



Follow the [instructions on page 17](#).

## Instructions

This form is provided by the Curateur public in accordance with the *Regulation respecting the application of the Public Curator Act* and contains the necessary elements to enable the court to rule on the application to lift or modify the tutorship.

- If you do not complete the electronic version of the reassessment form, **please write legibly**.
- **Print** the form on **one side** of the sheet only.
- If there is not enough space, **continue on another sheet**, which you will add **as an appendix**.
- if you recommend changing only the time limit for the reassessment, **please complete the Assessor's report regarding modification of the time limit for reassessment form** instead.

If you recommend replacing the current tutor or guardian, **please contact the Curateur public**, as this is a separate process from the reassessment of the tutorship.

## 1. General information about the person concerned by the reassessment

Last name		First name	
First and last names generally used		Curateur public du Québec file no.	
Date of birth <small>yyyy-mm-dd</small>	Sex  M    F    Non-binary	Health insurance no.	Institution file no.
Name and type of residence (where applicable)			
Address <small>no., street, city</small>			Postal code
Tel. no. At home	Mobile no.	Email address	
<b>Usual language</b>			
French		English	Other (specify): _____
<b>Current civil status</b>			
Single	Married	Divorced	Civil union    Civil union dissolved    Widow(er)
<b>Is the person in a common law relationship?</b>			
Yes (specify):	Since when?	Last name of spouse	First name of spouse
No			

**2. Information on the nature and terms of the current tutorship**

**What is the nature of the current tutorship?**

Tutorship to the person only  
 Tutorship to the property only  
 Tutorship to the person and to the property

**What are the terms of the current tutorship?**

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**Who is the current tutor?**

		Tutor to the person	Tutor to the property
One or more people close to them	First name and last name of tutor		
	<hr/> <hr/> <hr/>		
Curateur public			

**3. Circumstances surrounding the reassessment**

**What is the circumstance surrounding the psychosocial reassessment?**

Time limit stipulated in the judgment or by law  
 Application for reassessment by the person of full age or the tutor before the time limit  
 Change in the situation of the person of full age under tutorship, justifying a reassessment  
 Medical redetermination recommending the modification or end of the tutorship

Last name and first name of the person applying for the reassessment :

Last name	First name
Relationship between the person applying and the person concerned by the reassessment:	
Name of the physician	Date of the medical reassessment report yyyy-mm-dd

**4. Examinations and consultations**

**A. Meetings with the person concerned by the reassessment**

Dates of meetings			Place of meetings	
yyyy-mm-dd	yyyy-mm-dd	yyyy-mm-dd	Residence      Your office	
			Other (specify): _____	

**B. Persons consulted during the reassessment**

<b>Last name of first person consulted</b>		First name of first person consulted		
Relationship to the person concerned	Tel no.	Ext.	Date of consultation aaaa-mm-jj	
Type of consultation:                      Telephone conversation                      Meeting				
<b>Last name of second person consulted</b>		First name of second person consulted		
Relationship to the person concerned	Tel no.	Ext.	Date of consultation aaaa-mm-jj	
Type of consultation:                      Telephone conversation                      Meeting				
<b>Last name of third person consulted</b>		First name of third person consulted		
Relationship to the person concerned	Tel no.	Ext.	Date of consultation aaaa-mm-jj	
Type of consultation:                      Telephone conversation                      Meeting				

**C. List of documents consulted during your examination(s) that are relevant to the application:**

Name(s) of the report(s) or document(s) you consulted. Attach the documents you consulted, **only** if relevant.

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**5. Psychosociale situation**

What aspects of the person’s current psychosocial situation explain a change in their capacity/incapacity or in their need for representation?

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What are the main social roles that involve responsibilities carried out by the person alone or with help from their family and social network? How are these roles carried out?

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**6. Financial situation**

**Composition of the person concerned's known patrimony**

Is the person's financial situation stable?

Yes

No. Describe the main issues :

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At the time of the reassessment, did the person concerned have any employment income? Can or will the person concerned be able to manage the proceeds of his work?

