

**GUIDE FOR THE CURATOR  
AND THE TUTORSHIP COUNCIL  
FOR A PERSON OF FULL AGE**

**QUICK REFERENCE  
ON THE 8 STAGES  
OF CURATORSHIPS  
TO A PERSON OF FULL AGE**

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## NOTE

Usually a single person assumes two roles: curator to the property (administration of patrimony or assets) and curator to the person (protection of the person and the exercise of his or her rights). This guide applies to such a situation, which is most commonly the case. But, your role may involve just one of these two responsibilities (property or person). If this is the case, some sections of the guide do not concern you; still, it's a good idea to familiarize yourself with their contents.

# ENSURING THE WELFARE OF A PERSON UNDER CURATORSHIP

Throughout the curatorship, curators strive to act in the interests of the person under their protection. In addition to properly administering the person's assets and completing the main elements of the administration report, curators work to ensure the person's mental and physical welfare. They do not necessarily personally provide the services required by the person under their protection, but they are responsible for ensuring that he or she receives them.



## CURATORS

To keep informed about the condition of the person under curatorship and confirm that their living conditions are satisfactory, you can visit regularly, call them on the telephone, or learn about their condition and living environment from someone who is in regular contact with them.

By keeping abreast of the needs of the person under your protection, you will know if they are receiving the services they need, and, if necessary, you can arrange for them to receive additional services.

If you wish, complete the "*Overview of Protective Supervision*". Give it to the tutorship council and discuss it in your annual meeting. The overview is a tool that will help you review the actions you have taken over the past year to ensure the welfare of the person under your protection. In it, you can include information about the person's daily needs, their living environment, health care services they are receiving, social needs, and issues concerning their rights and independence.

We suggest that you complete the overview at the same time as the annual report and give it to the tutorship council. You don't have to send it to the Curateur public.



## TUTORSHIP COUNCILS

Tutorship councils support curators in carrying out their tasks. They ensure that curators are working for the welfare of the protected person, upholding the protected person's rights, making sure that the person's needs are met, fostering, to the extent possible, the maintenance and development of the protected person's capacities, and consulting and informing them about decisions made on their behalf.

To help you perform the support and oversight tasks, we suggest that you talk regularly with the curator about the actions he or she is taking to ensure the person's protection. The "*Overview of Protective Supervision*" may be a useful tool for you as well. You can discuss it with the curator at your annual meeting.

If you are concerned about any aspects of the curator's overview, complete the "*Tool to Assist Tutorship Councils in Consulting the Curateur public on Protective Supervision*" and return it to the Curateur public. You can also call the Curateur public staff member who is in charge of the protected person's file whenever you want to discuss the situation or talk about aspects of concern to you.



## YOUR TOOLS

In the "*Tools and Forms*" section and on our website you'll find:

- » "*Overview of Protective Supervision*";
- » "*Guide to Completing the Overview of Protective Supervision*";
- » "*Tool to Assist Tutorship Councils in Consulting the Curateur public on Protective Supervision*".

Time limit: the inventory must be produced within 60 days of instituting the curatorship. It can be made by "*private writing*" or with a notary.



## CURATORS

To make an inventory by private writing:

- » Gather the documents you will need to make the inventory;
- » Complete the inventory form that is supplied with this guide;
- » Ask two witnesses to sign the inventory;
- » Sign the document, taking care to include the date and where it was completed;
- » Give the inventory and copies of the documents confirming the patrimony of the person under your protection to the tutorship council and the Curateur public. It is suggested that the protected person be informed if possible;
- » Keep a copy of the inventory.

To make a notarial inventory:

- » Make an appointment with a notary;
- » Gather the documents you will need to make the inventory;
- » Once the inventory has been completed, give it to the tutorship council and the Curateur public. It is suggested that the protected person be informed if possible;
- » Keep a copy of the inventory.

The notary's fees may be covered by the patrimony of the person under your protection.



## TUTORSHIP COUNCILS

- » Your role is to support the curator and ensure that he or she properly completes the inventory within the prescribed 60-day time limit.
- » Make sure that:
  - » The inventory lists all of the protected person's property (assets) and debts (liabilities);
  - » The information contained in the inventory is accurate and entered under the proper headings;
  - » The curator has attached all relevant documents;
  - » The protected person has been informed, depending on his or her capacity.



## YOUR TOOLS

In the *"Tools and Forms"* section and on our website you'll find:

- » *"Guide for Curators and Tutors who Wish to Make an Inventory by Private Writing"*;
- » An inventory checklist.

For more information about the inventory, refer to section B, *"Principal Stages of Curatorships to a Person of Full Age"*, on page 12.



