

**Guardianship
Probate of a will**

**Regime of protection
Verification letters
Name change**

**Homologation of a mandate
Application for adoption**

Tutorship council

You're at the right place!

Life can occasionally be filled with pitfalls. And you're not always prepared when this happens. Fortunately, with a notary, you're in good hands. You can always count on this specially trained legal professional to inform you, advise you and guide you through administrative and legal twists and turns required during difficult times. Set your legal concerns aside and focus on what really counts: your loved ones, your quality of life and your financial security.

Distressing scenarios

- A car hits your daughter, leaving her paralyzed and with permanent brain damage.
- Usually well turned out, your mother is starting to neglect her appearance, forgets to eat and wanders in a neighbourhood of the city with which she is not familiar. You find her increasingly odd.
- Your spouse is hospitalized for psychiatric reasons following a suicide attempt. He is suffering from severe depression and has left the management of his business to his employees.
- Following the death of your father, you find a scrap of paper in a drawer on which he jotted down his final wishes.
- Your spouse has passed away, bequeathing more than \$25,000 to each of your children in a will.
- An old friend passes away, leaving you his apartment in Fort Lauderdale, Florida.
- Your *de facto* spouse, who is the father of two children from a past union and with whom you have had a child, dies without a will. All of a sudden, you find yourself co-owner of your home with three minor children.

You're involved in situations such as these? Consult your notary!

Consult your notary immediately! A notary informs and advises you, always considering the interests of the person to be protected. He can take the necessary steps for you and prepare the obligatory proceedings, as needed, to protect the rights of all those concerned.

The law requires the official intervention of the state to protect the wealth of minor children or people who have become unfit, to confirm the authenticity of a hand-written will or even to validate a will signed before witnesses accepted by a foreign country.

Such procedures require numerous steps and the fulfilment of strict, occasionally complex formalities. And the notary is the best qualified expert.

Here is an overview of the areas in which the notary may act in order to formalize situations in which, as a general rule, an individual needs protection.

- **Guardianship of a minor child**

The father and mother are automatically the guardians of their minor child. But if neither of them can act, for any reason whatsoever, and they have not designated a replacement guardian in writing, the relatives and friends of the minor child must meet to designate a guardian. The notary is empowered to preside over the steps and proceedings needed to hold the meeting, formalize its conclusions and follow up.

- **Protection for an individual of the age of majority**

An individual of the age of majority major age who becomes unfit needs to be protected and represented. If the individual has not signed a mandate for this eventuality, the law provides for three graduated protection systems depending on the degree and duration of the incapacity. *Curatorship* is required when the incapacity is total and permanent. *Tutorship* is appropriate when the incapacity is only partial or temporary. Finally, if the person to be protected is able to take care of his or her needs and property, but needs assistance or advice with respect to certain important issues, an *advisor to a person of full age* may be designated.

The notary may take charge of all of the proceedings required, preparing the documentation, notifying those concerned, calling and conducting a meeting of relatives and friends in his office and meeting with the individual to be protected to determine his condition and question him. Finally, the notary will submit a report on the proceedings to the court, which will render a judgment formalizing it.

- **Setting up a tutorship council**

The tutorship council, which generally includes three members, recommends a person of full age to become curator or tutor under the system to be implemented for the person needing a regime of protection. A tutorship council is also necessary for any minor child whose assets exceed \$25,000. The notary is empowered by law to take charge of the entire proceedings leading to establishment a tutorship council, from summoning the friends and relatives to a meeting to the time the court renders its decision.

- **Homologation of a mandate**

When an individual becomes unfit, the mandate he or she signed for that eventuality must be officially put into effect by means of a court judgment so that the representative designated may assume his duties. This is referred to as *homologating*

the mandate. The notary is thoroughly familiar with all of the proceedings and procedures required to obtain such of homologating. The notary can obtain the medical and psycho-social assessments, meets with the unfit individual in order to question him and takes note of his condition. The notary writes a report, submits the application and obtains a judgment homologating the mandate.

The unfit individual has recovered and wants to resume control of his or her own affairs? No problem. The notary can handle all of the formalities required to officially terminate the mandate.

- **Probate of holograph wills or wills made before witnesses**

A notarial will goes into effect at the time of death. This is not, however, the case of a handwritten will (a *holograph* will) or one that was simply signed in the presence of witnesses. These two types of wills, which have not been made a notarial form, must be officially probated after death in accordance with the rules provided in the *Civil Code of Québec* before they come into force. The notary is empowered to handle this.

- **Letters of verification**

More and more estates contain assets located abroad. In order to authorize the transfer of these assets to the legatees designated in a will or to the legal heirs of an individual who passed away without a will, authorities in the other provinces or in foreign countries want to be sure of the legal right of these legatees or heirs in keeping with the laws in effect in Quebec.

The notary is empowered to issue *letters of verification* to foreign authorities, certifying the validity of a will made in Quebec or, in the absence of a will, the distribution of assets stipulated in the *Civil Code*, the identity of a liquidator and other information needed to transmit the assets to a Quebec beneficiary without hassle.

- **And much, much more . . .**

Applications for adoption, changes to the register of civil status and name changes, as well as motions for the legal designation of a liquidator, are only a few of the areas in which the notary excels.

Your notary has many skills. You can count on your notary to help you through many important situations in your life.

**Do not hesitate to call on your notary.
You're at the right place.**