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Does the person concerned pay for any of their expenses on their own? Explain:

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Approximate amount of monthly income	Approximate amount of monthly expenses
\$	\$

**7. Faculties of the person concerned by the reassessment**

**A. Decision-making and functional autonomy of the person concerned**  
 (attach assessment reports, if relevant. E.g., occupational therapy)

Is the person concerned able to express their wishes, preferences, and opinions freely? If so, by what means of communication? If not, why?

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How do they defend their decisions? Can the person concerned state and maintain a position, and defend it by enforcing their wishes?

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In what way do they assert their rights? If they suffer harm, do they know what recourses are available to them (e.g., pressing charges or calling a lawyer)? Do they make use of them?

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How do they participate in the decision-making process?

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What is their state of mind regarding their limitations?

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How willing are they to accept offers of help or services?

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Are they able to follow simple instructions (e.g., taking medications), consider suggestions from someone close to them, follow advice from a professional, etc.? If so, what is their degree of involvement? If not, why?

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What is your assessment of the person concerned's autonomy with respect to their activities of daily living (ADLs)?

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What is your assessment of the person concerned's autonomy with respect to their instrumental activities of daily living (IADLs)?

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**7. Faculties of the person concerned by the reassessment (cont.)**

What is your assessment of their mobility?

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To what extent do you think the services received or the technical aids used meet their needs?

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Can they communicate their basic needs on their own? If so, by what means of communication? If not, why?

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**B. Exercise of their civil rights – regarding their PERSON**

Can the person concerned identify themselves and their place of residence in order to exercise their right to vote? Explain:

Yes            No

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Can the person concerned ask for the care and services required by their health condition? Explain:

Yes            No

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Can the person concerned interact with government or administrative authorities (e.g., RAMQ, insurance companies, CNESST, SAAQ, etc.) to assert their rights, take recourse, or ask questions? Explain:

Yes            No

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Can the person concerned, on their own or through a lawyer or a notary, assert their rights before the courts (take legal action)? Explain:

Yes            No

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Can the person concerned do business with a third party for the purpose of receiving services (e.g., home care, attendant, plumber, electrician, accountant, etc.)? Explain:

Yes            No

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**7. Faculties of the person concerned by the reassessment (cont.)**

Can the person concerned choose where they live and whom they associate with, and set their own boundaries with those around them? (If they cannot do so, they may need a guardian.) Explain:

Yes            No

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Can the person concerned enter into a contract to meet their usual and customary needs, and can they understand and meet the resulting obligations (e.g., electricity, groceries, cable, personal expenses, etc.)? Explain:

Yes            No

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Can the person concerned perform acts related to their employment, art, or profession (e.g., sign an employment contract, manage schedules and vacation, negotiate working conditions, store their works of art, negotiate prices for their works of art, copyrights, etc.)? Explain:

Yes            No

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What are their significant wishes and preferences (expressed by them, currently or in the past, or based on reliable information from people close to them who are not yet mentioned in this report)?

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**C. Exercise of their civil rights – regarding their PROPERTY**

Does the person concerned know what their patrimony consists of? Explain:

Yes            No

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Can the person concerned conduct regular financial transactions to administer their patrimony (e.g., pay bills, manage a bank account, etc.)? Explain:

Yes            No

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**7. Faculties of the person concerned by the reassessment (cont.)**

Can the person concerned perform the more complex financial transactions required by their current situation (e.g., repaying or collecting and issuing a release for a debt, managing a property, managing a business, accepting or refusing a succession, liquidating a succession, etc.)? Explain:

Yes            No

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Can the person concerned understand and evaluate the consequences of their decisions regarding the administration of their property (e.g., making and following a budget, paying bills on time, etc.)? Explain:

Yes            No

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Could someone be appointed to manage the person concerned's government benefits? If yes, specify whether this help would be enough to meet the needs of the person currently under tutorship. If no, explain:

Yes            No

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Can or will the person concerned be able to manage the proceeds of his work?

Yes            No

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**8. Opinion of the person concerned by the reassessment**

**A. Opinion of the person concerned by the current process**

Was the person concerned able to give their opinion on the lifting or modification of the tutorship?

Yes (specify):

What is their opinion of the process?

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No (specify):

Why did the person not give their opinion?

