

# Protecting and supporting your loved ones

Useful tools

---

Awareness | Support | Action



Is your mother developing symptoms of Alzheimer's disease?

Is your brother, after suffering a brain injury, no longer able to manage his property?

Is your sister's mental illness becoming more severe?

Is your friend finding it increasingly difficult to exchange with government agencies and various organizations?

Do your loved ones want to plan for a future where they might not be able to care for themselves?

**Learn more about tools that can help you help them.**

## What is incapacity?

Incapacity is when a person no longer does not have the intellectual ability to take care of themselves or to manage their property.

Incapacity can strike anyone, of any social standing, in any physical condition, at any age or stage of life.

## What are the primary causes of incapacity?

Incapacity can be caused by:

- an intellectual disability;
- a traumatic brain injury;
- a stroke;
- a degenerative disease (e.g., Alzheimer's disease);
- a mental illness.

**A physical disability is not considered an incapacity if the person in question can let his wishes be known.**



## **An explanation of incapacity and the need for representation**

There is a need for representation when a person is incapable of exercising their civil rights.

This need for representation can be due to isolation, the duration of their incapacity, the nature or state of their affairs, or the absence of a protection mandate (or the fact that the latter cannot be homologated).

## **Determining whether a person is incapable and needs to be represented**

The combination of the medical and psychosocial assessments is what determine a person's incapacity and need for representation. These assessments look at the person's ability to take care of themselves and their property. They also address the need for them to be represented by another person in exercising their civil rights.

When their incapacity and need for representation are established, steps must be taken with the court to institute a protective supervision regime for the person concerned.

If the person is well taken care of and their situation does not require the institution of a representation measure, there are simple solutions to help them.

**Depending on your loved one's situation, the following options could prove helpful:**

SITUATIONS	SOLUTIONS
Your <b>capable</b> loved one is wondering what will happen should he become incapable.	Protection mandate (see p. 5)
Your <b>capable</b> loved one is living with a <b>difficulty</b> and wants help.	Assistance measure (see p. 6)
Your <b>incapable</b> loved one is well taken care of.	Administration by a third party (see p. 7) Solutions for spouses who are married or living in a civil union: <ul style="list-style-type: none"> <li>• Domestic mandate (see p. 7)</li> <li>• Court's authorization* (see p. 7)</li> <li>• Judicial mandate* (see p. 7)</li> </ul>
Your <b>incapable</b> loved one needs representation or needs to have their protection mandate homologated	Temporary representation* (see p. 8) Homologation of a protection mandate* (see p. 8) Tutorship* (see p. 9)
Emergency	Management of a person's affairs (see p. 10) Interim protection measures (see p. 10)
* necessary step before the court	



## **Your capable loved one is wondering what will happen should he become incapable**

---

As soon as today, your capable loved ones of full age can draw up a protection mandate to decide what will happen to them if they become incapable.

### **Protection mandate**

A protection mandate is an official document prepared by your mother, brother, friend or loved one to express their wishes and name one or more trusted people to oversee their well-being and manage their property should they become incapable. Your loved one is referred to as the mandator and the designated person (e.g., you) as the mandatory.

This mandate is not the same as a will, which contains instructions for passing on the person's property after their death.

### **Preparing a mandate**

A guide and form are available free of charge, in digital or print version, at [Québec.ca/curateur-public/brochures/en](https://quebec.ca/curateur-public/brochures/en). The protection mandate can also be drawn up by a lawyer or a notary, for a fee.

### **Reasons to prepare a mandate with no further ado**

No one is immune to an illness, accident or mental health problem that could render them incapable of taking care of themselves or managing their property. This is why drawing up a protection mandate is so important. It allows a person to specify who will take care of them and their property, and how. It is also a way for the person to make their wishes and preferences known to the mandatory. If your loved one does not have a protection mandate, their wishes may be more difficult to ascertain, especially if they are no longer able to express them themselves.

If the person does not have a protection mandate, a tutorship could be instituted. Another person will then be responsible for protecting them and managing their property. Family members, people close to them, and friends will recommend this person to the court.

In case of incapacity, the protection mandate could be homologated (see p. 8).

You will find more details and examples at [Québec.ca/mandate](https://quebec.ca/mandate).

