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## Who can be appointed curator, tutor or special agent?

Verified 27 mars 2020 - Directorate for Legal and Administrative Information (Prime Minister)

In principle, the judge must take into account the opinion of the person to be protected, who designates, curator or guardian, the person of his choice (spouse, partner of Pacs (), parent, etc.). The judge shall appoint the person chosen by the adult to be protected if the following 3 conditions are met:

- ▶ The designated person accepts the assignment
- ▶ The designated person is a person of full age and has full civil, civil or family rights (for example, a person who has full [parental authority](https://www.service-public.fr/particuliers/vosdroits/N135?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/N135?lang=en>))
- ▶ The interest of the person to be protected is preserved (e.g., the designated person is available to carry out his mission)

**Please note:** If the judge does not appoint the person designated by the person to be protected, the judge must specify what prohibits the appointment.

If these conditions are not met, or in the absence of a designation by the person to be protected from a curator or a guardian, the judge shall give first priority to the appointment of the following persons:

- ▶ Spouse of the person to be protected
- ▶ Partner of Pacs ()
- ▶ Person living in cohabitation with the person to be protected

If the common life has ceased or another cause prevents the measure from being entrusted to that person (for example, violence), the spouse or partner will not be able to become a curator or guardian.

In the absence of a spouse, the judge designates a parent, a ally or a person residing with the adult to be protected or having close and stable ties with him (for example, a close friend).

The judge may apportion the burden between a person responsible for the protection of the person and another person responsible for property management. It may also entrust the management of certain property to a curator or assistant tutor.

These designated persons shall be independent and shall not be liable to each other unless the judge otherwise decides,

Where no family member or relative can assume the guardianship or guardianship, the judge shall appoint a judicial representative for the protection of adults. The judicial representative must be included in a list drawn up and kept up to date by the prefect of the department.

### General case

#### Who shall I contact

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- ▶ [Prefecture](http://www.interieur.gouv.fr/Le-ministere/Prefectures) [↗](http://www.interieur.gouv.fr/Le-ministere/Prefectures) (<http://www.interieur.gouv.fr/Le-ministere/Prefectures>)

### Island of France

#### Who shall I contact

- ▶ [DRJCS Île-de-France - Legal agent for the protection of adults](http://ile-de-france.drjcs.gouv.fr/spip.php?article866) [↗](http://ile-de-france.drjcs.gouv.fr/spip.php?article866) (<http://ile-de-france.drjcs.gouv.fr/spip.php?article866>)



**FYI:** the judge may associate relatives and professionals to ensure the protection of the adult.

### Statute and miscellaneous references

- ▶ Civil Code: Articles 446 to 453 [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181866&cidTexte=LEGITEXT000006070721) (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181866&cidTexte=LEGITEXT000006070721>)  
*Appointment of curator or guardian*

- Penal Code: Articles 131-19 to 131-36 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181731&cidTexte=LEGITEXT000006070719) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181731&cidTexte=LEGITEXT000006070719>)  
*Impossibility of being a guardian or curator in the event of a ban on civil rights (art. 131-26)*
  - Civil Code: Rule 445 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165755&cidTexte=LEGITEXT000006070721) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165755&cidTexte=LEGITEXT000006070721>)  
*Incompatibility with the duties of the guardian or curator*
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