time (for example, shorten the time limit).

The measure may end in particular:

- at any time if the judge decides that it is no longer necessary, at the request of the adult or any other qualified person (for example, a parent, a ally etc.),
- at the end of the fixed period,
- if replaced by a curatelle,
- on the death of the protected person.

How to renew the guardianship measure?

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

Application to the Guardian Judge - Re-examination of a measure of judicial protection of a major

Cerfa n° 14919*04 - Ministry of Justice

Go to
form(pdf - 95.0 KB) [↗](https://www.formulaires.service-public.fr/gf/cerfa_14919.do)
(https://www.formulaires.service-public.fr/gf/cerfa_14919.do)

 Consult the online manual

- [Notice - Application to the Guardian Judge - Re-examination of a measure of judicial protection of a major](https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=51708&cerfaFormulaire=14919) [↗](https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=51708&cerfaFormulaire=14919) (<https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=51708&cerfaFormulaire=14919>)

The application shall be addressed to the protection litigation judge of the court on which the place of residence of the adult to be protected depends.

Who shall I contact

- [Court or Proximity Court](https://www.justice.fr/recherche/annuaires)  (https://www.justice.fr/recherche/annuaires)

What happens when the guardianship person dies?

The guardian's mission ends on the day the protected person dies.

The guardian must present the accounts within 3 months of death.

In case of death without inheritance the guardian must request the appointment of the Domain as trustee and forward all documents in his possession. This request is made to the court of the deceased's domicile at the time of his death.

Who shall I contact

- [Court or Proximity Court](https://www.justice.fr/recherche/annuaires)  (https://www.justice.fr/recherche/annuaires)

Statute and miscellaneous references

- [Electoral Code: Articles L1 to L6](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006148454)  (https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006148454)
- [Civil Code: Rule 418](https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006427408&cidTexte=LEGITEXT000006070721)  (https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006427408&cidTexte=LEGITEXT000006070721)
Death of protected person: end of protection
- [Civil Code: Articles 425 to 427](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150531&cidTexte=LEGITEXT000006070721)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150531&cidTexte=LEGITEXT000006070721)
General provisions on guardianship of a person of age
- [Civil Code: Articles 428 to 432](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150110&cidTexte=LEGITEXT000006070721)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150110&cidTexte=LEGITEXT000006070721)
Provisions on judicial measures
- [Civil Code: Article 440](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006427481)  (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006427481)
Trusteeship pronounced
- [Civil Code: 457-1 to 463](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165510&cidTexte=LEGITEXT000006070721)  (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165510&cidTexte=LEGITEXT000006070721)
Effects of guardianship
- [Civil Code: Articles 510 to 514](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136534&cidTexte=LEGITEXT000006070721)  (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136534&cidTexte=LEGITEXT000006070721)
Deadline for completion of mission (514)
- [Code of Civil Procedure: Articles 1211 to 1216](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031189&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031189&cidTexte=LEGITEXT000006070716)
General provisions on guardianship
- [Code of Civil Procedure: Articles 1216-1 to 1216-3](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000038810539&cidTexte=LEGITEXT000006070716)  (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000038810539&cidTexte=LEGITEXT000006070716)
Information to be sent to the public prosecutor before referral to the judge
- [Code of Civil Procedure: Articles 1217 to 1219-1](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031166&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031166&cidTexte=LEGITEXT000006070716)
Application for guardianship
- [Code of Civil Procedure: Articles 1220 to 1221-2](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031147&cidTexte=LEGITEXT000006070716)  (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031147&cidTexte=LEGITEXT000006070716)
Guardianship Request Statement
- [Code of Civil Procedure: Articles 1222 to 1224](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031133&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031133&cidTexte=LEGITEXT000006070716)
Consultation and issue of copies
- [Code of Civil Procedure: Article 1225](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031107&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031107&cidTexte=LEGITEXT000006070716)
Submission of the case to the Public Prosecutor
- [Code of Civil Procedure: Articles 1226 to 1229](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031103&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031103&cidTexte=LEGITEXT000006070716)
Decision of the protection litigation judge
- [Code of Civil Procedure: Articles 1230 to 1231](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031092&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031092&cidTexte=LEGITEXT000006070716)
Notification of the judge's decision
- [Code of Civil Procedure: Article 1233](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031082&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031082&cidTexte=LEGITEXT000006070716)
Execution of decision
- [Code of Civil Procedure: Articles 1234 to 1235](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000020031072)  (https://www.legifrance.gouv.fr/codes/id/LEGISCTA000020031072)
Provisions relating to the family council
- [Code of Civil Procedure: Article 1236](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031050&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031050&cidTexte=LEGITEXT000006070716)
Family tip: provisions on minors
- [Code of Civil Procedure: Articles 1237 to 1238](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031045&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020031045&cidTexte=LEGITEXT000006070716)
Family tip: provisions relating to major
- [Code of Civil Procedure: Articles 1239 to 1247](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000021538184&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000021538184&cidTexte=LEGITEXT000006070716)
Appeal of the decision of the protection and deliberation litigation judge of the family council
- [Code of Civil Procedure: Articles 1254 to 1254-1](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020030967&cidTexte=LEGITEXT000006070716)  (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020030967&cidTexte=LEGITEXT000006070716)
Asset Management

- **Code of Civil Procedure: Articles 1255 to 1257** [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020030959&cidTexte=LEGITEXT000006070716) (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000020030959&cidTexte=LEGITEXT000006070716>)
Guardian designation
- **Code of Criminal Procedure: Article R217-1** [↗](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000032105823) (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000032105823)
Cost of the detailed certificate
- **Code of Criminal Procedure: Article R224-2** [↗](http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000027907220&cidTexte=LEGITEXT000006071154) (<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000027907220&cidTexte=LEGITEXT000006071154>)
Certification procedure
- **Decree No. 2008-1484 of 22 December 2008 on the acts of management of the assets of persons placed in the care or guardianship** [↗](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000020017088) (<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000020017088>)

Online services and forms

- **Application for legal protection of an adult (family or legal protection)** (<https://www.service-public.fr/particuliers/vosdroits/R50473?lang=en>)
Form
- **Application to the Guardian Judge - Re-examination of a measure of judicial protection of a major** (<https://www.service-public.fr/particuliers/vosdroits/R31793?lang=en>)
Form
- **Acceptance Model for Family Members Accepting Authorisation or Appointment of Guardian or Trustee** (<https://www.service-public.fr/particuliers/vosdroits/R54517?lang=en>)
Document template

For more information, please contact

- **Tutorial space (Ministry of Justice)** [↗](http://www.justice.gouv.fr/justice-civile-11861/tutelles-12182/) (<http://www.justice.gouv.fr/justice-civile-11861/tutelles-12182/>)
Ministry of Justice