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**8. Opinion of the person concerned by the reassessment (cont.)**

**B. Opinion of the person regarding their own faculties and asserting their civil rights**

What acts does the person concerned think they can perform on their own, despite the tutorship?

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**9. Opinion of the tutor and the persons close to them on the current process**

What is the opinion of the current tutor(s) regarding the lifting or modification of the tutorship? Explain :

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Have people close to them been consulted?	
Yes (specify):	Which people close to them were consulted? (Provide their name and their relationship to the person concerned.)
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No (specify):	Why were no people close to them consulted? (Go to section 10.)
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What is the opinion of the people close to them on the lifting or modification of the tutorship?  
 Explain:

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**10. Opinion of the assessor (cont.)**

**B. Nature of tutorship recommended**

Has the person's situation changed enough to justify lifting the tutorship?

Yes

If yes, indicate the reason for lifting the tutorship and proceed to question 11.  
 Reason for listing the tutorship:  
 Capacity  
 Cessation of the need for representation

No

Has the person's situation changed enough to justify modifying the nature of the tutorship?

Yes

If yes, the tutorship should be:  
 Tutorship to the person only  
 Tutorship to the property only  
 Tutorship to the person and to the property

No

**C. Terms of the tutorship**

Has the person's situation changed enough to justify changing the terms of the tutorship?

Yes

If yes, based on my assessment of the person concerned's faculties, I believe that the terms of the tutorship should be the following (check the box(es) that apply based on your assessment of the person concerned's faculties):

The person concerned cannot assert their right to vote in provincial, municipal, or school board elections.  
 Guardianship of the person of full age is removed from the tutor. As such, the person concerned no longer has a guardian.

The person concerned can enter into a contract to meet their usual and customary needs.

or

The person concerned cannot enter into a contract to meet their usual and customary needs.

(If the person concerned does not need a guardian and can enter into a contract to meet their usual and customary needs.)

The person concerned can sign a lease on their own.

The person concerned cannot sign a lease on their own.

The person concerned can perform all acts relating to their employment, art, or profession on their own.

or

The person concerned cannot perform all acts relating to their employment, art, or profession on their own.

The person concerned can manage the proceeds of their work on their own.

or

The person concerned cannot manage the proceeds of their work on their own.

Other (indicate, where applicable, other terms and conditions needed depending on the faculties of the person concerned, including those applicable to the current tutorship that must be renewed or modified):

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\_\_\_\_\_

No

**10. Opinion of the assessor (cont.)**

**D. Recommended time limit for reassessment – maximum five (5) years**

What is the current reassessment time limit, stipulated in the judgment or by law? \_\_\_\_\_ years(s)

Should the current psychosocial reassessment time limit be changed?  
 Yes                    No

If yes, what is the recommended time limit? \_\_\_\_\_ year(s)

Explain why changing the current time limit is necessary:

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## 11. List of people close to them to be notified by the court

### A. Living relatives (Make sure to list all persons to be notified in this section.)

The spouse, children, parents, and, if they have a known residence in Québec, grandparents and other ascendants, as well as adult siblings **must all be notified** by the court.

1.	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.
2.	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.
3.	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.
4.	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.
5.	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.

### B. Deceased relatives who meet the criteria listed in section A

Last name	First name	Relationship to the person concerned

**C. Relatives for whom the notice is optional**

Grandparents, other ascendants, and adult siblings with no known residence in Québec, as well as other relatives connected by marriage or a civil union, and friends, **may be notified**.

<b>1.</b>	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.
<b>2.</b>	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.
<b>3.</b>	Last name	First name	Relationship to the person concerned
	Address no., street, city		Postal code
	Email address		Tel. no.

