



CC Art. 13

Guardianship and Curatorship

TITLE 01 — PERSONS · CHAPTER 04 — INCAPACITY AND PROTECTIVE MEASURES

- 1** A person declared totally incapable shall be placed under guardianship. The guardian represents the incapable person in all civil acts and administers their property.

 - 2** A person declared partially incapable shall be placed under curatorship. The curator assists the incapable person in those acts for which independent capacity has been withdrawn, while the person retains the right to act independently in all other matters.

 - 3** The guardian or curator is appointed by decree of a competent authority, with preference given, in order, to:
 - a. The person designated by the incapable person in an advance directive made while they possessed full capacity.
 - b. The spouse or registered partner of the incapable person, provided there is no conflict of interest.
 - c. A parent or child of the incapable person.
 - d. A sibling or other close relative.
 - e. Any other suitable person willing to assume the office.
 - f. A professional guardian or public officer designated by law, as a measure of last resort.

 - 4** The following persons may not serve as guardian or curator:
 - a. Minors or persons who are themselves subject to a declaration of incapacity.
 - b. Persons who have been removed from a prior guardianship or curatorship for cause.
 - c. Persons who have an unresolved conflict of interest with the incapable person.
 - d. Persons who have been convicted of an offence involving dishonesty, violence, or exploitation.
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- 5** The guardian or curator has a duty to:
- a. Act in the best interests of the incapable person in all matters.
 - b. Preserve and prudently administer the patrimony of the incapable person.
 - c. Respect the dignity, preferences, and remaining autonomy of the incapable person, and involve them in decisions so far as is practicable.
 - d. Provide for the care of the incapable person, including medical treatment, housing, and social support.
 - e. Maintain contact between the incapable person and their family, unless contrary to the person's welfare.
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- 6** The guardian or curator shall render accounts of their administration to the competent authority at intervals not exceeding one year. The accounts shall include an inventory of assets, a record of income and expenditure, and a report on the welfare of the incapable person.
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- 7** The guardian or curator shall not, without the prior authorisation of the competent authority:
- a. Alienate, encumber, or lease for a term exceeding three years any significant asset of the incapable person.
 - b. Borrow on behalf of the incapable person.
 - c. Compromise, settle, or submit to arbitration any claim involving the incapable person.
 - d. Make gifts from the estate of the incapable person, except customary gifts of modest value.
 - e. Renounce any right or inheritance on behalf of the incapable person.
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- 8** The competent authority may remove and replace a guardian or curator for cause, including neglect, abuse, mismanagement, conflict of interest, or supervening incapacity. The removed guardian or curator shall render a final account and deliver all property to the successor.
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- 9 The office of guardian or curator terminates upon:
- a. Revocation of the declaration of incapacity.
 - b. Death of the incapable person.
 - c. Death, incapacity, or resignation of the guardian or curator, accepted by the competent authority.
 - d. Removal by the competent authority.

DOCUMENT INFORMATION	
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