## CURATORS

To properly administer the patrimony of the person under your protection, you must:

- » Register his or her bank account and investments in your name "*in the capacity of*": "(Your Name) *in the capacity of* curator to (name of the protected person)";
- » Determine all the person's sources of income and collect them;
- » Establish a balanced budget based on the person's needs and income;
- » Pay their expenses and debts, and collect all amounts owed to them;
- » Make investments that are presumed sound;
- » Separate the administration of the protected person's patrimony from your own affairs.



## TUTORSHIP COUNCILS

Make sure that the curator:

- » Registers the protected person's bank account in the curator's name "*in the capacity of*" the protected person for the purpose of administering their assets;
- » Registers the person's investments in the curator's name "*in the capacity of*" the protected person;
- » Determines and collects the person's income;
- » Establishes a balanced budget that meets the protected person's needs;
- » Pays their expenses and debts, and collect all amounts owed to them;
- » Makes investments that are presumed sound;
- » Never mingles the protected person's assets with their own assets.

For more information about administering the property of the person under your protection, refer to section B, "*Principal Stages of Curatorships to a Person of Full Age*", on page 20, or section D, "*Managing the Patrimony*".

Curators must obtain security if the property under administration is worth more than \$25,000. The kind and amount of the security, and the time granted to furnish it are determined by the tutorship council.



### CURATORS

- » It is the tutorship council's role to determine the type of security, the amount, and the time limit for furnishing it.
- » Depending on the type of security chosen, complete the required procedure with the institution concerned.
- » If a hold funds is chosen, it will be executed by the financial institution in which the protected person's patrimony is held.
- » Security is mandatory and must be confirmed every year with the tutorship council and the Curateur public, or whenever a change has been made.
- » Once security has been established, you must provide proof to the tutorship council and the Curateur public, and repeat this step every year or whenever a change has been made.



### TUTORSHIP COUNCILS

The tutorship council is responsible for:

- » Determining the type and amount of the security;
- » Setting the time limit by which the curator must furnish the security;
- » Reviewing the security and adjusting it if necessary;
- » Ensuring that the curator furnishes proof of the security every year, or whenever a change has been made;
- » Ensuring that the curator sends proof of the security to the Curateur public.





## YOUR TOOLS

In the "*Tools and Forms*" section and on our website you'll find:

- » A sample hold funds application;
- » A sample hold funds confirmation letter;
- » The "*Attestation to a Decision of the Tutorship Council Relative to the Security to be Provided by a Legal Representative*" form.

For more information about the security, refer to section B, "*Principal Stages of Curatorships to a Person of Full Age*", on page 26.



## CURATORS

We recommend that you use a simple accounting system to facilitate your administration. It can be manual or electronic and should include a section for income and another section for expenses. If you enter cash inflows and outflows periodically, it will be easier to produce the annual report at the end of the year.

Keep all supporting documents related to the administration of the property of the person under your protection (invoices, receipts, cheque stubs, and investment reports) and give copies to the secretary of the tutorship council.



## TUTORSHIP COUNCILS

The secretary of the tutorship council must preserve all the documents related to the curatorship.



## YOUR TOOL

A sample financial tracking model is provided in "*Tools and Forms*," and on our website.

For more information about financial tracking, refer to section B, "*Principal Stages of Curatorships to a Person of Full Age*", on page 32.

Time limit: the annual report must be produced within three months of the curatorship's anniversary date. For example, if the curatorship began on June 1, the report should be remitted by September 1 of each year. The curatorship's anniversary date corresponds to the date of the court judgment.



## CURATORS

A handy aid: The Curateur public will phone you to help you complete your first annual report.

- » Check your mailbox. About one month before the curatorship's anniversary date, the Curateur public will send you an annual report form.
- » For help with completing your report, refer to the inventory you made at the beginning of your administration, or to last year's annual report.
- » If the patrimony of the person under your protection is complicated, you can hire an accountant. Accountant's fees may be covered by the patrimony.
- » Once you have completed the annual report, give a copy to the Curateur public and to the person's curator or representative. It is also recommended that, if possible, you explain the contents of the annual report to the person under your protection. Keep the original for your files. The secretary of the tutorship council also keeps a copy.
- » When you produce your first annual report, give the Curateur public and the secretary of the tutorship council a copy of all supporting documents that confirm the assets, liabilities, income, and expenses presented in the report. You must keep the original copies of all these documents. In subsequent years, you will only have to give copies of supporting documents to the secretary of the tutorship council.