**12. Specific requirements for the examination (if needed)**

Where applicable, indicate whether the person concerned by the reassessment has any specific requirements related to the examination:

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### 13. General information about the assessor

Last name		First name		Title	
Authorization to complete this reassessment					
Licence no. (indicate number): _____				Vested rights with OTSTCFQ attestation	
Tel. no. at work	Ext.	Fax no.	Email address		
Business address for the person concerned <small>institution name, number, street, city</small>					Postal code
Are you the main social worker for the person concerned by the reassessment?					
Yes (specify):	How long have you been the person concerned's social worker?				
No (specify):	Last name and first name of the social worker who provides the person concerned's psychosocial follow-up				
Occupation		Workplace		Tel. no. at work	Ext.
Signature (digital or blue ink)					Date <small>yyyy-mm-dd</small>





## Instructions

### General instructions

**Attention: This document must not be used to report a situation of abuse or maltreatment.** In that case, a report must be filed with the appropriate agency. To file a report, visit the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) website at [cdpdj.qc.ca](http://cdpdj.qc.ca). To report a case of mistreatment of a represented incapacitated person, consult [Quebec.ca/reporting-to-the-curateur-public](http://Quebec.ca/reporting-to-the-curateur-public).

In this context, the psychosocial assessment is an activity reserved for social workers and persons authorized under the Professional Code. Where applicable, indicate that assessments done by other professionals were needed to prepare the reassessment and attach them to your report, if relevant. The reassessment form must contain only the information the court requires to rule on the need to modify or lift the tutorship.

### Section 1: General information about the person concerned by the reassessment

**Attention:** It is important to complete all sections so that the court can clearly establish the identity of the person concerned.

The person's last name and first name entered on the form must match those appearing on the birth certificate.

### Section 2: Information on the nature and terms of the current tutorship

Enter the information received from the Curateur public.

### Section 3: Circumstances surrounding the reassessment

The frequency of reassessments is stipulated in the judgment to institute the tutorship or in the law. However, the person under tutorship or their tutor may apply for reassessment at any time. A significant change in the person under tutorship's situation could also justify a reassessment, even before the prescribed date.

### Section 4: Examinations and consultations

During the psychosocial reassessment, it is important to consult the tutor to update them on the legal representation of the protected person, and to obtain and confirm certain information.

Attach only the documents that pertain to the application for modification.

### Section 5: Psychosocial situation

**Important:** If a minor lives in the person concerned's home, the following points must be documented: sources of support for the parent, services received from the health and social services network or community organizations, the presence of family or friends to support the incapable person, and check of any reports on file.

The assessor should consider all these factors: ethnic background, cultural values, education, religion, the person's past and current physical and mental functioning, environmental characteristics, and family and social relationships.

#### Social roles

Social roles refers to family, civil, and financial responsibilities, interpersonal relationships, participation in community life, education, work, and recreation.

### Section 6: Financial situation

This information is needed for the court to rule on the lifting or modification of the tutorship.

### Section 7: Faculties of the person concerned by the reassessment – A. Decision-making and functional autonomy of the person concerned

It is important to specify the nature and source of the data, in order to make a fair assessment. In keeping with reserved professional acts, the social worker evaluates the person's functional autonomy based on information obtained from various sources: the person themselves, the people close to them, their healthcare team, etc. It is not an assessment of or a conclusion on the nature or degree of the person's functional autonomy. Indicate if a functional assessment was done by an occupational therapist and attach the report, where applicable.



## Instructions (cont.)

### Section 7: Faculties of the person concerned by the reassessment – B. Exercise of their civil rights – regarding their PERSON

**Faculties:** Refers to the person concerned's ability to achieve things in their life with all the resources at their disposal, rather than with only their intellectual faculties.

**Guardianship:** Refers to the right to choose where they live, whom they associate with, and when. This responsibility is entrusted to their tutor, unless the court decides that, because of their faculties, the person can assert these rights themselves, and therefore does not need a guardian.

### Section 8: Opinion of the person concerned by the reassessment

The opinion of the person concerned by the reassessment as to the terms of their tutorship must absolutely be noted. If not, specify why they were unable to express their opinion.

If the person wishes to replace their tutor, the tutorship council and the Curateur public must be informed. This is a separate process from the reassessment of the tutorship.

### Section 9: Opinion of the tutor and the persons close to them on the current process

**It is important to consult with the people close to the person concerned.** To help you inform people close to them about the role and obligations of a tutor and a tutorship council, visit [Quebec.ca/tutorship-for-adults](http://Quebec.ca/tutorship-for-adults).