## Your capable loved one is living with a difficulty and wants help

---

Depending on his situation, this solution is available to help your loved one.

### Assistance measure

The assistance measure allows your loved one to be accompanied and provided advice when taking decisions, managing his property and exercising his rights. All that's needed is the official recognition of one or two people as assistants. These are chosen by the person seeking assistance. They will then be able to act as intermediaries between the assisted person and third parties (government agencies and departments, service providers, professionals, etc.).

The Assistance measure is aimed at any adult experiencing difficulties but capable of making decisions that concern them and choosing their own assistant. The person must also understand the scope of the measure and be able to express his wishes and preferences.

#### Examples of difficulties

- Age-related loss of autonomy;
- Mild intellectual disability;
- Vision, hearing, or motor impairment;
- Mental illness;
- Language barrier;
- Addiction problem (substance abuse).

Unlike a power of attorney, under the assistance measure, the assistant cannot sign on behalf of the assisted person or make decisions for them.

A power of attorney is a contract whereby your capable loved one authorizes you to represent him and act on his behalf with regard to certain actions concerning his property. Having such a power of attorney could notably enable you to pay bills, cash cheques and even sell property.

### Benefiting from the assistance measure

Together, your loved one and their prospective assistant can submit (free of charge) an online application for recognition of an assistant by visiting [Québec.ca/assistance-measure](https://quebec.ca/assistance-measure). They can also send the paper form, available at the same web address, to the Curateur public. Your loved one can also hire a lawyer or a notary to draw up the application, in which case, they will have to pay a fee.



For more information regarding the assistance measure, check out the page [Québec.ca/assistance-measure](https://quebec.ca/assistance-measure).

## **Your incapable loved one is well taken care of**

---

If your loved one is well taken care of, their situation does not require the homologation of their protection mandate (see p. 8) nor the institution of a tutorship (see p. 9). These simple solutions could help.

### **Administration by a third party**

Administration by a third party solely allows you to be named by government agencies or departments as being responsible for managing the pension income or other benefits received by your loved one who is considered incapable.

### **Solutions for spouses who are married or living in a civil union**

These solutions are intended for people who are married or living in a civil union. They do not apply to common-law spouses.

#### **Domestic mandate**

A domestic mandate is the power of representation that automatically exists between legally married or civil-union spouses. It allows, for example, a wife to take care of routine family needs when her husband cannot express his wishes (food, clothing, housing, etc.).

#### **Court's authorization**

The court may authorize a person who is married or living in a civil union to perform an act alone that would normally require the spouse's agreement, such as selling a car.

#### **Judicial mandate**

The court may give one spouse the power to manage the other spouse's property or the property under their management pursuant to the matrimonial regime, when the other spouse is unable to express their wishes because of an incapacity. This authorization ceases to be valid when the court revokes it, upon the institution of a tutorship, or upon the homologation of a protection mandate.

## **Your incapable loved one needs representation or needs to have their protection mandate homologated**

---

When medical and psychosocial evaluations attest to your loved one's incapacity or need to be represented ([see p. 3](#)), the law comprises certain measures to ensure his protection. These measures require taking the necessary steps with the court.

### **Temporary representation**

Temporary representation allows your loved one to be represented for a specific act only. For example, the court may authorize you to renounce a succession or to sell property, if your loved one can manage the proceeds of the sale. You must then act in their best interest, ensuring their rights are upheld while taking into account their wishes and preferences. This temporary representation allows them to continue exercising their rights, except for the one related to the act in question. It ends once the act has been completed. An application to the court is needed to benefit from temporary representation.

For more information, visit [Québec.ca/temporary-representation](https://Quebec.ca/temporary-representation).

### **Homologation of a protection mandate**

If your loved one needs to be represented for several acts, make sure they have drawn up their protection mandate either before witnesses or a notary. The court will have to authorize the entry into force of the protection mandate. This is known as homologation. Until it is homologated or ratified, a protection mandate has no power and does not allow the mandatary to act on behalf of another person.





Go to [Québec.ca/mandate](https://quebec.ca/mandate) for further details on the steps involved and the mandatary's role.

When an incapable person needs representation and there is no protection mandate or the mandate cannot be homologated, the law provides for the institution of a tutorship to the person of full age.

