

AM 1
s. 113 (title)

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 113

AMENDMENT:

Withdraw.

Adopte SG

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 241

AMENDMENT:

Replace by :

241. A person of full age under curatorship on *(insert the date of coming into force of section 44 of this Act)* is deemed to be under tutorship. The curator of the person of full age is deemed to be his or her tutor.

However, until the tutorship ceases or is modified, where applicable, the person of full age must be represented for the same acts as when under curatorship. A curator who has become a tutor may only perform acts of simple administration.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
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Section 248

AMENDMENT:

Replace “before” by “who died on or after”.

Adopte SM

Bill 18

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Section 28

AMENDMENT:

Replace "Director for the Protection of Vulnerable Persons" in the first paragraph of proposed article 267 by "Public Curator".

Adopte s. 28

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**An Act to amend the Civil Code, the
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regards the protection of persons**

Section 30.1

AMENDMENT:

Insert after section 30:

30.1. The Code is amended by inserting the following article after article 268:

“268.1. The court may appoint two tutors to the person when these are the father and mother of the person of full age.

Either parent may give the other the mandate to represent him in the performance of acts pertaining to the exercise of tutorship.

Such a mandate is presumed with regard to third persons in good faith.”

Adopte SM

Bill 18

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regards the protection of persons**

Section 32

AMENDMENT:

1. Replace paragraph 1 by:

(1) by striking out “assisted or” and “assistance or” in the first paragraph;

2. In the paragraph proposed by paragraph 2, replace

(a) “concerning the person of full age” by “resulting from an examination of the person of full age”;

(b) “the nature of the incapacity of the person of full age” by “the nature of his incapacity”;

(c) “the time limits for medical and psychosocial reassessments as well as the advisability of instituting tutorship for him” by “the advisability of instituting tutorship for him as well as the time limits for medical and psychosocial reassessments”.

Adopte S71

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Section 32

AMENDMENT:

Insert "his environment," after "his faculties," in the paragraph proposed by paragraph 2, as amended.

Adopte S7

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Section 38

AMENDMENT:

Replace paragraph 1 by:

(1) in the first paragraph,

(a) by replacing “to institute protective supervision”, “in a protection mandate but” and “institution of protective supervision” by “for the institution of tutorship to a person of full age”, “, including those expressed in a protection mandate” and “institution of tutorship”, respectively;

(b) by inserting “and preferences” after “wishes”.

Adopté 591

Bill 18

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regards the protection of persons**

Section 40

AMENDMENT:

Replace proposed article 278 by:

“278. When instituting the tutorship, the court determines the time limits for periodic reassessment of the person of full age.

The time limits for reassessment may not exceed five years. A longer time limit may however be set for the medical reassessment, without exceeding 10 years, when it is clear that the situation of the person of full age will remain unchanged. Those time limits are determined taking into account the recommendations made in the medical and psychosocial assessment reports concerning the person of full age, the nature of his incapacity, the extent of his needs and the other circumstances of his condition.

Sam 1

The tutor is bound to see to it that the person of full age undergoes the assessments within the fixed time limits.”

Adopté 591

SAM 1
AM 9
s. 40 (278)

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 40

AMENDMENT:

Add the following sentence at the end of the third paragraph of proposed article 278, as amended: "The person of full age may, at any time, apply to be reassessed."

Adopte STT

Bill 18

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Section 41

AMENDMENT:

Replace proposed article 278.1 by:

“**278.1.**Where the medical or psychosocial assessor becomes aware that the situation of the person of full age has changed sufficiently to justify modifying or terminating the tutorship, the assessor attests to that fact in a report, indicating any modifications he considers appropriate. The assessor transmits the report to the person of full age, to the tutor and to the executive director of a health or social services institution providing care or services to the person of full age or, failing that, the executive director of a health or social services institution that has jurisdiction in the territory in which the person of full age resides. The director then obtains the report of the other assessor, transmits a copy of it to the person of full age and to the tutor, and files a copy of both reports in the office of the court.

Where the medical or psychosocial assessor considers that the time limit for the reassessment of the person of full age should be modified, the assessor attests to that fact in a report, indicating the time limit he considers appropriate. He transmits the report to the person of full age and the tutor. The tutor shall then file a copy of the report concerned in the office of the court.”

Adopte 897

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Section 43

AMENDMENT:

In the first paragraph of proposed article 280:

1. Replace “a report” by “the report or reports”.
2. Insert “the person of full age, the tutor and” after “clerk notifies”.
3. Replace “Director for the Protection of Vulnerable Persons” by “Public Curator”.

Adopte 5/1

AM 12
s. 48 (287)

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 48

AMENDMENT:

Withdraw.

Adopte S71

Bill 18

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Curator Act and various provisions as
regards the protection of persons**

Section 49

AMENDMENT:

Replace by:

49. Article 288 of the Code is replaced by the following article:

“**288.** When instituting the tutorship or subsequently, the court determines whether the rules concerning the capacity of the person of full age under tutorship need to be modified or clarified in light of the faculties of the person of full age. To do so, it takes into consideration the medical and psychosocial assessment reports and, as the case may be, the advice of the tutorship council or of the persons who may be called upon to form the tutorship council. It also takes into account, so far as possible, the opinion of the person of full age.

The court then indicates, where applicable, the acts the person under tutorship may perform himself, alone or with the assistance of the tutor, or those he may not perform without being represented.”