## TUTORSHIP COUNCILS

- » Make sure that the annual report is produced within three months of the curatorship's anniversary date.
- » When you receive the annual report, check that:
  - » It presents all of the protected person's assets and liabilities;
  - » The information is accurate and entered under the proper headings;
  - » The annual report is signed by one or both curators and that it is dated; also, verify that the protected person's file number at the Curateur public is mentioned.
- » The annual report checklist available on our website and in "*Tools and Forms*" could be a useful tool.
- » The secretary of the tutorship council is also responsible for preserving all supporting documents that confirm the assets, liabilities, income, and expenses listed in the annual report.



## YOUR TOOLS

In the "*Tools and Forms*" section and on our website you'll find:

- » The "*Guide Addressed to Curators and Tutors Who Must Provide an Annual Administration Report*";
- » An annual report checklist.

For more information about the annual report, refer to section B, "*Principal Stages of Curatorships to a Person of Full Age*", on page 34.

## OBTAINING MEDICAL AND PSYCHOSOCIAL REASSESSMENTS OF THE PERSON UNDER YOUR PROTECTION

Frequency: medical and psychosocial reassessments of individuals under protective supervision must be conducted every five years. An earlier date may also be set by the court.

A person under curatorship or their curator can ask for medical and psychosocial reassessments at any time to confirm that the form of protective supervision is still adapted to the protected person's needs.



### CURATORS

- » A medical reassessment is performed by the attending physician of the person under your protection or by a physician with the institution in which they are residing.
- » A psychosocial reassessment is conducted by a health practitioner other than a physician (usually a social worker).
- » If the person you are protecting does not live in a facility that employs health practitioners, you can ask the CLSC near their residence to assign a physician and social worker to conduct the reassessments.
- » You must give copies of the reassessment forms to the person under your protection and the Curateur public. In addition, keep one for your files and inform the tutorship council of the conclusions of the reassessments.
- » If the reassessments determine that the curatorship must be amended or revoked, the health and social services network establishment will have to submit the original versions of such documents to the court.



### TUTORSHIP COUNCILS

- » The tutorship council must ensure that the curator makes the necessary arrangements to have medical and psychosocial reassessments of the person under his or her protection every five years, or within the time limit set by the court.

For more information about obtaining medical and psychosocial reassessments, refer to section B, "*Principal Stages of Curatorships to a Person of Full Age*", on page 40.

Time limit: the final report must be completed as soon as possible after the end of the curator's administration.

The final report is addressed to:

- » Individuals under protective supervision who have received a court judgment terminating the curatorship, because they are either no longer incapacitated or no longer require protection, or;
- » Their heirs or the liquidators of their successions, if they are deceased, or;
- » The new curator and tutorship council if the curator has been replaced.

In all cases, the report must also be sent to the tutorship council and the Curateur public.



### CURATORS

- » The final report presents the assets and liabilities (debts) of the person under your protection as at the moment you conclude your administration as curator.
- » If the final report is complicated, you can ask an accountant to do it for you. The fees you incur may be covered by the patrimony of the protected person.
- » The Curateur public supplies a simplified final report form. It will be mailed to you. If the individual to whom the final report is addressed wishes to obtain more detailed information, they must cover any associated costs.
- » Once the report has been completed, a copy is given to the person to whom it is addressed, the tutorship council, and the Curateur public.
- » You must also send any curatorship documents you have in your possession to the person to whom the report is addressed.



## TUTORSHIP COUNCILS

The responsibilities of the tutorship council are to ensure that:

- » The curator produces the final report within the prescribed time limit;
- » The final report presents an accurate accounting of the patrimony of the protected person;
- » The individual to whom the final report is addressed receives the entire amount of his or her patrimony and the documents related to its administration. Both the curator and the secretary of the tutorship council must give him or her all the curatorship documents they have in their possession.

For more information about the final report, refer to section B, "*Principal Stages of Curatorships to a Person of Full Age*", on page 44.



## USEFUL INFORMATION

Name of represented person: \_\_\_\_\_

Date of birth: \_\_\_\_\_  
YY / MM / DD

Address of residence: \_\_\_\_\_  
\_\_\_\_\_

Start of curatorship: \_\_\_\_\_  
YY / MM / DD

### *Curateur public*

File N° (Curateur public) : \_\_\_\_\_

Mailing address: 600 boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9

Civic address of office or services outlet: \_\_\_\_\_

	Nom	Telephone no.	Email
Private Representation Officer			
Compliance Officer			

### *Curator(s)*

	Name	Telephone no.	Email
Curator 1			
Curator 2			



**Secretary and members  
of the tutorship council**

	Name	Telephone no.	Email
Secretary of the tutorship council			
Member of the tutorship council			
Member of the tutorship council			
Member of the tutorship council			

**Other resources**

	Name	Telephone no.	Email
Notary or lawyer			
Accountant			
Physician			
Social worker			
Financial advisor			
Financial institution			
Other			