## Tutorship

Tutorship is a representation measure that allows your loved one to be represented by another person for the protection of their person or the management of their property. The person appointed by the court is called the tutor. When the tutor is someone other than the Curateur public (parent, family, friend, etc.), this is called a private tutorship.

When no one in your loved one's life can act as tutor, the court may appoint the Curateur public to take on this role. This is called a public tutorship.

The tutorship can be adapted to the situation and abilities of the person concerned, so as to give them as much autonomy as possible.

This is known as personalization of the tutorship. This includes the nature of the tutorship (to the person, to the property, or both), the time limits for the reassessments, and the modulation of the tutorship.

### Modulation of tutorship

The law stipulates which acts a represented person may or may not perform. The court may modify or specify these acts based on the person's faculties. This is what is known as modulation.

The acts that can be modulated are:

- the right of vote;
- guardianship;
- the power to make purchases for their usual and customary needs;
- signing a lease;
- acts relating to the person's employment, art, or profession;
- managing employment earnings.

Moreover, the institution of a private tutorship to a person of full age results in the formation of a tutorship council (a group of people who oversee and guide the tutor in their role). When tutorship is administered by the Curateur public, there is no tutorship council.

Go to [Québec.ca/tutorship-for-adults](https://quebec.ca/tutorship-for-adults) for further details.

## Emergency

---

The steps involved in the homologation of a protection mandate or the onset of a tutorship take a certain amount of time. In the meantime, the law contains provisions in the event an emergency situation arises. These provisions shield your loved one from damages that could result in serious consequences to their property or personal life.

### Management of a person's affairs

Administration of affairs refers to acts required to preserve the property of a person who is unable to act for themselves. For example, you can have your loved one's roof repaired if it's leaking, or have emergency plumbing work done on a building they own. Expenses you incur in the administration of their affairs will be reimbursed from their patrimony.

### Interim protection measures

Interim protection measures can be put in place to prevent serious harm to an incapable person, when their tutorship has not yet been opened or their mandate of protection has not yet been homologated.

The Court can allow you to manage his property, protect his person or exercise their rights. The opening of the tutorship or the homologation of a mandate must be pending.

These measures could, for example, enable you to take action to prevent a creditor from seizing the person's property, or appoint an attorney to represent them in legal proceedings concerning them.

## The Curateur public is there for you!

---

- It oversees the protection of incapable persons.
- It educates the public about the issues related to incapacity.
- It informs the public of ways to protect incapable people and to assist people living with difficulties.
- It informs assistants, tutors, temporary representatives and mandataries of their obligations.

- It offers guidance to tutors.
- It informs the persons who are helped and represented of the regulations concerning them.
- It ensures that the patrimony of the persons subject to a tutorship is properly managed.
- It is responsible for recognizing assistants to persons of full age.
- It can intervene in situations of abuse involving represented persons.
- It can use its investigative powers when deemed necessary.
- It acts as tutor, tutorship council, or temporary representative subsequent to a court decision, for persons who are alone and have no family or loved ones who can do so on their behalf.

For more information, go to [Québec.ca/en/gouv/curateur-public](https://quebec.ca/en/gouv/curateur-public).



## CONTACT US



### By telephone

**1 844 LECURATEUR (532-8728)**

**Monday, Tuesday, Thursday and Friday:**

from 8:30 a.m. to 12:00 noon and  
from 1:00 p.m. to 4:30 p.m.

**Wednesday:**

from 10:00 a.m. to 12:00 noon and  
from 1:00 p.m. to 4:30 p.m.



### By email or by mail

To email us or for our mailing address, visit:

**[Québec.ca/curateur-public-contact-us](https://Quebec.ca/curateur-public-contact-us).**

ISBN 978-2-555-00594-5 (2<sup>nd</sup> Print format, 2025)

ISBN 978-2-550-92497-5 (1<sup>st</sup> Print format, 2022)

ISBN 978-2-555-00595-2 (2<sup>nd</sup> PDF edition, 2025)

ISBN 978-2-550-92498-2 (1<sup>st</sup> PDF edition, 2022)

Legal Deposit – Bibliothèque et Archives nationales du Québec

© Gouvernement du Québec – 2025

All rights reserved for all countries.

Text originally drafted in French