Adopte S7

Bill 18

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regards the protection of persons**

Section 49.1

AMENDMENT:

Insert after section 49:

49.1. The Code is amended by inserting the following article after article 289:

“289.1. The tutor, before contracting a significant loan in relation to the patrimony of the person of full age, offering property as security, alienating important family property, an immovable or an enterprise, or demanding the definitive partition of immovables held by the person of full age in undivided co-ownership, shall obtain the authorization of the tutorship council or, if the property or security is worth more than \$40,000, of the court, which seeks the advice of the tutorship council.

The tutorship council or the court does not allow the loan to be contracted, or property to be alienated by onerous title or offered as security, except where that is necessary to ensure the education and maintenance of the person of full age, to pay his debts, to maintain the property in good order or to safeguard the value of his patrimony, or where that is the wish of the person of full age and he is not at risk of suffering serious injury therefrom. The authorization then indicates the amount and conditions of the loan and the property that may be alienated or offered as security, and sets forth the conditions under which it may be done.”

Adopte S7

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Section 54

AMENDMENT:

1. Replace proposed article 296.1 by:

“296.1. A tutor may renounce his office only if a replacement tutor accepts the office.

If no replacement tutor accepts the office, the tutor may, for a serious reason, apply to the court to be relieved of his duties, provided his application is not made at an inopportune moment and notice of it has been given to the tutorship council.

2. Replace “Director for the Protection of Vulnerable Persons” in proposed article 296.2 by “Public Curator”.

Adopté SM

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Section 55

AMENDMENT:

Replace “Director for the Protection of Vulnerable Persons” in the second paragraph of proposed section 297 by “Public Curator”.

Adopte S97

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Curator Act and various provisions as
regards the protection of persons**

Section 6

AMENDMENT:

Replace by:

6. Article 184 of the Code is amended by adding the following paragraph at the end:

“Such remuneration and, where applicable, the terms and conditions for its renewal by the tutorship council may be fixed by the court when instituting the tutorship or subsequently.”

Adopte SM

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regards the protection of persons**

Section 8.1

AMENDMENT:

Insert after section 8:

8.1. Article 209 of the Code is amended by replacing “\$25,000” by “\$40,000”.

Adopte sn

Bill 18

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Section 9

AMENDMENT:

Withdraw.

Adopte SN

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Section 8

AMENDMENT:

Withdraw.

Adopte SM

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Section 10

AMENDMENT:

Replace by:

10. Article 213 of the Code is amended

(1) by replacing “\$25,000” in the first paragraph by “\$40,000”;

(2) by replacing “or to maintain the property in good order or safeguard its value” in the second paragraph by “, to maintain the property in good order or to safeguard the value of his patrimony”.

Adopte SM

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Section 10.1

AMENDMENT:

Insert after section 10:

10.1. Article 214 of the Code is amended by replacing “\$25,000” in the first paragraph by “\$40,000”.

Adopté SM

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Section 11

AMENDMENT:

In proposed article 217:

1. Replace "\$25,000", "Director for the Protection of Vulnerable Persons" and "20 days" in the first paragraph by "\$40,000", "Public Curator", and "15 days", respectively.
2. Replace the second paragraph by:

The 15-day notice period prescribed in the first paragraph does not apply to the payment of an indemnity the object of which is to make good on the obligation of support that lies on parents with respect to their child."

Adopté S91

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Section 245

AMENDMENT:

Replace "20-day" by "15-day".

Adopté S77

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Section 11.1

AMENDMENT:

Insert after section 11:

11.1. Article 221 of the Code is amended by replacing “\$25,000” in the second paragraph by “\$40,000”.

Adopte SN

Bill 18

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Section 12

AMENDMENT:

Amendment 26 has been withdrawn and renamed amendment d.

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Section 12

AMENDMENT:

Replace by:

12. Article 226 of the Code is amended

(1) by replacing “, persons connected by marriage or a civil union and friends of the minor” in the second paragraph by “of the minor and persons connected to him by marriage or a civil union, and his friends”;

(2) by replacing the third paragraph by the following paragraph:

“At least five persons representing, so far as possible, the maternal and paternal lines shall be called to the meeting. The meeting shall be held regardless of the number of persons participating in it. It may be held by a technological means.”

Adopte S91

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Section 14

AMENDMENT:

Replace “Director for the Protection of Vulnerable Persons” in proposed article 233.1 by “Public Curator”.

Adopte SM

Bill 18

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regards the protection of persons**

Section 15

AMENDMENT:

Replace by:

15. Article 242 of the Code is amended, in the first paragraph,

(1) by replacing “\$25,000” by “\$40,000”;

(2) by adding the following sentence at the end: “If they have not been determined within six months after the institution of tutorship, they may be determined by the Public Curator.”

Adopté son

Bill 18

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Curator Act and various provisions as
regards the protection of persons**

Section 105

AMENDMENT:

1. Replace subparagraph *a* of paragraph 1 by:

(*a*) by replacing “or the protective supervision of or a protection mandate for a person of full age” by “, tutorship to a person of full age or a protection mandate”.

2. Replace “Director for the Protection of Vulnerable Persons” in paragraph 2 by “Public Curator”.

Adopte SD1

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regards the protection of persons**

Section 81

AMENDMENT:

Replace by:

81. The Code is amended by inserting the following article after article 2166:

“2166.1. A mandate may, in particular, state the wishes of the mandator with respect to his care or to his living environment. However, the wishes expressed with respect to medical care in advance medical directives prevail over any conflicting wishes stated in the mandate.

