# 2000 Protection of Adults Convention Country Profile

## Foreword to the Country Profile

Contracting Parties are encouraged to use this Country Profile to assist with the fulfilment of their obligations under the HCCH *Convention of 13 January 2000 on the International Protection of Adults* (hereinafter, the 2000 Convention). In particular, it is anticipated that the Country Profile will help Contracting Parties fulfil their obligations under Article 29 of the 2000 Convention, that is:

*(1) Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to achieve the purposes of the Convention.*

*(2) They shall, in connection with the application of the Convention, take appropriate steps to provide information as to the laws of, and services available in, their States relating to the protection of adults.*

The Country Profile is a standardised document that will be available to Contracting Parties to complete, view, and update electronically. Its objective is to assist with the practical operation of the 2000 Convention. It is hoped that it will facilitate:

a) information exchanges between Contracting Parties;

b) timely compliance with the obligations under the 2000 Convention with minimum administrative effort;

c) efficient and effective resolution of cases by well-informed competent authorities;

d) knowledgeable service by Central and other authorities;

e) cost-effective translation of the information provided by Contracting Parties into English and French; and

f) prompt updates of the information provided.

This Country Profile is based on the final text of the 2000 Convention, as agreed at the Special Commission of a diplomatic character of September-October 1999.

This draft Country Profile is divided into thirteen Sections that follow, to the extent possible, the order of the Chapters in the text of the 2000 Convention. The aim of each section is as follows.[1]

- **Section I - Designated Central and other authorities:** This section aims to provide all the relevant information that will enable you to contact the relevant Central and other authorities designated by this Contracting Party. Central Authorities are designated to discharge the duties imposed by the Convention (Art. 28). They play an important role in facilitating communication and cooperation between competent authorities in different Contracting Parties, as well as in transmitting information and requests to

[1] If practically possible to implement and subject to available resources, the Permanent Bureau suggests the edition of a mouse over information icon "(i)" that will display such explanations in the electronic version of the Country Profile. This suggestion intends to make the Country Profile more user-friendly and accessible.

other Central Authorities. In this section you can also find information relating to the authorities designated under Articles 38 and 42 of the Convention.

- **Section II - Coming into force and territorial application of the 2000 Convention:** This section presents information about when the Convention entered into force in the given State, and its territorial application.
- **Section III - Relevant legislation:** This section provides information about the legislation in the given State.
- **Section IV - Scope: *ratione materiae* (measures available to competent authorities):** This section presents an overview of the domestic law applicable to the different measures for the protection of the adult that fall within the scope of the 2000 Convention. As such, this section provides information on what measures of protection are available in the given State and how the domestic legislation of this State governs the different measures.
- **Section V - Jurisdiction (Arts 5-12):** This section provides information about jurisdiction matters.
- **Section VI - Recognition and Enforcement (Arts 22-27):** This section provides information on the rules applicable in a given State that relate to the recognition and enforcement of decisions under the 2000 Convention.
- **Section VII - Applicable law (Arts 13 – 21 and 45 - 47):** The 2000 Convention provides, as a general rule, that authorities of Contracting Parties shall apply their own law (Art. 13). In addition, the Convention also allows Contracting Parties to exceptionally apply the law of another State. This section presents an overview of the law(s) applicable in a given State in relation to the Convention. This section also includes information on the mandatory laws in a given State (Art 20) as well as information on the law applicable to powers of representation (Art 15). Questions relating to multi-unit States and States that have two or more systems of law or sets of rules are also addressed in this section.
- **Section VIII - Other matters pertaining to the protection of adults:** This section provides information on other matters pertaining to the protection of adults which fall within the scope of the 2000 Convention, such as *ex lege* representation and voluntary anticipatory acts containing instructions given and wishes made by an adult in anticipation of a future impairment (*e.g.,* advance directives).
- **Section IX - Cooperation (Arts 28-37):** This section provides information on practical issues and questions that may arise when dealing with matters falling within the scope of the 2000 Convention in a given State: how Central and other authorities gather and transmit information, how Central and other authorities assist with locating an adult, where it appears they may be in need of protection, how Central and other authorities assist in the placement of an adult in an establishment, or other place where protection can be provided, located in another Contracting Party. This section also provides information on direct judicial communications, including through the assistance of Central Authorities (Arts 30, 32, 33 and 34).
- **Section X - General:** This section provides information about international certificates under Article 38, training and other general information.
- **Section XI - Electronic resources**

Contracting Parties are to prepare their Country Profiles with a view to providing clear information regarding their domestic laws and processes to other Contracting Parties. Where multiple answers to the questions are appropriate, respondents are encouraged to check all the tick boxes that apply. Contracting Parties comprised of more than one territorial unit may choose to submit separate Country Profiles for each territorial unit. Respondents are encouraged to provide links to relevant domestic legislation and procedural rules, where possible and applicable.

# Table of Contents


Foreword to the Country Profile ..... 1

I. Central and other authorities designated by [name of your State] ..... 6

1. Central Authority contact details (Art. 28) ..... 6

2. Other designated Central Authority, if applicable (Art. 28(2)) ..... 6

3. Designated authority for Article 8 requests (Art. 42) ..... 7

4. Designated authority for Article 33 requests (Art. 42) ..... 8

5. Designated authority competent to draw up international certificates under Article 38 ..... 9

6. Language requirements (Art. 51) ..... 10

7. Central Authority functions / operations / services ..... 11

II. Coming into force and territorial application of the 2000 Convention in [name of your State] ..... 13

8. Entry into force and territorial application ..... 13

III. Relevant legislation in [name of your State] ..... 14

9. 2000 Convention ..... 14

10. Other instruments / agreements relating to the protection of adults ..... 14

IV. Scope: *ratione materiae* ..... 15

11. Measures available to competent authorities ..... 15

12. Measures dealing with guardianships, curatorships or analogous institutions (Art. 3(c)) ..... 16

13. Sale of property located in [name of your State] belonging to an adult (Art. 3) ..... 17

V. Jurisdiction (Arts 5 – 12) ..... 19

14. Proceedings regarding the protection of adults ..... 19

15. Transfer or assumption of jurisdiction under Article 8 of the 2000 Convention ..... 19

VI. Recognition and Enforcement (Arts 22 – 27) ..... 20

16. Recognition ..... 20

17. Enforcement ..... 20

VII. Applicable law (Arts 13 – 21 and 45 - 47) ..... 22

18. Multi-unit States and States that have two or more systems of law or sets of rules of law applicable (Arts 45 – 47) ..... 22

19. Mandatory law (Art. 20) ..... 22

20. Powers of representation (Arts 15 – 16) ..... 22

21. Formal requirements for the establishment of powers of representation and their functions ..... 23
22. Designation of a representative under powers of representation ..... 27
23. Supervision and control mechanisms of powers of representation ..... 27
24. Extent of powers of representation ..... 28
25. Registration of powers of representation ..... 30
26. Coming into effect of powers of representation ..... 31
27. Modification of powers of representation ..... 33
28. Extinction of powers of representation ..... 34
29. Confirmation of powers of representation for the purpose of the certificate under Article 38 ..... 36
VIII. Other matters pertaining to the protection of adults ..... 39
30. *Ex lege* representation ..... 39
31. Questions relating specifically to voluntary anticipatory acts containing instructions given and wishes made by an adult in anticipation of a future impairment (*e.g.,* advance directives) ..... 41
IX. Co-operation (Arts 28 – 37) ..... 45
32. Central Authority assistance ..... 45
33. Locating an adult, where it appears they may be in need of protection (Art. 30(b)) . 46
34. Placement of the adult in an establishment, or other place where protection can be provided, located in another Contracting Party (Art. 33) ..... 47
35. Direct judicial communications, including through the assistance of Central Authorities (Arts 30, 32, 33 and 34) ..... 48
X. General ..... 49
36. International certificates under Article 38 ..... 49
37. Training ..... 50
38. Other information ..... 50
XI. Electronic resources ..... 51

