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What is the cost of a guardianship or curatorship?

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The establishment of a guardianship or a curatorship is free. However, the medical certificate necessary for the opening of the procedure is **at the expense of the protected person**. A financial contribution may also be requested if the measure is provided by an agent.

How much does the certificate and medical advice cost for the establishment of a guardianship or curatorship?

Medical certificate

The cost of the medical certificate is **€192** (€160 excluding tax).

It is the responsibility of the person to be protected.

Medical advice

The cost of the notice is **€25**.

This amount is due **only** where such notice is not included in the medical certificate.

The opinion of the expert doctor is **essential** to the judge. This is the only way the judge can exempt the person to be protected from being heard (in the case of Alzheimer's for example).

The court registry may also be in one of the following situations:

- He receives an expert opinion in which the expert has forgotten to specify whether the person to be protected can be heard or not
- He receives an expertise that is too old, when the health of the person to be protected has deteriorated and it no longer allows the judge to hear him.

In these cases, the expert does not redo all the expertise and simply produces his detailed opinion on whether or not the person to be protected should be heard.

When the public prosecutor at the request of the protection litigation judge (former guardianship judge), the cost of the medical certificate or medical opinion is not borne by the person to be protected.

Is the judicial procedure for the establishment of a guardianship or curatorship free of charge?

Yes, the judicial procedure for setting up a guardianship (<https://www.service-public.gov.fr/particuliers/vosdroits/F2120?lang=en>) or a curatorship (<https://www.service-public.gov.fr/particuliers/vosdroits/F2094?lang=en>) is **free of charge**.

Is the person providing protection (guardianship or curatorship) paid?

If it is a relative of the protected person

The measure may be exercised as **free** if it has been entrusted to one of the following persons:

- Person with whom the protected minor or adult lives as a couple
- Family member (e.g. father, mother, brother)
- Close (e.g. friend)

However, the protection litigation judge or the family council may authorize the **payment of compensation** to the person responsible for protection.

This compensation depends on the size of the assets managed (e.g. if the protected person has a significant asset) or the difficulty of exercising the measure.

The judge or family council shall determine the amount of the compensation.

It is the responsibility of the protected person.

If it is a judicial representative

The agent exercising the measure may be one of the following:

- Service authorized by the prefect of department
- Natural person authorized by the prefect of department to practice in an individual capacity
- Employee (staff) of a health or medico-social institution designated by its institution to carry out this activity

In order to exercise the protection measure, the authorized representative shall receive remuneration.

The financing of measures for the legal protection of adults, exercised by judicial agents for the protection of adults is based on 3 levels:

- Costs of protective measures according to indicators taking into account in particular the workload related to the execution of the measures, but also the place of life of the protected person and his resources
- Participation of the protected person according to his resources and capped at the cost of the measure
- Subsidiary public funding paid according to rules that vary depending on the trustee.

Example: an associative trustee will receive funding in the form of an endowment or grant, an individual trustee will receive an indemnity calculated by file.

The indicators taken into account to assess the cost of the measures are:

- **The nature of the missions or measure: 3 categories of measure**
1^{er}a category: enhanced curatorship - judicial accompanying measure - special mandate - enhanced curatorship of property or person
2th category: guardianship - guardianship of property or person
3th category: simple guardianship - substitute guardian or trustee (to property or person).

- **The place of life of the person:** in an institution, at home or in an institution with home preservation
- **The level of resources and wealth of the person:** 10 income bands and for each band a rate of increase of the tariff is fixed.

The protected person must participate in the financing according to his income unless it does not exceed the annual amount of the aah of 2023 i.e. € 11,612.28.

The income taken into account is that received in the year preceding the introduction of the measure. The same applies to the annual amount of the AAH.

If the resources of the protected person exceed €11,612.28, the amount of the participation varies according to his income.

This participation is **monthly**.

Sampling is carried out by **slice** as with income tax.