The mandate may also state the mandator’s wish to be periodically subject to medical and psychosocial assessments, and set the time limits within which the mandator will be reassessed.

The mandate must indicate the person to whom the mandatary shall render an account and the intervals at which the mandatary shall do so, which may not exceed three years. If the person to whom the mandatary shall render an account has not been designated or where the person designated to receive the account is unable to act, the court may designate another person to receive it. The Public Curator may be designated to receive the account both by the mandator and by the court.”

Adopté 591

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Curator Act and various provisions as
regards the protection of persons**

Section 246

AMENDMENT:

1. Strike out “or that it does not contain provisions relating to the rendering of an account to a third party” in the first paragraph.
2. Replace the third paragraph by:

The third paragraph of article 2166.1 of the Civil Code, enacted by section 81, applies only with respect to a protection mandate made on or after (*insert the date of coming into force of section 81 of this Act*).

Article 2167.4 of the Civil Code, enacted by section 82, applies only with respect to a protection mandate homologated on or after (*insert the date of coming into force of section 82 of this Act*).

Adopté 87

Bill 18

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regards the protection of persons**

Section 82

AMENDMENT:

Add after proposed article 2167.3:

“2167.4. The mandatary shall, within 60 days after the mandate is homologated, make an inventory of the property to be administered and transmit a copy of it to the person designated to receive the account.

The rules for administration of the property of others set out in articles 1326 to 1329 apply to the inventory, subject to any stipulations regarding it in the mandate.

“2167.5. A mandatary who continues the administration of another mandatary after the rendering of account is exempt from making an inventory, subject to the stipulations in the mandate.”

Adopte ST

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regards the protection of persons**

Section 85

AMENDMENT:

Replace paragraph 3 by:

- (3) in the last paragraph,
 - (a) by replacing “protective supervision” by “tutorship to a person of full age”;
 - (b) by inserting “after the date of the notice” after “30 days”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
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regards the protection of persons**

Section 87

AMENDMENT:

Replace "Director for the Protection of Vulnerable Persons" in proposed article 2174.1 by "Public Curator".

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 89.1

AMENDMENT:

Insert after section 89:

89.1. The Code is amended by inserting the following article after article 2182:

“2182.1. In the case of a protection mandate, the mandatory is bound to give notice of the mandator’s death to the Public Curator.”

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
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Section 56

AMENDMENT:

Strike out “, by a medical assessment,” in the first paragraph of proposed article 297.1.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
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regards the protection of persons**

Section 56

AMENDMENT:

Replace "Director for the Protection of Vulnerable Persons" in proposed section 297.2 by "Public Curator".

Adopte S97

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

Insert after proposed section 297.2:

“297.2.1. Where the court examines an application for temporary representation, it takes into consideration the medical and psychosocial assessments resulting from the examination of the person of full age.

The court shall give to the person of full age an opportunity to be heard, personally or through a representative where required by his state of health, on the merits of the application and as to the person who will represent him.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
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regards the protection of persons**

Section 56

AMENDMENT:

Add the following paragraph at the end of proposed article 297.3:

The court may, in particular, order the temporary representative to render an account to the spouse or a close relative of the person of full age or to a person who shows a special interest in him or, if there are no such persons, to the Public Curator.

Adopte SM

Bill 18

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Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

In proposed article 297.4:

1. Insert "to contract a loan," after "the temporary representative".
2. Insert ", or where that is the wish of the person of full age and he is not at risk of suffering serious injury therefrom" after "the value of his patrimony".
3. Add the following paragraph at the end:

The authorization then indicates the amount and conditions of the loan and the property that may be alienated or offered as security, and sets forth the conditions under which it may be done.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
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regards the protection of persons**

Section 56

AMENDMENT:

In the first paragraph of proposed article 297.8:

1. Replace “Director for the Protection of Vulnerable Persons” by “Public Curator”.
2. Insert “in writing” at the end of the second sentence.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
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regards the protection of persons**

Section 56

AMENDMENT:

Replace both "Director for the Protection of Vulnerable Persons" and "Director"
in the first paragraph of proposed article 297.9 by "Public Curator".

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

Replace “making decisions” in the first paragraph of proposed article 297.9 by
“his decision-making”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

Replace proposed article 297.10 by:

“297.10. An assistant is authorized to act as an intermediary between the assisted person of full age and any third person, including a person bound by law to professional secrecy. The assistant is presumed to act with the consent of the person of full age.

The assistant may communicate and receive information in the name of, and communicate the decisions made by, the person of full age.

A third person may not refuse that the assistant act as such.

Adopté SM

Bill 18

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Section 56

AMENDMENT:

Replace proposed article 297.11 by:

“297.11. An assistant shall act with prudence and diligence. He undertakes, by acceptance of his office, to advocate for the wishes and preferences of the person of full age in dealing with third persons.

In addition, he undertakes to respect the privacy of the person of full age. Thus, he may gather, use or communicate information concerning the person of full age only with the person’s consent and only to the extent necessary to perform the duties of his office.”

Adopte SM

Bill 18

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Section 56

AMENDMENT:

Replace proposed article 297.13 by:

“297.13. Every natural person capable of fully exercising his civil rights and able to assume the office may be recognized as an assistant.