# I. Central and other authorities designated by [name of your State]

## 1. Central Authority contact details (Art. 28)

| | | |
|---|---|---|
| 1.1 | Organisation | |
| 1.2 | Address | |
| 1.3 | Territorial and personal extent of functions, if applicable | |
| 1.4 | Telephone | |
| 1.5 | Fax | |
| 1.6 | Email | |
| 1.7 | Website | |
| 1.8 | Contact person 1 | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| 1.9 | Contact person 2, if applicable | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE][2]** | | |

## 2. Other designated Central Authority, if applicable (Art. 28(2))[3]

| | | |
|---|---|---|
| 2.1 | Organisation | |
| 2.2 | Address | |

[2] The "Last update" will be done automatically in the electronic format of the Profile.
[3] This section will be expandable in order to allow for the inclusion of additional Central Authorities.

*Where applicable, please specify relevant legislation and indicate how the legislation may be accessed, e.g., by providing a website link or copy of the legislation.*

| | | |
|---|---|---|
| 2.3 | Territorial and personal extent of functions, if applicable | |
| 2.4 | Telephone | |
| 2.5 | Fax | |
| 2.6 | Email | |
| 2.7 | Website | |
| 2.8 | Contact person 1 | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| 2.9 | Contact person 2, if applicable | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | | |

## 3. Designated authority for Article 8 requests (Art. 42)[4]

| | | |
|---|---|---|
| 3.1 | Has [name of your State] designated an authority for Article 8 requests? | ☐ Yes, the Central Authority is responsible for processing Article 8 requests (see details provided above)<br>☐ Yes, an authority other than the Central Authority is responsible for processing Article 8 requests (please complete questions 3.2 – 3.10)<br>☐ No |
| 3.2 | Organisation | |
| 3.3 | Address | |

4 This section will be expandable in order to allow for the inclusion of additional authorities.

| | | |
|---|---|---|
| 3.4 | Territorial and personal extent of functions, if applicable | |
| 3.5 | Telephone | |
| 3.6 | Fax | |
| 3.7 | Email | |
| 3.8 | Website | |
| 3.9 | Contact person 1 | Direct contact details:<br>Direct telephone:<br>Direct email: Preferred language(s) of communication:<br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| 3.10 | Contact person 2, if applicable | Direct contact details:<br>Direct telephone:<br>Direct email: Preferred language(s) of communication:<br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | | |

## 4. Designated authority for Article 33 requests (Art. 42)[5]

| | | |
|---|---|---|
| 4.1 | Has [name of your State] designated an authority for Article 33 requests? | ☐ Yes, the Central Authority is responsible for processing Article 33 requests (see details provided above)<br>☐ Yes, an authority other than the Central Authority is responsible for processing Article 33 requests (please complete questions 4.2 – 4.10)<br>☐ No |
| 4.2 | Organisation | |
| 4.3 | Address | |

5 This section will be expandable in order to allow for the inclusion of additional authorities.

| | | |
|---|---|---|
| 4.4 | Territorial and personal extent of functions, if applicable | |
| 4.5 | Telephone | |
| 4.6 | Fax | |
| 4.7 | Email | |
| 4.8 | Website | |
| 4.9 | Contact person 1 | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| 4.10 | Contact person 2, if applicable | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | | |

## 5. Designated authority competent to draw up international certificates under Article 38[6]

| Please complete if the authority competent to draw up international certificates under Article 38 is one singular organisation: | | |
|---|---|---|
| 5.1 | Organisation | |
| 5.2 | Address | |
| 5.3 | Territorial and personal extent of functions, if applicable | |
| 5.4 | Telephone | |
| 5.5 | Fax | |

6 This section will be expandable in order to allow for the inclusion of additional authorities.

| | | |
|---|---|---|
| 5.6 | Email | |
| 5.7 | Website | |
| 5.8 | Contact person 1 | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| 5.9 | Contact person 2, if applicable | Direct contact details:<br>Direct telephone:<br>Direct email:<br>Preferred language(s) of communication:<br><br>Preferred method of communication:<br>☐ Phone<br>☐ Fax<br>☐ Email<br>☐ Other (please specify): |
| Please complete if several authorities are competent to draw up international certificates under Article 38: | | |
| 5.10 | Please indicate which authorities in [name of your State] are competent to draw up international certificates under Article 38.<br>*Please tick all boxes that apply.*<br>*Where applicable, please provide the details of the authorities (name of organisation, address, telephone, fax, email, website) and the details of the contact person(s), as requested above.* | ☐ Competent authorities, including court clerks / registrars<br>Details of the authority:<br>Details of contact person(s):<br>☐ Notaries<br>Details of the authority:<br>Details of contact person(s):<br>☐ Other (please specify):<br>Details of the authority:<br>Details of contact person(s): |
| **Last Update: [INSERT DATE]** | | |

## 6. Language requirements (Art. 51)

| | | |
|---|---|---|
| 6.1 | In addition to its original language, please specify the official language(s) of [name of | |

| | | |
|---|---|---|
| | your State] in which any communications are to be translated.<br><br>*Where that is not feasible, a translation into French or English should be provided, please see next question*. | |
| 6.2 | Has [name of your State] made a reservation in respect of the use of French or English for any communication sent to the Central Authority or any other authority? | ☐ Yes, object to French<br>☐ Yes, object to English<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 7. Central Authority functions / operations / services[7]

| | | |
|---|---|---|
| 7.1 | Please specify the working days and hours of the Central Authority. | Days of the week open:<br>☐ Monday<br>☐ Tuesday<br>☐ Wednesday<br>☐ Thursday<br>☐ Friday<br>☐ Saturday<br>☐ Sunday<br>Opening hours: -<br><br>Shut down periods (*e.g.*, public holidays, court closures *etc*): |
| 7.2 | Can assistance be accessed outside of working hours? | ☐ Yes<br>Please specify contact details for persons in other Contracting Parties and, if different, for persons in [name of your State]:<br>☐ No |
| 7.3 | Does the Central Authority have staff who deal exclusively with Convention requests and related issues? | ☐ Yes<br>☐ No |
| 7.4 | Please indicate the professions represented in the Central Authority: | ☐ Civil servants<br>☐ Lawyers<br>☐ Members of the judiciary<br>☐ Mediators<br>☐ Social workers<br>Please indicate social workers' specialisation, if applicable:<br>☐ Family<br>☐ Medical |

[7] This section will be expandable in order to allow for the inclusion of additional authorities.