If someone wants to replace the current tutor, an application for replacement of the tutor must be filed in court by someone close to them. This is a separate process from the reassessment of the tutorship. If it would be in the person concerned's best interest to have the Curateur public replace the current tutor, it is important to let the Curateur public know.

Opinion of the tutor: If they wish to resign, the tutor must notify the tutorship council and the Curateur public and file an application for replacement. This is a separate process from the reassessment of the tutorship. If the judgment instituting the tutorship provided for one, a substitute tutor could be appointed through a simplified legal procedure. They may consult a lawyer or a notary as needed.

### Section 10: Opinion of the assessor – A. Incapacity and need for representation

Under the law, the need for representation is recognized when an incapable person must be represented in the exercise of their civil rights. This need may be due to isolation, the duration of the incapacity, or the nature or state of the person's affairs. The need for legal representation is an essential condition for instituting tutorship.

It is important to note that an incapacity does not automatically lead to the institution of a tutorship. By instituting tutorship, the protected person is required to be represented in the exercise of their civil rights. It is therefore a decision with major ramifications for the person in question. Other than this option, there are less restrictive solutions for the person concerned, and for their relatives and friends. The principle of need applies in this case.

Despite the person's incapacity, if there is no longer a need for representation, the assessor's recommendation should be to lift the tutorship. For example, there is no longer a need for representation in the following cases: If a person with a mild intellectual disability marries and no longer needs legal representation by a tutor; or if a person with an intellectual disability inherits money from their parents and all the money from the estate is spent, after which family members can administer government benefits. If this is the case, explain how the various elements of the person's psychosocial or financial situation justify ending the need for representation, and what measures are in place that will enable the lifting of the tutorship despite the person's incapacity. Furthermore, when the professional performing the reassessment finds that the current tutor is not adequately fulfilling their role and responsibilities, they must inform the tutorship council and the Curateur public. A substitute tutor can then be appointed, if provided for in the judgment instituting the tutorship; alternatively, as a last resort, the tutorship council or the Curateur public could take steps to replace the tutor.



## Instructions (cont.)

### Section 10: Opinion of the assessor – B. Nature of the tutorship recommended

**A tutor to the person** is appointed to protect and exercise the rights of a person who is deemed incapable of taking care of themselves. The tutor to the person determines the incapable person of full age's needs that contribute to their moral well-being and takes the necessary measures to meet them, including establishing a budget with the tutor to the property in accordance with the modulations in the judgment. If the incapable person is incapable of consenting to care, their tutor to the person will have to consent to or refuse the care. The tutor also has a duty to oversee administration of the patrimony by the tutor to the property, to request or obtain any services the person requires, to represent them in court, etc.

**A tutor to the property** is appointed by the court to manage the property of a person of full age who is deemed incapable of doing so. The tutor to the property has a duty to ensure the material well-being of the person of full age, taking into account their condition, their needs and faculties, and their circumstances, as well as their ability to manage the proceeds of their work.

The tutor to the property must, among other responsibilities, collect income, determine the budget with the tutor to the person, collect rent from a rental property, establish an investment strategy, collect refunds due to the person, pay creditors, submit a rendering of accounts of their administration to the tutor to the person, represent the person of full age in legal proceedings related to the property they administer, etc.

In all cases, the tutor must exercise their responsibilities based on the wishes and preferences of the person concerned, while involving them as much as possible in decisions that concern them.

### Section 10: Opinion of the assessor – C. Terms of the tutorship

The person's right to vote should be withdrawn in exceptional cases only, given that it is a charter right, that the person's faculties can fluctuate, and that measures are put in place during elections to prevent fraud and abuse. This right should be withdrawn only in cases where the person is unable to comply with the terms and conditions for exercising their right to vote and where it is clear that this situation will not change.

If they have the ability to choose their place of residence and the people with whom they associate (friends, neighbours, etc.), and if they are generally able to set limits with others (e.g., refusing to let a stranger in, asking someone to leave their home, calling for help when needed [911], etc.), then the tutor should no longer have guardianship of the person concerned.

An assessment of a person under tutorship's ability to sign a lease on their own is only required if they do not need a guardian and have the capacity to enter into a contract to meet their usual and customary needs.