Adopte SM

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Section 56

AMENDMENT:

Replace “when in a position” in proposed article 297.14 by “in a situation”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the
Public Curator Act and various
provisions as regards the protection of
persons**

Section 56

AMENDMENT:

Replace "Director for the Protection of Vulnerable Persons" and "Director's" in proposed article 297.17 by "Public Curator" and "Public Curator's", respectively.

Adopte S71

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

In proposed article 297.18:

1. Replace “Director for the Protection of Vulnerable Persons” by “Public Curator”.
2. Add the following paragraph at the end:

It may also be filed with the Public Curator through an advocate or notary certified to do so by his professional order.

Adopté SN

Bill 18

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Section 56

AMENDMENT:

Replace proposed article 297.19 by:

“297.19. The application shall be accompanied by a summary description of the patrimony of the person of full age.

Adopte SN

Bill 18

**An Act to amend the Civil Code, the
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Section 56

AMENDMENT:

In the first paragraph of proposed article 297.20:

1. Replace the first sentence by the following sentence: "The Public Curator, advocate or notary ensures, out of the presence of any proposed assistant, that the person of full age understands the scope of his application and is able to express his wishes and preferences."
2. Replace "The Director also" by "He also".

Adopte SM

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Section 56

AMENDMENT:

In proposed article 297.21:

1. Replace “The Director for the Protection of Vulnerable Persons” in the first paragraph by “The Public Curator, advocate or notary”.
2. Replace “The Director notifies” in the first paragraph by “He notiifes”.
3. Replace “The Director” in the second paragraph by “He”.

Adopté SM

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Section 56

AMENDMENT:

Insert after proposed article 297.21:

“297.21.1. On completing his operations, the advocate or notary draws up minutes and conclusions.

The minutes must identify the person of full age and any proposed assistant, and provide a detailed account of the operations carried out and the documents submitted. The minutes must also provide an account of any testimony taken and any representations or objections received from an interested person.

The advocate or notary promptly sends the application and the minutes and conclusions to the Public Curator, together with the documents supporting the conclusions. The Public Curator is not bound by the conclusions of the advocate or notary.

Adepte SH

Bill 18

**An Act to amend the Civil Code, the
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Section 56

AMENDMENT:

Insert after proposed article 297.20:

"297.20.1. The Public Curator verifies the judicial record of the proposed assistant.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

In proposed article 297.22:

1. Replace "Director for the Protection of Vulnerable Persons" in the introductory clause of the first paragraph by "Public Curator".
2. Replace subparagraph 1 of the first paragraph by:
 - (1) he has serious doubt that the person of full age understands the scope of the application;
3. Replace subparagraph 2 of the first paragraph by:
 - (2) he has serious doubt that the person of full age is able to express his wishes and preferences;
4. Replace "Director" in the second and third paragraphs by "Public Curator".

Adopte 891

Bill 18

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regards the protection of persons**

Section 56

AMENDMENT:

In proposed article 297.23:

1. In the introductory clause of the second paragraph:
 - (a) Replace “Director for the Protection of Vulnerable Persons” by “Public Curator”.
 - (b) Strike out “, or is no longer able to act”.
 - (c) Replace “Director is” by “Public Curator is”.
2. Replace “Director” in the third paragraph by “Public Curator”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 171.1

AMENDMENT:

Insert after section 171:

171.1. Section 128 of the Act is amended by adding the following paragraph at the end of subsection 2:

“(f) to perform the operations preliminary to the Public Curator’s recognition of an assistant to a person of full age.”

Adopté SR

Bill 18

**An Act to amend the Civil Code, the
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Section 193.1

AMENDMENT:

Insert after section 193:

193.1. Section 15 of the Act is amended by adding the following paragraph at the end:

“(8) perform the operations preliminary to the Public Curator’s recognition of an assistant to a person of full age.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 56

AMENDMENT:

Replace proposed article 297.24 by:

“297.24. The Public Curator may terminate the recognition of an assistant where an element gives serious reason to fear that the person of full age will suffer injury owing to such recognition.

The Public Curator notifies the person of full age and the assistant of his decision. The person of full age may apply to the court within 30 days of the notice to have the decision reviewed.”

Adopte S77

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 107

AMENDMENT:

1. In paragraph 1:

(a) Replace “Director for the Protection of Vulnerable Persons” in the introductory clause of the proposed first paragraph by “Public Curator”.

(b) Replace “\$25,000” in subparagraph 6 of the proposed first paragraph by “\$40,000”.

2. Strike out paragraph 3.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 114

AMENDMENT:

1. Strike out paragraph 1.
2. Replace “Assistant Director, where required and after consulting with the Director” in paragraph 2 by “Assistant Public Curator, where required and after consulting with the Public Curator”.
3. In paragraph 3:
 - (a) Replace “protecting the” in the first proposed paragraph by “for seeing to the protection of the”.
 - (b) Replace “Director’s” and “Director” in the first proposed paragraph by “Public Curator’s” and “Public Curator”, respectively.
 - (c) Replace the second proposed paragraph by:

“The Public Curator shall inform persons who are assisted or represented, persons designated to represent incapable persons of full age, tutors to minors and assistants to persons of full age of the rules concerning them. He shall raise public awareness of the issues relating to incapacity and shall inform the public about means for protecting incapable persons.”