| | | |
|---|---|---|
| | | ☐ Disability<br>☐ Gerontological<br>☐ Mental health<br>☐ Other (please specify):<br>☐ Welfare professionals<br>☐ Other (please specify): |
| 7.5 | Has [name of your State] entered into any agreements with one or more other Contracting Parties, with a view to improving the application of the 2000 Convention and facilitate cooperation?<br><br>Article 37 of the 2000 Convention. | ☐ Bilateral agreement<br>*Please provide the title of the agreement and, if available, a web link to the agreement or attach a copy*<br>☐ Other (please specify):<br>*Please provide the title of the agreement and, if available, a web link to the agreement or attach a copy*<br>☐ No |
| 7.6 | Has [name of your State] made a declaration under Article 32(2), requiring all requests for information from a Contracting Party contemplating a measure of protection to be communicated through the Central Authority of [name of your State]? | ☐ Yes (please elaborate):<br>☐ No |
| 7.7 | In [name of your State], are mediation, conciliation or other similar means encouraged by Central or competent authorities (directly or through other bodies) to achieve agreed solutions in situations where the 2000 Convention applies?<br><br>Article 31 of the 2000 Convention. | ☐ Yes, mediation, conciliation or other similar means can be provided upon request by the Central or competent authority.<br>☐ Yes, **information** about mediation, conciliation and other similar means can be provided upon request by the Central or competent authority (see question 7.8 below).<br>☐ Yes, mediation, conciliation or other similar means can be provided by a third party (*e.g.,* independent mediators) through the assistance of the Central or competent authority (see question 7.8 below).<br>☐ Yes, mediation, conciliation or other similar means can be obtained without the assistance of the Central or competent authority (see question 7.8 below).<br>☐ No |
| 7.8 | Please indicate how services of mediation, conciliation or other similar means to achieve agreed solutions in matters falling under the scope of the 2000 Convention are provided in [name of your State]. | *Please indicate the name(s) of the authority(ies) that provide such services in [name of your State]. If possible, please provide the contact details of such authority(ies) or any other relevant information / web links.*<br>Name of authority:[8]<br>Telephone: |

[8] This section will be expandable in order to allow for the inclusion of additional authorities.

| | | |
|---|---|---|
| | | Fax:<br>Email:<br>Website:<br><br>*Please indicate the services provided*:<br>*Please tick more than one box, if applicable*<br>☐ Mediation (please elaborate):<br>☐ Conciliation (please elaborate):<br>☐ Other (please specify and elaborate): |
| 7.9 | What role does the Central Authority of [name of your State] play in the context of requests for recognition under Article 23 or requests for declarations of enforceability or registrations for the purpose of enforcement under Article 25? (*e.g.*, must such requests be processed by the Central Authority?) | |
| 7.10 | Noting the general obligation under Article 36 on Contracting Parties to bear their own costs in applying the 2000 Convention, does the Central Authority in [name of your State] impose any "reasonable charges" for the provision of services? | ☐ Yes<br>Please indicate on which services the Central Authority imposes reasonable charges:<br>*Please tick all boxes that apply.*<br>☐ Mediation<br>☐ Conciliation<br>☐ Legal advice<br>☐ Initiating proceedings before a competent authority<br>☐ Legal representation<br>☐ Translation<br>☐ Other services (please specify):<br>☐ No, the Central Authority does not impose charges for any provision of services |
| **Last Update: [INSERT DATE]** | | |

# II. Coming into force and territorial application of the 2000 Convention in [name of your State]

## 8. Entry into force and territorial application

| | | |
|---|---|---|
| 8.1 | When did the 2000 Convention enter into force in [name of your State]? | |
| 8.2 | Has [name of your State] objected to the accession of another State to the 2000 Convention?<br>Article 54(3) of the 2000 Convention. | ☐ Yes<br>*Please consult the HCCH website, under the "Protection of Adults Section", then "Status table" and "A**" (Accession giving rise to an objection* |

| | | |
|---|---|---|
| | | *procedure; click on A** for details of objections to the accession)*<br>☐ No |
| 8.3 | If [name of your State] consists of two or more territorial units, has [name of your State] made a declaration under Article 55? | ☐ Yes (please elaborate):<br>☐ No<br>☐ Not applicable |
| 8.4 | If [name of your State] is comprised of one or more overseas territories, please provide information about the applicability of the 2000 Convention to them. | Please list the territories that are bound by the 2000 Convention:<br><br>Please list the territories that are **not** bound by the 2000 Convention: |
| **Last Update: [INSERT DATE]** | | |

# III. Relevant legislation in [name of your State]

## 9. 2000 Convention

| | | |
|---|---|---|
| 9.1 | In [name of your State], was implementing legislation passed before the 2000 Protection of Adults Convention entered into force in your domestic law?<br>*If applicable, please provide a web link to legislation or attach a copy.* | ☐ Yes<br>*Please specify legislative provision(s) or implementing legislation and indicate the date that the legislation entered into force:*<br>☐ No |
| 9.2 | Was any other legislative work carried out after the entry into force of the 2000 Convention in [name of your State], with a view to assist with its effective operation?<br>*If applicable, please provide a web link to the legislation or attach a copy.* | ☐ Yes, substantive laws and / or procedural rules were enacted following the entry into force of the 2000 Convention in our State<br>*Please specify the legislative provision(s) or procedural rules and indicate the date that the legislation or procedural rules entered into force or effect*:<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 10. Other instruments / agreements relating to the protection of adults

| | |
|---|---|
| Is [name of your State] a party to, or has implemented into its domestic law, any other international instruments / agreements which relate to the cross-border protection of adults? | ☐ Yes, please tick all the boxes that apply:<br>☐ 2006 UN Convention on the Rights of Persons with Disabilities (UNCRPD)<br>☐ 1997 Council of Europe Convention on Human Rights and Biomedicine<br>☐ Bilateral agreements (please specify):<br>☐ Council of Europe Recommendation CM/Rec(99)4: Principles concerning the legal protection of incapable adults |

| | |
|---|---|
| | ☐ Council of Europe Recommendation CM/Rec(2009)11: Principles concerning continuing powers of attorney and advance directives for incapacity<br>☐ Non-binding memoranda of understanding (please specify):<br>☐ Other (please specify):<br>☐ No |
| **Last Update: [INSERT DATE]** | |

