

Establishing a tutorship security



Ensuring security is an obligation

When a tutorship to a person of full age is authorized by the court or when the management of a tutorship to property of a minor is put under supervision, the tutor to property is required to provide security if the value of the patrimony of the person they represent exceeds **\$40,000**. A security is a legal obligation under the *Civil Code of Québec*.

What is a security?

A security is a guarantee provided by the guardian for the purpose of protecting the represented person's patrimony and ensuring its proper management. The amount, type of security and deadline for providing it are determined by the tutorship council following the tutorship order. These decisions should be made within six months. After that, the Curateur public may step in to determine the security.

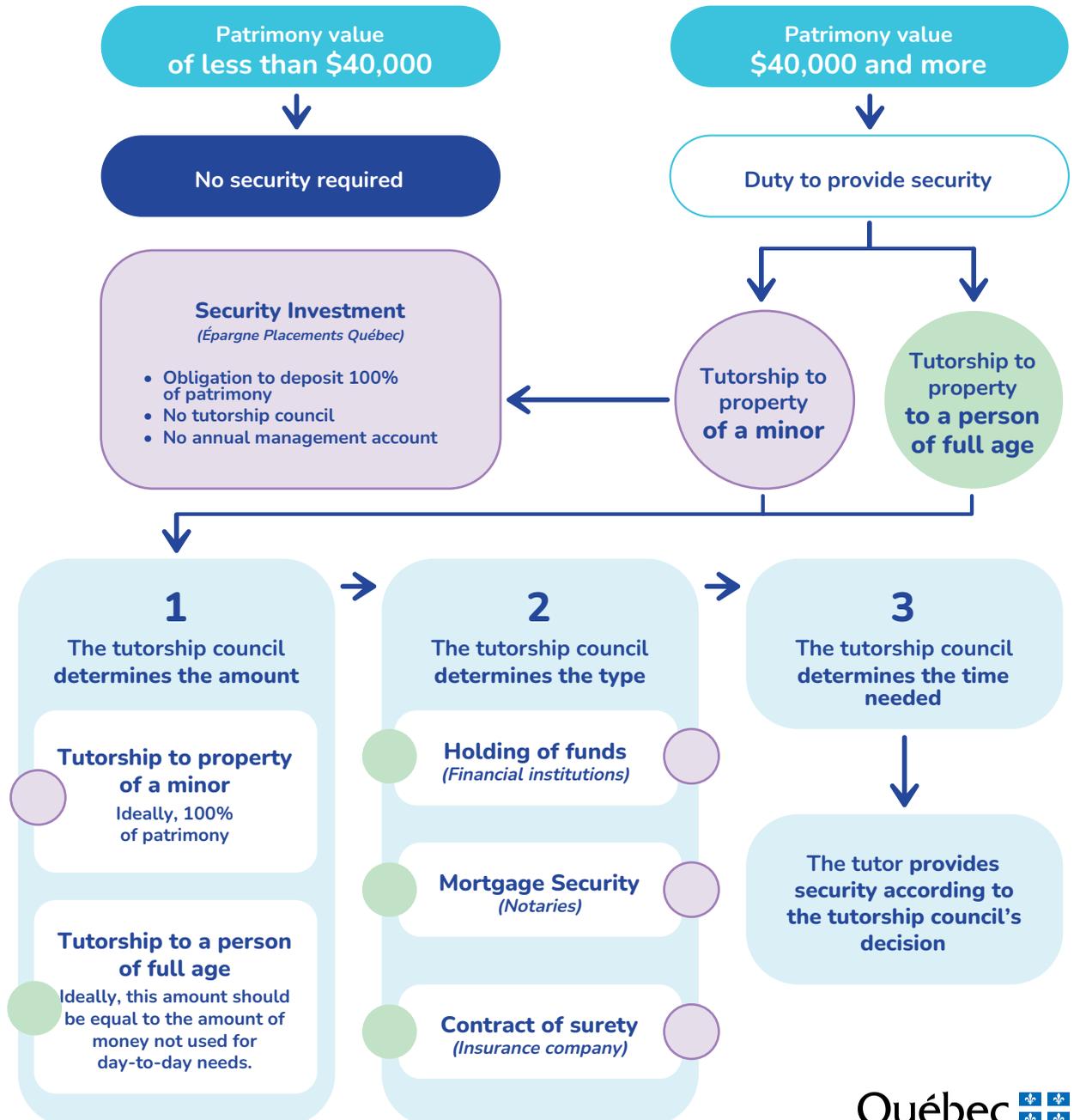
The tutorship security at a glance

Four types of security

1. **The holding of funds** involves preventing the use or withdrawal of all or part of the represented person's patrimony in order to protect it until the tutorship ends. To use these funds, the tutor to property must submit a written request to the tutorship council.
2. **The Security Investment** is a form of security available only to the tutors of a minor child. It involves a freeze of funds obtained by the tutor from [Épargne Placements Québec](#). If the tutor chooses this option, he or she must deposit all the minor's money in it. This option relieves the tutor of the need to set up a tutorship council, and reduces their responsibilities with regard to the production of the annual management account.
3. **The Mortgage Security** is a notarized deed that allows a tutor to property to give a building they own as collateral. Such mortgages cannot be cancelled without the approval of the tutorship council.
4. **The Contract of surety** is a liability insurance that the tutor takes out with an insurance company to cover their management of the patrimony of the person they represent.

The holding of funds is offered by financial institutions.

The holding of funds is the most common type of security. It's free, easy and reliable.



How to set up a security through a holding of funds?

	Person in charge	Tasks
1	Tutor to property	<ul style="list-style-type: none"> Establishes a budget for the person they represent by assessing income, investments and expenses, as well as the amount needed for day-to-day needs.
2	Tutorship council	<ul style="list-style-type: none"> Determines the freeze amount. <ul style="list-style-type: none"> Tutorship to persons of full age: We recommend matching the amount of the freeze to the amount of money that is not being used to meet the person's day-to-day needs. This amount should appear in the budget prepared by the tutor. Tutorship to property of a minor: we recommend freezing the funds for the entire patrimony to be protected. Determines the time required to freeze the funds. Fills in the form Attestation of a tutorship council decision regarding the security required from a tutor. Forwards the completed form to the tutor to property and the Curateur public.
3	Tutor to property	<ul style="list-style-type: none"> Contacts the financial institution to request the holding of funds. The freeze amount must be equal to or greater than that determined by the tutorship council. Fills in the form Request to a financial institution regarding the holding of funds. Forwards the form and the template Confirmation of the holding of funds to the financial institution.
4	Financial institution	<ul style="list-style-type: none"> Proceeds with the freezing of accounts and investments as requested. Provides a written confirmation, using the institution's letterhead, of its commitment to freeze the funds. A template is provided by the Curateur public. Forwards the original copy of the confirmation to the tutor to property.
5	Tutor to property	<ul style="list-style-type: none"> Forwards a copy of the confirmation of the holding of funds to the tutorship council and the Curateur public.

Forms are available at [Québec.ca/adult-tutorship-forms](https://quebec.ca/adult-tutorship-forms) and [Québec.ca/minor-property-tutorship-tools](https://quebec.ca/minor-property-tutorship-tools).

For more information, please visit [Québec.ca/legal-protection](https://quebec.ca/legal-protection) or call 1 844 LECURATEUR (532-8728).

Contact us

By phone:

1 844 LECURATEUR (532-8728)

Monday, Tuesday, Thursday and Friday:

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

Wednesday:

10 a.m. to 12 p.m. and 1 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)

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