Adopté ST

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 115

AMENDMENT:

In the proposed section:

1. Replace "The Director" by "The Public Curator".
2. Replace "Assistant Director" by "Assistant Public Curator".

Adopte S91

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 116

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing “Public Curator may” in the first paragraph by “Public Curator and the Assistant Public Curator may” and “ses” in that paragraph in the French text by “leurs”;

Adopté 801

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 120

AMENDMENT:

Replace by:

120. Section 7 of the Act is amended by replacing the first paragraph by the following paragraphs:

“The Public Curator shall define the functions of the Assistant Public Curator. If the Public Curator is absent or unable to act or if the office of Public Curator is vacant, the Assistant Public Curator shall replace him.

If the Assistant Public Curator is absent or unable to act, the Public Curator shall designate, in writing, one or more persons from his personnel to replace the Assistant Public Curator.

The designation shall be published in the *Gazette officielle du Québec* but shall take effect upon the signing by the Public Curator of the instrument evidencing it.”

Adopté 577

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 121

AMENDMENT:

Replace by:

121. Section 7.1 of the Act is amended by inserting “or by the Assistant Public Curator” after “signed by the Public Curator”.

Adopted SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 124

AMENDMENT:

In the proposed section:

1. Replace “The Director” by “The Public Curator”.
2. Replace “the Assistant Director” and “the Director’s” by “the Assistant Public Curator” and “the Public Curator’s”, respectively.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 126

AMENDMENT:

Replace "Director" in proposed section 13 by "Public Curator".

Adepte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 128

AMENDMENT:

Replace "Director" in proposed sections 14.1 and 14.2 by "Public Curator".

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 130

AMENDMENT:

In proposed section 16:

1. Replace both occurrences of “Director” by “Public Curator”.
2. Strike out “, specifying the acts he must perform to ensure the representation of the person of full age” after “periodically” in the first paragraph.

Adepté SM

AM 71
s. 135 (19)

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 135

AMENDMENT:

Strike out paragraph 1.

Adopte 577

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 136

AMENDMENT:

1. Strike out subparagraph *a* of paragraph 1.
2. Replace subparagraph *a* of paragraph 2 by:
 - (*a*) by replacing “two months” by “60 days”;

Adopte SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 137

AMENDMENT:

In proposed section 20.1:

1. Replace “Director” in the introductory clause by “Public Curator”.
2. Replace “legal tutor” in paragraph 3 by “tutor to a minor”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 139

AMENDMENT:

1. In paragraph 1, in the proposed paragraph:
 - (a) Replace both occurrences of "Director" by "Public Curator".
 - (b) Insert "management" after "annual".
2. In paragraph 2, in the proposed paragraph:
 - (a) Replace "If a protection mandate" by "Where a protection mandate".
 - (b) Replace "Director" by "Public Curator".
3. In paragraph 3, strike out subparagraph *a*.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 140

AMENDMENT:

Replace by:

140. Section 27 of the Act is amended, in the first paragraph,

(1) by replacing “protective supervision” by “tutorship, temporary representation or assistance”;

(2) by replacing “person who is unable whose care or the administration of whose property have been entrusted” by “incapable person whose care or the administration of whose property has been entrusted”.

Adepté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 142

AMENDMENT:

Replace by:

142. Section 29 of the Act is amended by replacing the second paragraph by the following paragraph:

“The inventory shall be made by a private writing. If circumstances permit, it shall be made in the presence of witnesses.”

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 143

AMENDMENT:

1. Replace "\$25,000" in paragraph 1 by "\$40,000".
2. Replace paragraph 2 by:
 - (2) by inserting the following paragraph after the first paragraph:

"In addition to the grounds set out in article 1305 of the Civil Code, authorization to alienate property by onerous title or to charge property with a hypothec may also be given where the act is necessary to ensure the education and maintenance of the person represented or to preserve the value of his patrimony. Such authorization may also be given where that is the wish of the person of full age and there is no risk that the person of full age will suffer serious injury as a result."

3. Replace paragraph 3 by:
 - (3) by striking out "or curatorship" in the last paragraph.

Adopte SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 144

AMENDMENT:

Replace by:

144. Section 36 of the Act is amended by replacing “\$5,000” by “the greater of \$15,000 and the amount corresponding to 15% of the value of the property that is being partitioned or of the value in dispute that is being transacted”.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 145

AMENDMENT:

Replace by:

145. Section 42 of the Act is amended by striking out “, by registered mail,” in the first paragraph.

Adopted 5/11

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 146

AMENDMENT:

Replace by:

146. Section 52 of the Act is amended

(1) by striking out “ or their successors or heirs” in subparagraph 2 of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“Nevertheless, at the request of an interested person, the Public Curator may certify that a person is a minor, under tutorship, under a protection mandate or under temporary representation and indicate the name of the tutor, mandatory or representative. The Public Curator may also certify that a person is recognized as an assistant to a specified person of full age.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 147.1

AMENDMENT:

Insert after section 147:

147.1. The Act is amended by inserting the following section after section 53:

“53.1 The liquidator of the succession, the beneficiary of life insurance or of a death benefit or the heir or successor of the person who was represented by the Public Curator or whose property was administered by the Public Curator has the right to obtain information contained in the file of the deceased person to the extent that the information affects his interests or rights as liquidator, beneficiary, heir or successor.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 148

AMENDMENT:

Replace by:

148. Section 54 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Public Curator shall keep a register of tutorships to minors, a register of tutorships to persons of full age, a register of assistants to persons of full age, a register of homologated protection mandates and a register of authorizations for temporary representation of incapable persons of full age.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 149

AMENDMENT:

Strike out ““Public Curator” and”, ““Director” and” and “, respectively”.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 150

AMENDMENT:

1. Strike out paragraph 1.

2. In paragraph 3, replace proposed paragraph 3.2 by:

“(3.2) determine the form and content of the medical and psychosocial assessment reports necessary for the temporary representation of an incapable person of full age;

“(3.3) determine the form and content of the documents necessary for the recognition of an assistant to a person of full age and the manner in which they are to be transmitted;

“(3.4) determine the conditions an advocate or notary must meet to be certified to perform the operations preliminary to the recognition of an assistant to a person of full age;”

3. Insert after paragraph 3:

(3.1) by inserting “ and the rules for consulting the registers” after “the registers” in paragraph 6;

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 150.1

AMENDMENT:

Insert after section 150:

150.1. The Act is amended by inserting the following section after section 204:

“**205.** The amount specified in section 34, in articles 209, 213, 214, 217, 221, 242 and 289.1 of the Civil Code and in articles 336 and 394 of the Code of Civil Procedure is indexed on 1 April (*insert the year that is ten years after the date of coming into force of section 8.1 of this Act*), and every ten years after that, according to the variation in the average Consumer Price Index for the five preceding years, based on the index established for the whole of Québec by Statistics Canada. The amount computed based on that index is rounded off to the nearest multiple of \$5,000. The Public Curator shall publish the results of the indexing in the *Gazette officielle du Québec*.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 4

AMENDMENT:

Replace by:

4. Article 87 of the Code is amended by replacing “, adapted as required, apply” in the second paragraph by “, except those set out in article 217, apply, adapted as required,”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 22

AMENDMENT:

Replace by:

22. Article 261 of the Code is amended by striking out “curatorship or”,
“protected” and “curator or”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 24

AMENDMENT:

1. Strike out subparagraph *a* of paragraph 1.
2. Replace paragraph 2 by:
 - (2) by striking out “or curator” in the second paragraph.

Adopté 57

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 25

AMENDMENT:

Replace by:

- 25.** Article 264 of the Code is amended, in the first paragraph,
- (1) by striking out “or curator”, “protected” and “or curatorship”;
 - (2) by inserting “of full age” after “to the person”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 26

AMENDMENT:

Replace by:

- 26.** Article 265 of the Code is amended by striking out “protected”.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 27

AMENDMENT:

Replace “in articles 209.1 and 217” in paragraph 1 by “in article 217”.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 31

AMENDMENT:

Replace by:

31. Article 269 of the Code is amended by replacing “protective supervision” by “tutorship”.

Aderste 507

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 34

AMENDMENT:

1. Replace paragraph 1 by:

(1) by replacing “protective supervision” by “tutorship to a person of full age”, and by replacing “au majeur” in the French text by “à celui-ci”;

Adepte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 35

AMENDMENT:

Replace by:

35. Article 273 of the Code is amended by replacing “protective supervision may” and “protective supervision is” in the second paragraph by “tutorship to a person of full age may” and “such tutorship is”, respectively.

Adopté S7

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 36

AMENDMENT:

Replace by:

36. Article 274 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age”.

Adepté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 59

AMENDMENT:

Replace paragraph 1 by:

- (1) in the first paragraph,
 - (a) by replacing “under tutorship or provided with an adviser” and “or adviser; the tutor” in the first paragraph by “under tutorship or under a protection mandate” and “or mandatary; the tutor or mandatary”, respectively;
 - (b) by inserting “, if applicable,” after “by the court”;

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 89

AMENDMENT:

Replace by:

89. Article 2177 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age”.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 90

AMENDMENT:

Replace by:

90. Article 2183 of the Code is amended, in the first paragraph,

(1) by replacing “his being placed under protective supervision” and “, tutor or curator” by “tutorship to a person of full age being instituted for him” and “or tutor”, respectively;

(2) by adding the following sentence at the end: “The same rule applies upon the homologation of a protection mandate for the mandatory.”

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 104

AMENDMENT:

Replace by:

104. Article 315 of the Code is amended by replacing “protective supervision” and “the assessments required” in the first paragraph by “tutorship to a person of full age” and “the assessment reports required”, respectively.

Adopté 577

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 106

AMENDMENT:

Replace by:

106. Article 336 of the Code is amended by replacing “or to a minor, protective supervision or a protection mandate” and “\$25,000” in the second paragraph by “, to a minor or to a person of full age, concerning a protection mandate or assistance to a person of full age or authorizing temporary representation of an incapable person of full age” and “\$40,000”, respectively.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 108

AMENDMENT:

Strike out paragraph 3.

Adopte SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 110

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing “of protective supervision” and “such supervision” by
“of tutorship to a person of full age” and “such tutorship”, respectively;

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 117

AMENDMENT:

Replace by:

117. Section 4 of the Act is amended by inserting “and of the Assistant Public Curator” at the end.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 118

AMENDMENT:

In the proposed section:

1. Replace "Director" by "Public Curator".
2. Replace "Assistant Director" by "Assistant Public Curator".

Adopte ST

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 119

AMENDMENT:

Replace by:

119. Section 6 of the Act is amended

(1) in the first paragraph,

(a) by replacing the introductory clause by the following introductory clause:

“6. The Public Curator and the Assistant Public Curator shall, before taking office, make an oath as follows:”;

(b) by replacing “Public Curator” in the oath by “Public Curator (or the Assistant Public Curator)”;

(2) by replacing “Public Curator shall carry out” in the second paragraph by “Public Curator and the Assistant Public Curator shall carry out”.