## IV. Scope: *ratione materiae*

### 11. Measures available to competent authorities

| | |
|---|---|
| Please indicate the types of measures under Article 3 that are available in [name of your State], including those measures which are not explicitly listed under Article 3 but would nevertheless fall within its scope.<br>*Please tick all boxes that apply.*<br>*Where applicable, please indicate the term / institution applied in* [name of your State] *to describe any of the measures listed under Article 3 available in* [name of your State] *(e.g., Betreuer, sauvegarde de justice, person of trust etc).*<br>*If possible, please provide a web link to the relevant legislation in the space available under each item or attach a copy.* | ☐ Determination of the incapacity of an adult (Art. 3(a))<br>Term / institution applied in [name of your State]:<br>Link to relevant legislation:<br>☐ The institution of a protective regime (Art. 3(a))<br>Term / institution applied in [name of your State]:<br>Link to relevant legislation:<br>☐ The placement of the adult under the protection of a judicial authority (Art. 3(b))<br>Term / institution applied in [name of your State]:<br>Link to relevant legislation:<br>☐ The placement of the adult under the protection of an administrative authority (Art. 3(b))<br>Term / institution applied in [name of your State]:<br>Link to relevant legislation:<br>☐ Guardianship (Art. 3(c))<br>Term / institution applied in [name of your State]:<br>Link to relevant legislation:<br>☐ Curatorship (Art. 3(c))<br>Term / institution applied in [name of your State]:<br>Link to relevant legislation:<br>☐ Analogous institution to guardianship or curatorship (Art. 3(c))<br>Term / institution applied in [name of your State]: |

| | |
|---|---|
| | Link to relevant legislation:<br>☐ Designation and functions of any person or body to represent or assist the adult in matters relating to their person (Art. 3(d))<br>Term / institution applied in [name of your State]:<br><br>Link to relevant legislation:<br>☐ Designation and functions of any person or body to represent or assist the adult in matters relating to their property (Art. 3(d))<br>Term / institution applied in [name of your State]:<br><br>Link to relevant legislation:<br>☐ The placement of the adult in an establishment or other place where protection can be provided (Art. 3(e))<br>Term / institution applied in [name of your State]:<br><br>Link to relevant legislation:<br>☐ The administration, conservation or disposal of the property of an adult (Art. 3(f))<br>Term / institution applied in [name of your State]:<br><br>Link to relevant legislation:<br>☐ The authorisation of a specific intervention for the protection of the person or property of the adult (Art. 3(g))<br>Term / institution applied in [name of your State]:<br><br>Link to relevant legislation:<br>☐ Other (please specify):<br>Term / institution applied in [name of your State]:<br><br>Link to relevant legislation: |
| **Last Update: [INSERT DATE]** | |

## 12. Measures dealing with guardianships, curatorships or analogous institutions (Art. 3(c))

| | | |
|---|---|---|
| 12.1 | How can a guardianship, curatorship or analogous role intended for the care of the person or property of an adult be put in place under the law of [name of your State]?<br>*Please tick all boxes that apply.* | ☐ By judicial decision<br>☐ By administrative decision<br>☐ By operation of law *(ex lege)*<br>☐ Other (please specify): |
| 12.2 | Does the law of [name of your State] limit the number of people who may be | ☐ Yes (please specify): |

| | | |
|---|---|---|
| | appointed by a competent authority as a guardian, curator or analogous role? | ☐ No |
| 12.3 | Does the law of [name of your State] provide any eligibility requirements for person(s) to be appointed by a competent authority as a guardian, curator or analogous role intended for the care of the person or property of an adult? | ☐ Yes (please specify):<br>☐ Age requirements (please elaborate):<br>☐ Proximity to the adult (*e.g.,* life partner, close friend)<br>☐ Blood relation<br>☐ Professional qualification (please elaborate):<br>☐ Other (please specify):<br>☐ No |
| 12.4 | Can a guardianship, curatorship or analogous role be modified? | ☐ Yes, please specify:<br>☐ By judicial decision<br>☐ By administrative decision<br>☐ Other (please specify):<br>☐ No (please elaborate): |
| 12.5 | Can a guardianship, curatorship or analogous role be terminated? | ☐ Yes, please specify:<br>☐ By judicial decision<br>☐ By administrative decision<br>☐ By operation of law<br>☐ Other (please specify):<br>☐ No (please elaborate): |
| **Last Update: [INSERT DATE]** | | |

## 13. Sale of property located in [name of your State] belonging to an adult (Art. 3)

| | | |
|---|---|---|
| 13.1 | When **immovable** property belonging to an adult, which is located in [name of your State], is to be sold following a measure taken by a competent authority under Article 3, what procedure is followed by the relevant authorities in [name of your State]? | Please briefly describe the procedure:<br>Is this procedure judicial or administrative?<br>*If applicable, please tick more than one box.*<br>☐ Administrative (please elaborate):<br>Please indicate the administrative authority in [name of your State] which is competent to take such a measure:<br>☐ Judicial (please elaborate):<br>Please indicate the judicial authority in [name of your State] which is competent to take such a measure:<br>If you have ticked both boxes, please elaborate on the circumstances which determine whether such a procedure is to be administrative or judicial: |
| 13.2 | When **movable** property belonging to an adult, which is located in [name of your State], is to be sold following a measure | ☐ The procedure is the same as that described above |

| | | |
|---|---|---|
| | taken by a competent authority under Article 3, what procedure is followed by the relevant authorities in [name of your State]? | ☐ The procedure concerning movable property is different from that concerning immovable property<br>Please briefly describe the procedure:<br>Is this procedure judicial or administrative?<br>*If applicable, please tick more than one box.*<br>☐ Administrative (please elaborate):<br>Please indicate the administrative authority in [name of your State] which is competent to take such a measure:<br>☐ Judicial (please elaborate):<br>Please indicate the judicial authority in [name of your State] which is competent to take such a measure:<br>If you have ticked both boxes, please elaborate on the circumstances which determine whether such a procedure is to be administrative or judicial: |
| 13.3 | When assets belonging to an adult, such as **stocks or bonds** held in [name of your State], are to be sold following a measure taken by a competent authority under Article 3, what procedure is followed in [name of your State]? | Please briefly describe the procedure:<br>Is this procedure judicial or administrative?<br>*If applicable, please tick more than one box.*<br>☐ Administrative (please elaborate):<br>Please indicate the administrative authority in [name of your State] which is competent to take such a measure:<br>☐ Judicial (please elaborate):<br>Please indicate the judicial authority in [name of your State] which is competent to take such a measure:<br>If you have ticked both boxes, please elaborate on the circumstances which determine whether such a procedure is to be administrative or judicial: |
| 13.4 | How do the relevant authorities of [name of your State] go about the forced sale / liquidation of movable or immovable property and other assets? | Please briefly describe the procedure:<br>Please indicate the details of the relevant authority in [name of your State] which is competent to take such a measure:<br>Name of organisation:<br>Telephone:<br>Fax:<br>Email:<br>Website: |
| 13.5 | Does the law of [name of your State] provide for any laws, regulations or rules that prevent or limit the disclosure of information pertaining to the adult's property located in [name of your State]? | ☐ Yes (please elaborate):<br>*If possible, please provide a web link to the relevant legislation or attach a copy:*<br>☐ No |

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| 13.6 | Does the law of [name of your State] provide for any laws, regulations or rules that prevent or limit the sale of the adult's property located in [name of your State]? | ☐ Yes (please elaborate):<br>*If possible, please provide a web link to the relevant legislation or attach a copy:*<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## V. Jurisdiction (Arts 5 – 12)

### 14. Proceedings regarding the protection of adults

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| Please indicate the authorities in [name of your State] that are competent to deal with matters falling under the scope of the 2000 Convention.<br>*Please tick all the boxes that apply.*<br>*Please provide any links or attachments to the relevant laws and / or rules that govern procedural issues for the protection of adults in [name of your State].* | ☐ Courts of a general competence<br>Relevant laws and / or procedural rules:<br>☐ Courts of family law<br>Relevant laws and / or procedural rules:<br>☐ Specialised courts (please specify):<br>Relevant laws and / or procedural rules:<br>☐ Other (please specify):<br>Relevant laws and / or procedural rules: |
| **Last Update: [INSERT DATE]** | |

