

Gouvernement du Québec

## O.C. 1308-2024, 21 August 2024

Authorization granted to the Public Curator to implement a pilot project for the recognition of a non-profit legal person as an assistant to a person of full age

WHEREAS, under the first paragraph of section 255 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11), the Government may, by order, authorize the Public Curator to implement a pilot project on any matter within the scope of the Act or the regulations with a view to studying, improving or defining standards applicable to those matters;

WHEREAS, under the second paragraph of section 255 of the Act, all pilot projects must be in line with the objectives pursued by the Act;

WHEREAS the Public Curator has prepared a pilot project to test the possibility of recognizing a non-profit legal person as an assistant to a person of full age and to improve and define the standards applicable to the matter;

WHEREAS it is expedient to authorize the Public Curator to implement the pilot project;

IT IS ORDERED, therefore, on the recommendation of the Minister of Families:

THAT the Public Curator be authorized to implement a pilot project to test the possibility of recognizing a non-profit legal person as an assistant to a person of full age and to improve and define the standards applicable to the matter;

THAT, within the context of the pilot project, the Public Curator may recognize a non-profit legal person as an assistant despite article 297.14 of the Civil Code;

THAT, to assume the office of assistant for the duration of the pilot project, the non-profit legal person designate two natural persons among its employees or volunteers to represent it;

THAT the representatives are not bound to act jointly;

THAT, if a non-profit legal person is recognized as an assistant, the person of full age may not apply for the recognition of a second assistant, despite article 297.16 of the Civil Code;

THAT the assisted person of full age is not required to reimburse the reasonable expenses incurred by the non-profit legal person, including those incurred by its representatives, in exercising the duties of the office, despite the second paragraph of article 297.17 of the Civil Code, considering the remuneration granted by the Public Curator to non-profit legal persons;

THAT the application for the recognition of a non-profit legal person as an assistant may not be filed through an advocate or a certified notary, despite the second paragraph of article 297.19 of the Civil Code;

THAT the Public Curator meet the representatives of the non-profit legal person before the initial application for recognition of the legal person as an assistant; the Public Curator is not required to meet them in the presence of the person of full age who wishes to be assisted, despite the first paragraph of article 297.21 of the Civil Code;

THAT the judicial record of the representatives of the non-profit legal person be verified and that the verification may be performed by the legal person;

THAT the information and documents to be provided by the proposed assistant in the application for the recognition of an assistant to a person of full age under section 6.1 of the Regulation respecting the application of the Public Curator Act (C-81, r. 1) be those of the representatives of the non-profit legal person, and the information and documents referred to in subparagraphs 2, 9, 11, where the verification of the judicial record is performed by the Public Curator, 12 and 14 of the first paragraph of section 6.1 be submitted to the Public Curator before the initial application for recognition of the legal person as an assistant;

THAT the application for the recognition of a non-profit legal person as an assistant be made using the forms provided by the Public Curator in the context of the pilot project, despite the second paragraph of section 6.1 of the Regulation;

THAT the name of the non-profit legal person and the names of its two representatives be entered in the register of assistants to the person of full age, despite paragraph 6 of section 7 of the Regulation;

THAT the pilot project be implemented as of 1 October 2024 for a period of 3 years.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

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