Adopte SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 122

AMENDMENT:

Replace by:

122. Section 8 of the Act is amended, in the first paragraph,

(1) by replacing “the office of the Public Curator is vacant or the Public Curator is unable to act” by “the offices of Public Curator and Assistant Public Curator are vacant or the Public Curator and the Assistant Public Curator are unable to act”;

(2) by replacing “to carry on the duties of Public Curator for the time being” by “to temporarily exercise the function of Public Curator”.

Adepte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 123

AMENDMENT:

1. Strike out paragraph 1 and subparagraph *a* of paragraph 2.
2. Replace subparagraph *e* of subparagraph 2 by the following:
 - (*e*) by adding the following subparagraphs at the end:
 - “(4) recognition of assistants to persons of full age;
 - (5) examination of the accounts rendered by certain mandataries under article 2166.1 of the Civil Code.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 132

AMENDMENT:

Replace by:

132. Section 17.1 of the Act is amended by replacing “on the protection and representation of incapable or protected persons” by “on matters under the Public Curator’s jurisdiction”.

Adopte SH

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 133

AMENDMENT:

Replace by:

133. Section 17.2 of the Act is amended by striking out “on protection and representation of incapable or protected persons” in the first paragraph.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 134

AMENDMENT:

Replace by:

134. Section 18 of the Act is amended by replacing “curator, tutor or adviser” by “tutor”.

Adopte SM

AM 111
s. 138 (21)

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 138

AMENDMENT:

Strike out paragraph 1.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 141

AMENDMENT:

Replace by:

141. Section 28 of the Act is amended, in the first paragraph,

(1) by replacing “the record of the case of a person who is unable” by
“the relevant record for an incapable person”;

(2) by replacing “protected person” by “person under tutorship or
under a protection mandate”.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 147

AMENDMENT:

Replace by:

147. Section 53 of the Act is amended by replacing “damage” by “harm”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 151

AMENDMENT:

Withdraw.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 166

AMENDMENT:

Replace paragraph 2 by:

(2) by inserting “, except a payment to a mandatary” at the end of the second paragraph.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 169

AMENDMENT:

Replace paragraph 2 by:

(2) by inserting “, except a payment to a mandatory” at the end of the second paragraph.

Adopte SM

AM 117
s. 188 (890.15)

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 188

AMENDMENT:

Withdraw.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 197

AMENDMENT:

Replace by:

197. The schedule to the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001) is amended by striking out “, curator” in subparagraph *a* of the second subparagraph of paragraph 5.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 198

AMENDMENT:

Strike out ““Public Curator” and ”, ““Director for the Protection of Vulnerable
Persons” and ” and “, respectively”.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 201

AMENDMENT:

Replace by:

201. Section 22 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing “curator, mandatary” in the first paragraph by “the mandatary”;

(2) in the second paragraph,

(a) by replacing “for the institution or review of protective supervision for a user or the homologation of a protection mandate” and “assessment of” by “, with regard to a user, for the institution or review of a tutorship, for the homologation of a protection mandate or for temporary representation of an incapable person of full age” and “assessment reports concerning”, respectively;

(b) by inserting “or perform a specified act” after “administer his property”.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 223

AMENDMENT:

Replace by:

223. Section 8.0.1 of the Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2) is amended, in paragraph 3,

(1) by striking out “or curatorship”;

(2) by replacing “represented by the Public Curator Act” by “represented by the Public Curator”.

Adopte 57

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 229

AMENDMENT:

Strike out paragraph 1.

Adopté 5/1

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 230

AMENDMENT:

Replace by:

230. Section 7 of the Regulation is amended, in paragraph 2,

(1) by replacing “tutorship and curatorships” in the introductory clause by “tutorships”;

(2) by striking out “or the curator or curators” in subparagraphs *b* and *d*;

(3) by striking out subparagraph *c*;

(4) by replacing “protective supervision” in subparagraph *f* by “tutorship”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 231

AMENDMENT:

1. Strike out paragraphs 1 and 3.
2. Replace "Director" by "Public Curator" in proposed paragraph 1 in paragraph 2.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 239

AMENDMENT:

Replace by:

239. Section 43 of the Organization and Management of Institutions Regulation (chapter S-5, r. 5) is amended by replacing “the curator of the beneficiary” by “the tutor or mandatary of the beneficiary”.

Aderste SM

Bill 18

**An Act to amend the Civil Code, the
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Section 127

AMENDMENT:

1. Strike out paragraph 1.
2. Replace paragraph 2 by:

(2) by replacing “, within a reasonable time, any appropriate measure including the calling of a meeting of relatives, persons connected by marriage or a civil union and friends of the person of full age” by “ any appropriate measure within a reasonable time, including calling a meeting of relatives, persons connected by marriage or a civil union, or friends”;

Adopte 5/7

Bill 18

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Section 129

AMENDMENT:

Replace by:

129. Section 15 of the Act is amended

(1) by striking out “ or curatorship” and “ or a curator” in the first paragraph;

(2) in the second paragraph,

(a) by striking out “or curator”;

(b) by replacing “and friends” and “disabled” by “, or friends” and “incapable”, respectively.