### 15. Transfer or assumption of jurisdiction under Article 8 of the 2000 Convention.

| | | |
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| 15.1 | How does the law of [name of your State] provide for domestic procedures / mechanisms for the transfer or assumption of jurisdiction under Article 8 of the 2000 Convention? | ☐ Statutory rules (*if possible, please provide a web link to the relevant legislation or attach a copy)*<br>☐ Jurisprudence *(if possible, please provide a web link to, or attach a copy of, the relevant decision)*<br>☐ Other (please specify):<br>Please indicate the conditions under which a transfer or assumption of jurisdiction may occur: |
| 15.2 | Has [name of your State] designated an authority for the purpose of transmittal and receipt of requests for a transfer of jurisdiction under Article 8, in accordance with Article 42? | ☐ Yes (please ensure you have completed question 3, above)<br>☐ No |
| 15.3 | If no to the above question, does the Central Authority play a role in the transmittal and receipt of requests for a transfer of jurisdiction under Article 8 in [name of your State]? | ☐ Yes<br>Please elaborate on this role:<br>☐ No, competent authorities exchange directly between themselves |
| 15.4 | Does the law of [name of your State] prescribe the use of a specific model form for the purpose of Article 8 transfers or assumption of jurisdiction? | ☐ Yes (please specify):<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## VI. Recognition and Enforcement (Arts 22 – 27)

### 16. Recognition

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| In [name of your State], what is the procedure for the recognition or non-recognition of a measure under Article 23? | ☐ An administrative procedure (please elaborate):<br><br>☐ A judicial procedure (please elaborate):<br><br>*If possible, please provide a web link or attach a copy of any relevant legislation, guidelines or protocols:*<br><br>*Please provide the details of the authority responsible for the procedure for the recognition or non-recognition of a measure under Article 23:*<br><br>Name of organisation:[9]<br><br>Telephone:<br><br>Fax:<br><br>Email:<br><br>Website: |

### 17. Enforcement

| | | |
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| 17.1 | Has [name of your State], implemented a specific (simple and rapid) procedure for declarations of enforceability or registration for the purposes of enforcement of a measure taken in another Contracting Party?<br><br>Article 25(2) of the 2000 Convention. | ☐ Yes<br><br>☐ No<br><br>*If possible, please provide a web link or attach a copy of any relevant legislation, guidelines or protocols:* |
| 17.2 | Please describe the procedure in [name of your State] for declarations of enforceability or registration for the purposes of enforcement of a measure taken in another Contracting Party.<br><br>Article 25(2) of the 2000 Convention. | In particular, please indicate:<br><br>• The nature of the procedure:<br><br>☐ It is an administrative procedure (please specify):<br><br>☐ It is a judicial procedure (please specify):<br><br>☐ It is a combination of a judicial and administrative procedure (please specify):<br><br>• Which authority declares enforceable or registers for the purposes of enforcement a measure of protection taken in another Contracting Party:<br><br>• Whether the law of [name of your State] provides for a particular time frame for the |

9 This section will be expandable in order to allow for the inclusion of additional authorities.

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| | | resolution of applications for **declarations of enforceability** or the **registration of a measure for the purpose of enforcement** to ensure that the procedure is rapid:<br>☐ Yes<br>*If possible, please specify the number of days / weeks / months foreseen by the law of* [name of your State]*:*<br>*If possible, please provide a web link to the relevant legislation in the space available next to each item or attach a copy:*<br>☐ No<br>• Whether legal representation is required<br>☐ Yes (please describe):<br>☐ No<br>• Whether this procedure can be done unilaterally or if there must be parties to the action other than the applicant<br>☐ The procedure can be unilateral<br>☐ The procedure requires parties to the action<br>• Whether the declaration of enforceability or registration for the purposes of enforcement is appealable<br>☐ Yes, it is appealable<br>Please specify the timeframe foreseen in [name of your State] for the resolution of **appeals** regarding **declarations of enforceability** or the **registration of a measure for the purpose of enforcement**:<br>☐ Less than a week<br>☐ Within one month<br>☐ Within three months<br>☐ Within a year<br>☐ Other (please specify):<br>☐ No, it is not appealable<br>• Any other measures taken in [name of your State] to ensure the procedure is simple and rapid: |
| 17.3 | Please provide the details of the authority or authorities competent to enforce measures in [name of your State] which | Name of organisation:[10]<br>Telephone:<br>Fax: |

[10] This section will be expandable in order to allow for the inclusion of additional authorities.

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| | have been taken in another Contracting Party.<br><br>Article 27 of the 2000 Convention. | Email:<br><br>Website: |
| **Last Update: [INSERT DATE]** | | |

# VII. Applicable law (Arts 13 – 21 and 45 - 47)

## 18. Multi-unit States and States that have two or more systems of law or sets of rules of law applicable (Arts 45 – 47)

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| 18.1 | Does [name of your State] have two or more systems of law or sets of rules of law with regard to any matters dealt with in the 2000 Convention that apply in different territorial units? | ☐ Yes (please specify):<br><br>☐ No |
| 18.2 | If [name of your State] consists of two or more territorial units, each of which has its own system of law or set of rules of law in respect of matters covered by the Convention, are there any laws identifying which territorial unit's law is applicable?<br><br>Article 46 of the 2000 Convention. | ☐ Yes<br><br>Please explain briefly what those rules are:<br><br>If possible, please provide any links or attachments to the relevant laws and / or rules:<br><br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 19. Mandatory law (Art. 20)

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| Please list and describe examples of legislation or rules relating to the protection, self-determination or the representation of the adult which [name of your State] would regard as mandatory law under Article 20.<br><br>*Please indicate how the legislation may be accessed (e.g., by providing a web link) or attach a copy.* | |
| **Last Update: [INSERT DATE]** | |

## 20. Powers of representation (Arts 15 – 16)

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| The term "power of representation" is an autonomous concept developed specifically for the purposes of Articles 15 and 16 of the 2000 Convention. A "power of representation" is to be understood as a unilateral act or agreement which enables the adult to plan, in advance, how they want to be supported in the exercise of their legal capacity and autonomy when such adult is not in a position to protect their interests. | | |
| 20.1 | Does the law of [name of your State] provide for powers of representation, either in the form of agreements or unilateral acts, to be exercised when the adult is not in a position to protect their interests by reason of an impairment or insufficiency of their personal faculties? | ☐ Yes<br><br>Please indicate the term(s) utilised to identify such powers of representation in [name of your State]:<br><br>☐ No |