If they have the capacity to enter into contracts to meet their usual and customary needs, this will include the ability to choose and enter into contracts with service providers (e.g., sign a contract with a cell phone company, make a dentist appointment and incur fees for this care, etc.). They can make arrangements with their tutor to the property to decide whether the tutor will pay the bills directly or transfer the money to them to make the payments.

If they work or exercise a profession or an art and have the faculties to perform acts relating to their work, profession, or art, the person may sign their employment or service contract, determine their working conditions with their employer, enter into a service agreement with an agent, request vacation and leave, take steps to obtain the necessary insurance, defend their labour rights, adhere to their code of conduct and defend their professional rights (if they practice a profession), claim employment benefits, as needed (e.g., employment insurance), etc.

It will therefore be necessary to assess whether the person concerned has the faculties to perform the acts relating to their employment, but also to assess whether they can manage the proceeds of their work.

Employment-related acts are the responsibility of the tutor to the person, and managing the person's salary is the domain of the tutor to the property.



## Instructions (cont.)

### Section 10: Opinion of the assessor – E. Time limit for reassessment – maximum five (5) years

The time limit for the reassessment is stipulated in the judgment to institute the tutorship or in the law. The time limit for the reassessment is determined based on the nature of the person of full age's incapacity, the extent of their needs, and their condition. This time limit cannot exceed five years. The maximum time limit must not become the norm and must only be recommended when justified by the person's situation.

If the current time limit needs to be changed, indicate why and specify the recommended time limit.

### Section 11: List of people close to them to be notified by the court

Persons who can form the meeting of family members, close associates, and friends, as well as the members of the tutorship council and the tutor must be notified by the court about the assessor's recommendation to modify or lift the tutorship. You must obtain contact information for the people close to the person concerned by the reassessment, even if the person refuses to give it to you, since this information is required by the court. It is important to ensure the accuracy of the list of people close to them who formed the meeting of family members, close associates, and friends, both when the tutorship was instituted and at the time of the reassessment. People can be added to the list, but anyone who was on the list at the time the tutorship was instituted must also be on the list at the time of the reassessment, even if they are deceased. Their name must appear in Section 11B. If there are more than five people to be convened, attach the list.

### Section 12: Specific requirements for the examination

The person concerned may be questioned during the reassessment process. This examination is conducted by a judge, court clerk, or notary. The person may have specific requirements for the examination to take place. The assessor may specify whether it's best for the person to be seen in a specific environment or specify any other terms that might be in the person's interest (e.g., best time for the meeting, presence of an interpreter or significant professional).

## Transmission instructions

**Important:** The information contained in this form and its appendices, where applicable, is highly confidential. It is therefore necessary to ensure its confidentiality at all stages, including the production of reassessment reports and their transmission within the institution and to authorized recipients, in accordance with professional standards and applicable laws. If the psychosocial assessor concludes that there is a need to modify or lift the tutorship:

- send a copy of the psychosocial reassessment to the competent person\* of the establishment;
- send a copy to the person concerned and their tutor.

However, if the psychosocial reassessment follows a medical reassessment that concludes on the need to modify or lift the tutorship:

- send a copy of the psychosocial reassessment to the competent person of the establishment, **regardless of the conclusions**;
- send a copy to the person concerned and their tutor.

**Attention:** Since the tutorship may be divided, a copy of the documents relating to the reassessment must be sent to the tutors to the person. If the person concerned by the reassessment is under tutorship to the property only, then a copy must be sent to the tutor to the property.

\* For the purposes of this form, a "competent person of the establishment" has the following meanings:

- In accordance with the *Act respecting the governance of the health and social services system* (c. G-1.021):
  - > For a public institution: the medical and professional services director, under the immediate authority of the president-CEO.
  - > For a private institution: the highest-ranking executive.
- In accordance with the *Act respecting health services and social services for Cree Native persons* (c. S-5):
  - > For a public institution: the executive director, under the authority of the board of directors, or the professional services director, where applicable.
  - > For a private institution: the executive director.
- In accordance with the *Act respecting health services and social services for the Inuit and Naskapi* (c. S-4.2):
  - > For a public institution: the professional services director, under the authority of the executive director.
  - > For a private institution: the executive director.