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ceux qui en ont besoin

The assistance measure Official recognition for assistants



THE ASSISTANCE MEASURE

Official recognition for assistants

Under the new assistance measure, an adult living with a difficulty who would like help from someone close to them in making decisions and managing their property will be able to obtain recognition for one or two assistants of their choice.

Once recognized, each assistant will be entered in a public register, allowing them to deal with various organizations, government departments, and service providers on the person's behalf.

The assistant may send these third parties information or collect information from them, through a single process and on behalf of the assisted person.

Application for recognition of an assistant may be sent to the Curateur public on **November 1, 2022**, once the law to better protect vulnerable persons takes effect. The applications will not need to be approved by the court.



Who is the assistance measure for?

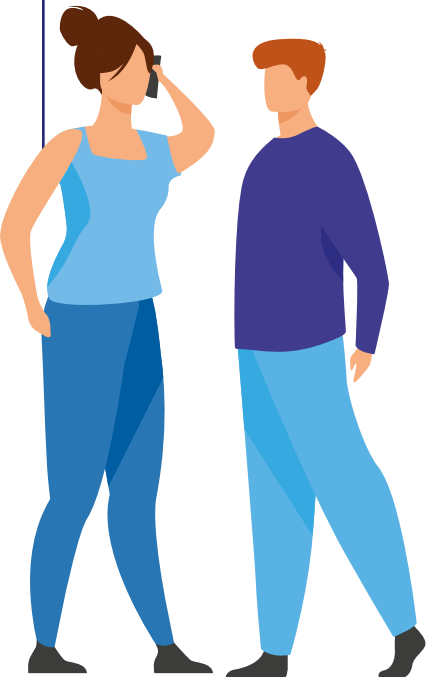
The assistance measure is designed for any adult who would like help because of a difficulty and who is able to choose their assistant on their own.

To qualify, the person must demonstrate that they understand the scope of this measure and be able to express their wishes and preferences.

Here are some examples of situations in which a person might want to apply to have an assistant recognized:

- An elderly person experiencing a loss of autonomy who wants help from someone close to them
- An adult with a mild intellectual disability who wants help from someone close to them
- An adult with a vision, hearing, or motor impairment who wants help from someone close to them
- An adult with a mental illness who needs help from someone close to them in managing their affairs

Note that the difficulty that motivates a person to submit the application will not be assessed.





Who can be recognized as an assistant?

The proposed assistant must be an adult who is capable of fully exercising their civil rights, who is not under tutorship or a protection mandate, and who demonstrates a particular interest in the person who wants assistance. For example:

- A family member or someone close to the person requesting assistance
- A caregiver

The law does not allow the Curateur public to act as an assistant.

The assistant will act as the intermediary for the assisted person.
THEY WILL ACT ONLY AS REQUESTED AND FOR THE SPECIFIC MATTERS INDICATED BY THE ASSISTED PERSON.

The assistant MAY:

- Act as an intermediary for the assisted person
- Advise the assisted person
- Contact third parties to obtain or send information, or to inform them of decisions made by the assisted person
- Access the assisted person's personal information, only with their consent and if the information is needed to help them

The assistant MAY NOT:

- Sign documents on behalf of the assisted person
- Make decisions for them
- Act in situations of conflict of interest
- Be paid for their help

Safety is a priority

Prevention of abuse and mistreatment is a major concern. As such, the measure will be accompanied by several layers of protection, such as a criminal background check of the proposed assistant, notification of the application to at least two people close to the person requesting assistance (who will agree or disagree with the proposed assistant), and termination of the measure after three years.

For as long as the assistance measure is in place, the prevention of abuse and the safety of the assisted person will be a priority.



How to get an assistant recognized

The process of getting an assistant recognized involves several steps, but, unlike protection measures such as the tutorship, the assistance measure is not a legal process, and requires no medical or psychosocial assessment. It is a voluntary measure. The person who wants help from an assistant must submit the application.

There will be two ways to do so: Directly to the Curateur public, in which case the person can submit their application online or using the paper form, free of charge; or via a lawyer or a notary, for a fee. In all cases, the Curateur public will make the final decision whether or not to recognize an assistant.



What is the difference between the assistance measure and a power of attorney?

Unlike a power of attorney, which entitles a person to act on behalf of another person, the assistance measure allows the assistant to collect or send information on behalf of the assisted person, but not make decisions for them, such as signing a contract or making a bank transaction.