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| | *If applicable, please provide a web link to the relevant legislation in the space available or attach a copy.* | |
| 20.2 | If no to the above question, does the law of [name of your State] prohibit such powers of representation or contain provisions that would render them ineffective? | ☐ Yes (please elaborate):<br>☐ No |
| 20.3 | If yes to question20.1, in what form are powers of representation available in [name of your State]? | ☐ In the form of an agreement (please elaborate):<br>☐ In the form of a unilateral act (please elaborate):<br>☐ Both (please elaborate): |
| 20.4 | In [name of your State] can powers of representation be granted in accordance with the domestic law applicable to general mandates? | ☐ Yes (please elaborate):<br>☐ No (please elaborate): |
| 20.5 | If yes to the above question, please indicate if powers granted by the adult may remain in force upon an impairment or insufficiency of the personal faculties of the adult, under the law of [name of your State] which is applicable to general mandates.<br>*Please tick the box that is most relevant to the rules on general mandates in [name of your State].* | ☐ Yes, powers granted by the adult may remain in force upon an impairment or insufficiency of their personal faculties<br>☐ Yes, powers granted by the adult may remain in force upon an impairment or insufficiency of their personal faculties **but only when the document establishing the powers is drawn up specifically to continue to have effect in this case or if it includes an express clause to this effect**<br>☐ Yes, powers granted by the adult may remain in force upon an impairment or insufficiency of their personal faculties, **but they are subject to further requirements** (please specify):<br>☐ No, the law of our State which is applicable to general mandates provides for an automatic extinction of the powers granted by the adult upon an impairment or insufficiency of their personal faculties<br>☐ Other, please specify: |
| **Last Update: [INSERT DATE]** | | |

## 21. Formal requirements for the establishment of powers of representation and their functions

This section seeks to obtain **general** information regarding the formal requirements for the establishment of powers of representation. For questions regarding the formal requirements for voluntary anticipatory acts containing instructions given and wishes made by the adult, please refer to question 31.1.

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| 21.1 | Is it mandatory in [name of your State] to have powers of representation notarised? | ☐ Powers of representation cannot be notarised<br>☐ Yes, it is mandatory<br>☐ Always<br>☐ Only in specific circumstances |

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| | | ☐ No, it is not mandatory but optional<br>☐ Notarisation is not a familiar notion in our State (please move to question21.2)<br>If you have responded yes or "no, it is not mandatory but optional", please indicate the notarial system used in [name of your State]:<br>☐ Latin model notaries (civil law systems)<br>☐ Notaries public (common law systems)<br>If you have responded yes or "no, it is not mandatory but optional", please indicate the relevant functions of this formal requirement. *Please tick all the boxes that apply*:<br>☐ To establish the capacity of the adult at the time of granting the powers of representation<br>☐ To verify that the person signing the powers of representation is the adult<br>☐ To witness the signature of the powers of representation by the adult<br>☐ To verify that the powers of representation are in conformity with the law (including the conditions to be met by the representative)<br>☐ To verify that the powers of representation are understood by the adult<br>☐ To verify that the powers of representation correspond to the will and preferences of the adult<br>☐ To confirm the absence of undue influence<br>☐ Other (please elaborate): |
| 21.2 | Is it mandatory in [name of your State] to have powers of representation certified? | ☐ Powers of representation cannot be certified<br>☐ Yes, it is mandatory<br>☐ Always<br>☐ Only in specific circumstances<br>☐ No, it is not mandatory but optional<br>If you have responded yes or "no, it is not mandatory but optional", please indicate:<br>• Who may certify the powers of representation?<br>*Please tick all the boxes that apply*<br>☐ Lawyer<br>☐ Certifying officer<br>☐ The embassy of our State<br>☐ Other (please elaborate):<br>• If relevant, in what context certification is required:<br>If you have responded yes or "no, it is not mandatory but optional", please indicate the |

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| | | relevant functions of this formal requirement. *Please tick all the boxes that apply*:<br>☐ To establish the capacity of the adult at the time of granting the powers of representation<br>☐ To verify that the person signing the powers of representation is the adult<br>☐ To witness the signature of the powers of representation by the adult<br>☐ To verify that the powers of representation are in conformity with the law (including the conditions to be met by the representative)<br>☐ To verify that the powers of representation are understood by the adult<br>☐ To verify that the powers of representation correspond to the will and preferences of the adult<br>☐ To confirm the absence of undue influence<br>☐ Other (please elaborate): |
| 21.3 | Is it mandatory in [name of your State] to have powers of representation witnessed? | ☐ Powers of representation cannot be witnessed<br>☐ Yes, it is mandatory<br>☐ Always<br>☐ Only in specific circumstances<br>☐ No, it is not mandatory but optional<br>If you have responded yes or "no, it is not mandatory but optional", please indicate:<br>• The minimum number of witnesses required:<br>• Who may qualify as a witness?<br>• If relevant, in what context witnessing is required:<br>If you have responded yes or "no, it is not mandatory but optional", please indicate the relevant functions of this formal requirement. *Please tick all the boxes that apply*:<br>☐ To establish the capacity of the adult at the time of granting the powers of representation<br>☐ To verify that the person signing the powers of representation is the adult<br>☐ To witness the signature of the powers of representation by the adult<br>☐ To verify that the powers of representation are in conformity with the law (including the conditions to be met by the representative)<br>☐ To verify that the powers of representation are understood by the adult |

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| | | ☐ To verify that the powers of representation correspond to the will and preferences of the adult<br>☐ To confirm the absence of undue influence<br>☐ Other (please elaborate): |
| 21.4 | In [name of your State], is the drawing up of powers of representation subject to any other requirements? | ☐ Yes (please specify):<br>☐ Usage of specified forms (please specify):<br>☐ Verification by a public authority<br>☐ Other (please specify):<br>☐ No, there are no formal requirements other than the ones listed above |
| 21.5 | If yes to the above question, is such a formal requirement mandatory? | ☐ Yes, it is mandatory<br>☐ Always<br>☐ Only in specific circumstances<br>☐ No, it is not mandatory but optional<br>If you have responded yes or "no, it is not mandatory but optional", please indicate the relevant functions of this formal requirement. *Please tick all the boxes that apply*:<br>☐ To establish the capacity of the adult at the time of granting the powers of representation<br>☐ To verify that the person signing the powers of representation is the adult<br>☐ To witness the signature of the powers of representation by the adult<br>☐ To verify that the powers of representation are in conformity with the law (including the conditions to be met by the representative)<br>☐ To verify that the powers of representation are understood by the adult<br>☐ To verify that the powers of representation correspond to the will and preferences of the adult<br>☐ To confirm the absence of undue influence<br>☐ Other (please elaborate): |
| 21.6 | In some cases, the impairment or insufficiency of the personal faculties of an adult may affect their ability to meet the formality requirements to which powers of representation may be subject (e.g., individuals who are visually impaired and are not able to adequately read the document, individuals whose condition affects their ability to physically write and / or sign the document, etc). | ☐ Yes (please specify):<br>*Please tick all the boxes that apply.*<br>☐ Audio recording of the adult verbally conferring powers of representation<br>☐ Video recording of the adult verbally / physically conferring powers of representation<br>☐ Other (please specify):<br>☐ No |

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| | Are alternative ways in which adults in these circumstances may confer powers of representation available in [name of your State]? | |
| 21.7 | Are powers of representation in the form of a private agreement without any formal requirements (apart from being in writing) available under the law of [name of your State]? | ☐ Yes (please elaborate):<br>☐ No |
| 21.8 | In [name of your State], does the term "in writing", in this context, mean a power of representation recorded in any medium, the information contained in which is accessible so as to be usable for subsequent reference? | ☐ Yes<br>☐ No (please explain): |
| **Last Update: [INSERT DATE]** | | |

