

LEGAL CAPACITY AND REPRESENTATION FRAMEWORK

Full Incapacitation

- Applied when severe disability prevents independent decision-making
- Court-appointed guardian assumes complete legal authority
- Guardian makes all legal statements and procedural decisions on behalf of the protected person

Partial Incapacitation with Custodianship

- Implemented when full incapacitation is not warranted
- Custodian provides representation according to specific court determinations
- Preserves some autonomy while ensuring necessary support

Supportive Assistance for Mild Disabilities

- Available for individuals needing help with specific matters or categories of decisions
- Court determines scope of custodian's authority
- Tailored approach allowing representation only in designated areas while maintaining maximum independence



GUARDIANSHIP ADMINISTRATION AND COURT OVERSIGHT

- The guardian assumes responsibility for both the personal care and property management of the ward, operating under direct supervision of the Court of Protection.
- Upon appointment, the guardian must compile and submit a comprehensive inventory of the ward's assets to the Court of Protection.
- The Court of Protection maintains active oversight through regular monitoring, providing guidance and recommendations to ensure proper guardianship execution.
- The Court of Protection may request detailed explanations and supporting documentation regarding any aspect of the guardianship at any time.
- Guardians must submit annual reports (or as specified by the court) covering the ward's wellbeing and detailed financial accounts of property administration.
- The guardian must obtain court approval before making any significant decisions affecting the ward or their property.



SPECIAL PROVISIONS FOR WITNESS TESTIMONY AND MINORS

Minors and Parental Representation

- Parents serve as default legal guardians for children under 18
- Court intervention possible only in specific circumstances
- Witnesses under 17 are not required to take oath

Capacity Assessment for Witnesses

- If the court has doubts about a witness's ability to perceive or communicate their observations, it may order examination
- Examination must be conducted in the presence of a medical expert or psychologist
- The witness may not object to this examination

Accommodations for Communication Differences

- Individuals who are deaf or unable to speak provide testimony in writing or with assistance from an expert interpreter

