

GUIDE FOR THE DATIVE TUTOR  
AND THE TUTORSHIP COUNCIL  
FOR A MINOR

# Quick reference ON THE 7 STAGES OF DATIVE TUTORSHIPS

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**Time limit:** The tutorship council must be formed promptly after the institution of tutorship.



### QUICK REFERENCE FOR DATIVE TUTORS

The tutorship council may have been constituted already at the time of your appointment as dative tutor to the minor. If this is your case, go to the next stage.

If not, these are the steps you must take to form a tutorship council:

- » Ask a clerk of the court or a notary to call a **meeting of relatives, persons connected by marriage or civil union and friends**.
- » This meeting must include the minor's family and friends, his or her grandparents, and adult siblings. If necessary, other family members may be called (uncles, aunts, cousins, and friends). The meeting should be attended by at least five individuals.
- » The meeting of family and friends will choose three members to form the tutorship council, the secretary of the tutorship council, and two alternates. If possible, the tutorship council should include relatives from both the mother's and father's side of the minor's family.

The fees you incur in forming the tutorship council may be covered by drawing on the minor's patrimony.

For more information about constituting the tutorship council, refer to section B, "*Stages in the Dative Tutorship of a Minor's Property*," on page 4.

**Time limit:** The inventory must be produced within 60 days of instituting the tutorship.



To make an **inventory by private writing**:

- » Gather the documents you will need to draw up the inventory.
- » Complete the form that is supplied with this guide.
- » Ask two witnesses to sign the inventory.
- » Sign and date the form.
- » Give the inventory and a copy of all the documents that confirm the minor's patrimony to the tutorship council and the Curateur public. It is advisable to inform the minor if she or he is 14 or older.
- » Keep the original documents.

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 advisable to inform the minor if she or he is 14 or older.

The notary's fees can be covered by the minor's patrimony.



## QUICK REFERENCE FOR TUTORSHIP COUNCILS

Your role is to support the tutor and ensure that he or she properly completes the inventory and does so within the prescribed time limit.

Make sure that:

- » The inventory contains all of the minor's debts and assets;
- » The information contained in the inventory is accurate and entered under the proper headings;
- » The tutor has attached all relevant documents.



## YOUR TOOLS

In "Tools and Forms" and on our website you will find:

- » The *Guide for the use of curators and tutors who want to provide an inventory as a private writing*;
- » An inventory checklist.

For more information about the inventory, refer to section B, "Stages in the Dative Tutorship of a Minor's Property," on page 8.



### QUICK REFERENCE FOR DATIVE TUTORS

To properly administer the minor's patrimony, you must:

- » Open a bank account “***in the capacity of***” the minor;
- » Register his or her investments “in the capacity of”;
- » Determine the source of the minor's earnings and collect them;
- » Make **investments that are presumed sound**.



### QUICK REFERENCE FOR THE TUTORSHIP COUNCIL

Make sure that the tutor:

- » Opens an account in the capacity of the minor to administer the minor's property;
- » Registers the minor's investments in an “in the capacity of” account;
- » Determines the source of the minor's earnings and collects them;
- » Makes investments that are presumed sound.

For more information about administering the minor's property, refer to Section B, “*Stages in the Dative Tutorship of a Minor's Property*” on page 18, or Section C, “*Management of the Minor's Property*”.

**The tutor 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.**



### QUICK REFERENCE FOR DATIVE TUTORS

- » 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 in question.
- » If the tutorship council opts for a hold funds, it will be arranged by the financial institution that is handling the minor's assets.
- » It is compulsory to furnish security and it must be confirmed every year, unless it is a mortgage guarantee or a hold funds that covers all of the minor's assets including interest until he or she comes of age.
- » Once security has been established, you must provide proof that this has been done to the tutorship council and the Curateur public, and repeat this step every year when you renew the security.



## QUICK REFERENCE FOR TUTORSHIP COUNCILS

The tutorship council is responsible for:

- » Determining the type and amount of the security;
- » Setting the time limit for the tutor to furnish this security;
- » Reviewing the security and modifying it if necessary;
- » Ensuring that the tutor supplies proof of the security every year;
- » Ensuring that the tutor sends proof of the security to the Curateur public.



## YOUR TOOLS

In “Tools and Forms” and on our website you will find:

- » A sample hold funds request;
- » 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 inventory, refer to section B, “*Stages in the Dative Tutorship of a Minor’s Property,*” on page 22.