## 22. Designation of a representative under powers of representation

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| 22.1 | Are there any conditions / limitations (*e.g.*, conflict of interest or other safeguards) as to who can be designated as a representative under powers of representation governed by the law of [name of your State]? | ☐ Yes, there are conditions / limitations as to who may be designated as a representative under powers of representation relating to **personal matters** of the adult (please specify):<br>☐ Only natural persons can be representatives<br>☐ Only next of kin can be representatives<br>☐ Other (please specify):<br>☐ Yes, there are conditions / limitations as to who may be designated as a representative under powers of representation relating to **property matters** of the adult (please specify):<br>☐ Only natural persons can be representatives<br>☐ Only next of kin can be representatives<br>☐ Other (please specify):<br>☐ No |
| 22.2 | Would the response to the above question differ if powers of representation were subject to a formal requirement (*e.g.*, notarised, certified, witnessed)? | ☐ Yes (please elaborate):<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 23. Supervision and control mechanisms of powers of representation

| | | |
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| 23.1 | In [name of your State], are powers of representation subject to any supervision / control mechanisms or reporting obligations? | ☐ Yes<br>Please indicate the supervision / control mechanism:<br>*Please tick all the boxes that apply.* |

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| | | ☐ A **person** designated (on a mandatory or voluntary basis) **under the powers of representation** to which the representative must report<br>☐ A **person** designated (on a mandatory or voluntary basis) **by operation of law** to which the representative must report<br>☐ An **authority** designated (on a mandatory or voluntary basis) **under the powers of representation** to which the representative must report<br>☐ An **authority** designated (on a mandatory or voluntary basis) **by operation of law** to which the representative must report<br>☐ Other (please specify):<br>☐ No (please elaborate): |
| 23.2 | Would your response to the above question differ if those powers of representation were subject to formal requirements (*e.g.*, notarisation, certification, witnessing) or not? | ☐ Yes (please elaborate):<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 24. Extent of powers of representation

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| 24.1 | Are there any subject matters that cannot be included in a power of representation? | ☐ Yes, please specify:<br>*Please tick all the boxes that apply.*<br>☐ Administration or conservation of all kinds of property (please elaborate):<br>☐ Disposal of immovable property (please elaborate):<br>☐ Disposal of movable property (please elaborate):<br>☐ Gifts (please elaborate):<br>☐ Personal or family matters (please elaborate):<br>☐ Medical or health related decisions (please elaborate):<br>☐ Other (please specify):<br>☐ No |
| 24.2 | In [name of your State], are there any particular powers and duties automatically (*i.e.*, by operation of law) given to representatives? | ☐ Yes (please specify):<br>☐ No |
| 24.3 | According to the law of [name of your State], do certain subject matters under a power of representation require an intervention by a competent authority? | ☐ Yes, all matters are subject to a decision by a competent authority in order to be included in a power of representation |

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| | ☐ Yes, but only certain matters are subject to a decision by a competent authority in order to be included in a power of representation (please specify):<br>*Please tick all the boxes that apply.*<br>☐ Administrative decision (please indicate which powers may be subject to such decisions):<br>☐ Powers relating to the administration or disposal of immovable property belonging to the adult<br>☐ Successions<br>☐ Donations<br>☐ Other, please specify:<br>☐ Judicial decision (please indicate which powers may be subject to such decisions):<br>☐ Powers relating to the administration or disposal of immovable property belonging to the adult<br>☐ Successions<br>☐ Donations<br>☐ Other, please specify:<br>☐ No, there are no specific matters that are subject to a decision by a competent authority in order to be included in a power of representation |
| 24.4 Are templates / model documents of powers of representation available in [name of your State]? | ☐ Yes<br>Please indicate the type(s) of templates / model documents available in [name of your State].<br>*Please tick all the boxes that apply.*<br>*If applicable, please provide a web link to the relevant templates / model documents in the space available next to each item or attach a copy.*<br>☐ A document simply conferring on (a) designated representative(s) all powers that can be legally conferred:<br>☐ A document accompanying powers of attorney containing a list of instructions given or wishes made, whether or not they are addressed to the designated attorney:<br>☐ A document setting out all the powers that the adult wishes to confer:<br>☐ Separate documents for (a) health and welfare powers and (b) property and financial powers:<br>☐ Separate powers listed in the same document regarding (a) health and welfare |

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| | powers and (b) property and financial powers:<br>☐ Other (please specify):<br>☐ No |
| **Last Update: [INSERT DATE]** | |

## 25. Registration of powers of representation

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| 25.1 | Can / must powers of representation be registered in [name of your State]? | ☐ Yes, it is an option (please specify):<br>☐ Yes, it is an obligation for all powers of representation<br>☐ Yes, it is an obligation but only for those powers of representation relating to health / medical matters<br>☐ Yes, it is an obligation but only for specific types of powers of representation (please specify):<br>☐ No (please elaborate): |
| 25.2 | If yes to the above question, please indicate the effect of the registration of powers of representation.<br>*Please tick all the boxes that apply.* | ☐ To publicise the powers of representation for the purposes of effective enforcement<br>☐ To allow the powers of representation to come into effect or become operational<br>☐ To notify the competent authorities of their existence<br>☐ Other (please specify): |
| 25.3 | If obligatory, is the registration of powers of representation a condition of their validity? | ☐ Yes<br>☐ No |
| 25.4 | Whether or not registration is a condition of their validity, does the registration of powers of representation imply a validity check in [name of your State]? | ☐ Yes, the registration authority that receives the document conferring the powers of representation must verify their formal or substantive conformity with the law<br>☐ Yes, prior to being filed for registration, the document conferring the powers of representation must be reviewed by a notary or lawyer<br>☐ Other (please specify):<br>☐ No |
| 25.5 | Please indicate how powers of representation may be registered in [name of your State].<br>*Please tick all the boxes that apply.* | ☐ Registration with a public registry<br>☐ Registration with a private registry (*e.g.,* national associations of notaries)<br>☐ Registration within a health insurance policy (if such powers of representation concern health / medical matters)<br>☐ Filing with a competent authority<br>☐ Other (please specify): |

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| 25.6 | Whether registration is obligatory or optional, when should powers of representation governed by the law of [name of your State] be registered? | ☐ Before the occurrence of an impairment or insufficiency of the personal faculties of the adult<br>☐ After the occurrence of an impairment or insufficiency of the personal faculties of the adult<br>☐ Either |
| 25.7 | Whether registration is obligatory or optional, is it possible for powers of representation governed by the law of **another State** to be registered in [name of your State]? | ☐ Yes, in all cases<br>☐ Yes, under certain conditions (please specify):<br>☐ No, they cannot be registered |
| 25.8 | Whether obligatory or optional, what is the level of detail recorded by registrars responsible for the registration of powers of representation in [name of your State]? | ☐ Only the existence, date and location of the document is recorded<br>☐ In addition to the existence, date and location of the document, some personal data of the adult and, if applicable, their representative is recorded<br>☐ The entire content of the document conferring the powers of representation is recorded<br>☐ Other (please specify): |
| 25.9 | Would your responses to the above questions differ if such powers of representation were subject to a formal requirement (*e.g.,* notarised, certified, witnessed etc) or not? | ☐ Yes (please elaborate):<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 26. Coming into effect of powers of representation