Tableau - Participation of the protected person

Annual income band	Percentage taken	Maximum amount in the tranche	Annual cumulative maximum amount
Enter €12,400 and €21,622	10%	€841.49	€841.49
Enter €21,622 and €54,052	23%	€7,181.08	€8,381.47
Enter €54,052 and €129,732	3%	€2,185.55	€10,651.78

After notice of public prosecutor, the judge may exceptionally grant the judicial representative a **supplementary allowance**. It must have as its object the performance of an act or a series of acts requiring particularly long or complex work. For example:

- Settlement of an estate
- Follow-up of judicial or administrative proceedings
- Sale of a property
- Family Conflict Management

The representative must submit his claim for compensation, accompanied by **supporting documents** necessary, to the protection litigation judge (or family council if constituted).

The trustee must justify the exceptional nature of the workload and the inadequacy of the amounts collected.

The judge may invite the judicial representative to provide further explanations. Travel or subsistence expenses may be added to this additional allowance. These allowances are the responsibility of the protected adult.

Exceptionally, the prefect may temporarily grant a partial reduction or the removal of the protected person's entire participation in one of the following situations:

- Particular difficulties linked to the existence of debts incurred by the protected person before the opening of guardianship or trusteeship
- Need to meet imperative expenses

Who can help me?

Find who can answer your questions in your region

Administrative information by phone - Allô Service Public

 For more information on this subject, you can contact Allô Service Public.

Attention: the service does not have access to users' personal files and therefore cannot provide information on their progress.

 **Lundi** : de 08h30 à 17h30

Mardi : de 08h30 à 12h15

Mercredi : de 08h30 à 12h15

Jeudi : de 08h30 à 17h30

Vendredi : de 13h00 à 16h15

 **Service free**

 The informants who answer you belong to the Department of Justice.

Statute and miscellaneous references

Civil Code: articles 415 to 424 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006150530/?lang=en>)

Allowance for the member of the protection entourage (article 419)

Code of Criminal Procedure: Article R217-1 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000032105823?lang=en)

Cost of medical certificate

Code of Social Action and Families: Articles D471-1 to D471-19 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000020061452/?lang=en>)

Resources used to determine the financial contribution of the protected person (R471-5-2 and R471-5-3)

Code of Social Action and Families: Article R472-8 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037362268?lang=en)

Remuneration of natural persons acting as individual legal representatives for the protection of adults (Article R472-8)

Decree No. 2008-1554 of 31 December 2008 on the participation of protected persons in the financing of their protection measure (<https://www.legifrance.gouv.fr/loda/id//ORFTEXT000020021088/?lang=en>)

Conditions for the application of the financial participation of the protected person (Article 2)

Code of Social Action and Families: article D471-6 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000023097828?lang=en)

Additional compensation granted exceptionally to judicial representatives for the protection of adults

Decree No. 2010-1404 of 12 November 2010 fixing the supplementary compensation of judicial representatives for the protection of adults (<https://www.legifrance.gouv.fr/loda/id//ORFTEXT000023086116?lang=en>)

Conditions of application of the supplementary allowance to the protected person (Article 3)

Order of 31 August 2018 on the determination of the cost of protection measures exercised by judicial representatives for the protection of adults

([https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037360111?](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037360111?tab_selection=lawarticledecreed&query=%7B(%40ALL%5B%22mandataires%22%5D)%7D&nature=ARRETE&dateSignature=31%2F08%2F2018+%3E+31%2F08%2F2018&isAdvancedResult)

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[lang=en](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037360111?tab_selection=lawarticledecreed&query=%7B(%40ALL%5B%22mandataires%22%5D)%7D&nature=ARRETE&dateSignature=31%2F08%2F2018+%3E+31%2F08%2F2018&isAdvancedResult))

FAQ

How to establish the inventory of the assets of a protected adult? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F33815?lang=en>)

How is the trusteeship or guardianship management account verified? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F33832?lang=en>)

Additional topics

Guardianship of an adult (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2120?lang=en>)

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Guardianship of a minor (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2139?lang=en>)

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Curatorship of an adult (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2094?lang=en>)

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