### QUICK REFERENCE FOR DATIVE TUTORS

To help you find your way around, a simple accounting system is recommended. It can be manual or electronic and should include a section for earnings and another section for expenditures. If you enter cash inflows and outflows at various points over the year it will be easier to produce the annual report.

Keep all supporting documents related to the administration of the minor's property, and give a copy to the secretary of the tutorship council.



### QUICK REFERENCE FOR TUTORSHIP COUNCILS

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



### 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, "*Stages in the Dative Tutorship of a Minor's Property*," on page 28.

**Time limit:** The annual report must be produced within three months of the tutorship's anniversary date. For example, if the tutorship began on June 1, the report would be due by September 1 of every year. The tutorship's anniversary date is the date of the judgment, or the beginning of the tutorship, if the tutor is appointed by other means.



### QUICK REFERENCE FOR DATIVE TUTORS

**Important information:** The Curateur public will phone you to help you complete your first annual report.

- » Check your mailbox: about one month before the tutorship's anniversary date, the Curateur public will send you the annual report form that is best adapted to your situation.
- » 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 minor's patrimony is complicated, you can hire an accountant. Accountant's **fees** can be covered by the minor's patrimony.
- » Once the annual report has been completed, give a copy to the minor if he or she is 14 or older, and to the Curateur public. Last, keep the original copy for your own files. The secretary of the tutorship council will also keep a copy.
- » For your first annual report, give the Curateur public a copy of all supporting documents to confirm all the **assets, liabilities, earnings, and expenditures** presented in the report. You must keep all the original documents.



## QUICK REFERENCE FOR TUTORSHIP COUNCILS

- » Ensure that the annual report is produced within the prescribed deadline.
- » When you receive the annual report:
  - ◆ Check that it contains all of the minor's assets and debts;
  - ◆ Check that the information is accurate and entered under the proper headings.
- » The annual report checklist available on our website and in "*Tools and Forms*," may be useful.
- » The secretary of the tutorship council is also responsible for preserving copies of all supporting documents for the previous years that confirm the assets, liabilities, earnings, and expenditures listed in the annual report.



## YOUR TOOLS

In "*Tools and Forms*" and on our website you will find:

- » The *Guide for curators and tutors required to submit an annual administration report*;
- » A checklist for verifying the annual report.

For more information about the annual report, refer to section B, "*Stages in the Dative Tutorship of a Minor's Property*," on page 30.

**Time limit:** The final report must be completed within 30 days following the end of the tutor's administration. For example, if the minor turns 18 on April 8, the tutor must give him or her the final report by May 8.

The final report is addressed to:

- » The minor who has come of age or who is emancipated;
- » The minor's heirs or the **liquidator** of his or her succession, if the minor is deceased;
- » The new tutor and tutorship council, if the tutor is replaced;
- » The tutor or curator if, at the age of 18, the minor who has come of age is incapable of taking care of himself or herself and is benefiting from protective supervision for persons of full age;
- » The Curateur public.



### QUICK REFERENCE FOR DATIVE TUTORS

- » The final report presents the minor's **assets** and **liabilities** as at the moment you conclude your administration as tutor.
- » If the final report is complicated, you can ask an accountant to do it for you. The fees you incur can be covered by the patrimony of the minor who has come of age.
- » The Curateur public supplies a simplified annual 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 completed, a signed original of the final report must be given to the minor who has come of age (or to the liquidator of his/her succession), the tutorship council, and the Curateur public.



## QUICK REFERENCE FOR TUTORSHIP COUNCILS

The responsibilities of the tutorship council are to ensure that:

- » The tutor produces the final report within the prescribed deadline;
- » The final report presents an accurate report of the patrimony of the minor who has come of age;
- » The minor who has come of age receives his or her entire patrimony and the documents related to its administration.

For more information about the final report, refer to section B, “Stages in the Dative Tutorship of a Minor’s Property,” on page 36.



## USEFUL INFORMATION

Name of the minor: \_\_\_\_\_

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

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

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

### *Curateur public*

**File no. (Curateur public):** \_\_\_\_\_

**Mailing address:** 600 boulevard René-Lévesque Ouest, Montréal, QC H3B 4W9

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

	Name	Telephone no.	Email
Private Representation Officer			
Compliance Officer			

### *Tutor (s)*

	Name	Telephone no.	Email
Tutor 1			
Tutor 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			
Financial advisor			
Financial institution			
Other			