Adepté SM

Bill 18

**An Act to amend the Civil Code, the
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regards the protection of persons**

Section 3

AMENDMENT:

Amendment 128 has been replaced and renamed amendment o.

S97

AM 129
s. 152 (47)

Bill 18

**An Act to amend the Civil Code, the
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Curator Act and various provisions as
regards the protection of persons**

Section 152

AMENDMENT:

Amendment 129 has been replaced and renamed amendment p.

Sg1

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 155

AMENDMENT:

Replace by:

155. Section 518 of the Act is amended by replacing “under curatorship” in the second paragraph by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adepte 8/17

AM 131
s. 156 (528)

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 156

AMENDMENT:

Amendment 130 has been replaced and renamed amendment q.

897

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 160

AMENDMENT:

Replace by:

160. Section 1 of the Election Act (chapter E-3.3) is amended by replacing “under curatorship” in subparagraph 4 of the first paragraph by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopte SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 248.1

AMENDMENT:

Insert after section 248:

248.1. The Public Curator must send the Chief Electoral Officer the name, address, date of birth and sex of all persons of full age under curatorship on *(insert the date of coming into force of section 44 of this Act)*.

The name of every such person of full age must be entered on the permanent list of electors by the Chief Electoral Officer. The Chief Electoral Officer must provide written confirmation to such electors that their names have been entered on the permanent list of electors and invite them to correct or complete the information which concerns them if necessary.

If the confirmation notice is returned to the Chief Electoral Officer without having reached the addressee or if the Chief Electoral Officer is informed by the person that he or she cannot be or does not wish to be entered on the permanent list of electors, his or her name is struck off the list.

Adopted

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 157

AMENDMENT:

Replace section 157 and the heading preceding it by:

ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS
OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL
SERVICE CENTRES

157. Section 12 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) is amended by replacing “under curatorship” in paragraph 4 by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopté sn

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 153

AMENDMENT:

Replace by:

153. Section 137 of the Act is amended by replacing “under curatorship” in subparagraph 2 of the third paragraph by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 154

AMENDMENT:

Replace by:

154. Section 137.2 of the Act is amended by replacing “under curatorship” by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopte SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 158

AMENDMENT:

Replace by:

158. Section 58.8 of the Act is amended by replacing “that the person in respect of whom the application for striking off is made is under curatorship or is deceased” in subparagraph 2 of the third paragraph by “that the person in respect of whom the application for striking off is made is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code or is deceased”.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 159

AMENDMENT:

Replace by:

159. Section 58.10 of the Act is amended by replacing “under curatorship” by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopte 8/11

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 161

AMENDMENT:

Replace by:

161. Section 40.7.1 of the Act is amended by replacing “in whose favour curatorship is instituted” by “who is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 162

AMENDMENT:

Replace by:

162. Section 40.10.1 of the Act is amended

(1) by replacing “death or of institution of curatorship and” by
“death,”;

(2) by inserting “and the name of any person who is disqualified from
voting as a result of a judgment rendered under article 288 of the Civil Code”
after “Referendum Act (chapter C-64.1)”.

Adopte sn

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 163

AMENDMENT:

Replace by:

163. Section 40.12.15 of the Act is amended by replacing “that the person is under curatorship or is dead” by “that the person concerned is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code or is deceased”.

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 164

AMENDMENT:

Replace by:

164. Section 210 of the Act is amended by replacing “that the person whose removal is requested is under curatorship or is dead” in the first paragraph by “that the person whose removal is requested is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code or is deceased”.

Adopté SN

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 249

AMENDMENT:

Withdraw.

Adopte s77

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 250.1

AMENDMENT:

Insert after section 250:

250.1. The Government may, by order, authorize the Public Curator to implement a pilot project on any matter within the scope of this Act or the regulations with a view to studying, improving or defining standards applicable to those matters.

All pilot projects must be in line with the objectives pursued by this Act.

A pilot project is established for a period of up to three years which the Government may extend by up to one year. The Government may modify or terminate a pilot project at any time.

Adopté S17

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 250.2

AMENDMENT:

Insert after section 250.1:

250.2. The Public Curator must, on the expiry of five years after the coming into force of this Act, report to the Minister of Families on the carrying out of the amendments made by this Act with respect to tutorship to a person of full age, including the right to vote, with respect to temporary representation and with respect to assistance to a person of full age, and on the advisability of amending the relevant legislative provisions. The Minister tables the report in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption. The report is examined by the competent committee of the National Assembly in the year following the date of its tabling.

Adopté SR

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 3

AMENDMENT:

Replace by:

3. Article 81 of the Code is amended

(1) by striking out “; the domicile of a person under curatorship is that of the curator”;

(2) by adding the following paragraph:

“Where the father and mother exercise the tutorship but have no common domicile, the domicile of the person of full age is that of the parent the court designates.”

Adopté SM

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 152

AMENDMENT:

Replace "who is not disqualified from voting under section 53" in the proposed introductory clause by "who is neither disqualified from voting under section 53 nor disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code".

Adopté 5/11

Bill 18

**An Act to amend the Civil Code, the
Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Section 156

AMENDMENT:

Replace by:

156. Section 528 of the Act is amended by replacing “under curatorship nor disqualified from voting under section 524” in the second paragraph by “disqualified from voting under section 524 nor disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

Adopté 5/7