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| 26.1 | In [name of your State], do powers of representation require the intervention of a competent authority to come into effect? | ☐ Yes<br>☐ No |
| 26.2 | If no to the above question, can the adult themselves determine, in the document establishing the powers of representation, the conditions that need to be fulfilled in order for powers of representation to come into effect? | ☐ Yes<br>Please indicate the conditions that an adult may provide for in their powers, under the law of [name of your State]:<br>☐ Upon the signature of the document and the satisfaction of any formal requirements (*i.e.*, immediately)<br>☐ Upon a medical diagnosis<br>☐ Upon the onset of an impairment or insufficiency of their personal faculties<br>☐ Upon a decision by a competent authority<br>☐ Upon a decision by the representative<br>☐ Other (please specify):<br>☐ No (please elaborate): |
| 26.3 | Under the law of [name of your State], in the absence of an explicit provision by the adult regarding the coming into effect of | ☐ Yes<br>☐ No |

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| | powers of representation, is it possible for such powers to come into effect upon a decision by a **representative**? | |
| 26.4 | Under the law of [name of your State], in the absence of an explicit provision by the adult regarding the coming into effect of powers of representation, is it possible for such powers to come into effect upon a decision of a **competent authority**? | ☐ Yes<br>☐ No |
| 26.5 | In [name of your State], can powers of representation come into effect immediately? | ☐ Yes, powers of representation come into effect upon their establishment, while the adult still has decision-making capacity<br>☐ Yes, but this will depend on the wording of the document establishing the powers of representation<br>☐ No, powers of representation can only come into effect following the onset of an impairment or insufficiency of the personal faculties of the adult |
| 26.6 | Please explain briefly how the coming into effect of powers of representation affect the legal capacity of the adult under the law of [name of your State]. | ☐ The legal capacity of the adult is not limited by the coming into effect of the powers of representation<br>☐ The legal capacity of the adult is limited by the coming into effect of the powers of representation, but this does not preclude the adult from consenting to medical treatment<br>☐ The legal capacity of the adult is limited in relation to all matters regarding which the powers of representation have been granted.<br>☐ Other (please specify): |
| 26.7 | In [name of your State], how is it determined that the personal faculties of the adult are impaired or insufficient to the extent that the powers of representation must come into effect?<br>*Please tick all the boxes that apply.* | ☐ The adult themselves can determine, in the powers of representation, how and by whom their capacity is to be assessed<br>☐ A competent authority must intervene in the capacity assessment of the adult<br>☐ A representative of the adult can make this assessment<br>☐ A medical certificate must be issued regarding the impairment of the adult<br>☐ Following a psycho-social assessment<br>☐ Other (please specify): |
| 26.8 | Would your responses to the above questions differ if such powers of representation were subject to a formal requirement (*e.g.*, notarisation, certification, witnessing etc) or not? | ☐ Yes (please elaborate):<br>☐ No (please explain): |
| 26.9 | Please share any other information that may be relevant to the coming into effect of powers of representation governed by the law of [name of your State]. | |

| Last Update: [INSERT DATE] |
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## 27. Modification of powers of representation

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| 27.1 | Who can modify powers of representation in accordance with the law of [name of your State]?<br><br>*Please tick all boxes that apply.* | ☐ The adult themselves, prior to their loss of capacity<br><br>☐ The adult themselves, following their loss of capacity, can modify certain aspects of the powers, through an intervention by a competent authority<br><br>☐ The representative of the adult **with** an intervention by a competent authority<br><br>☐ The representative of the adult **without** an intervention by a competent authority<br><br>☐ The representative can only make modifications with the authorisation of the adult<br><br>☐ A competent authority<br><br>☐ Modification is not possible |
| 27.2 | If applicable, please indicate which of the following elements can be modified by the representative of the adult**, without the intervention of a competent authority**.<br><br>*Please tick all boxes that apply.* | ☐ Provisions regarding the modalities of decision-making in the case of joint, several and / or substituted appointments where there are multiple representatives<br><br>☐ Provisions regarding the conditions for the coming into effect of the powers of representation<br><br>☐ Provisions regarding the supervision modalities<br><br>☐ Provisions regarding the extent of the granted powers of representation (*i.e.,* which acts are excluded or included)<br><br>☐ Provisions regarding the instructions given or wishes made (advance directives)<br><br>☐ Provisions regarding the preferred person to be appointed by a competent authority, when needed, as a guardian, an assistant or as a trusted person (advance directives)<br><br>☐ Other (please specify): |
| 27.3 | If applicable, please indicate which of the following elements can be modified by the representative of the adult **with the intervention of a competent authority.**<br><br>*Please tick all boxes that apply.* | ☐ Same as above.<br><br>☐ Provisions regarding the modalities of decision-making in the case of joint, several and / or substituted appointments where there are multiple representatives<br><br>☐ Provisions regarding the conditions for the coming into effect of the powers of representation<br><br>☐ Provisions regarding the supervision modalities<br><br>☐ Provisions regarding the extent of the granted powers of representation (*i.e.,* which acts are excluded or included)<br><br>☐ Provisions regarding the instructions given or wishes made (advance directives) |

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| | | ☐ Provisions regarding the preferred person to be appointed by a competent authority, when needed, as a guardian, an assistant or as a trusted person (advance directives)<br>☐ Other (please specify): |
| 27.4 | If applicable, please indicate which of the following elements can be modified by a competent authority.<br>*Please tick all boxes that apply.* | ☐ Provisions regarding the modalities of decision-making in the case of joint, several and / or substituted appointments where there are multiple representatives<br>☐ Provisions regarding the appointment of a supervisor to the representative<br>☐ Provisions regarding the supervision requirements<br>☐ Limitation of some of the powers granted to the representative<br>☐ Appointing a subsidiary or alternative representative designated by the adult<br>☐ Interpretation of powers of representation<br>☐ Rectification of the document establishing powers of representation<br>☐ Additions of or amendments to advance directives accompanying, for example, (continuing) powers of attorney<br>☐ Other (please specify): |
| 27.5 | In [name of your State], can **a competent authority** modify the powers of representation before or after they have come into effect? | ☐ Before they have come into effect<br>☐ After they have come into effect<br>☐ Both |
| 27.6 | In [name of your State], is it mandatory for the modification of the powers of representation to be registered? | ☐ Yes, always<br>☐ Yes, in certain cases (please specify):<br>☐ Yes, but only if a competent authority was not involved in the modification<br>☐ No (please explain): |
| 27.7 | Would your response to the above questions differ if the powers of representation were subject to a formal requirement (*e.g.*, notarisation, certification, witnessing etc) or not? | ☐ Yes (please explain):<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 28. Extinction of powers of representation

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| 28.1 | Please indicate the circumstances that must be met for the extinction of powers of representation governed by the law of [name of your State].<br>*Please tick all the boxes that apply.* | **Circumstances concerning the adult:**<br>☐ The adult has recovered their capacity<br>☐ The adult has died |

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| | | ☐ The adult has revoked the powers of representation prior to the impairment of their personal faculties<br><br>☐ The adult has revoked the powers of representation after the impairment of their personal faculties, an action which may require authorisation / confirmation by a competent authority<br><br>☐ The adult has appointed another representative, which may imply the extinction of earlier powers of representation, unless such an appointment is additional and complementary to the existing appointed representative<br><br>☐ The adult has been declared bankrupt or insolvent (in the context of powers of representation dealing with financial and / or property matters).<br><br>☐ Other (please specify):<br><br>**Circumstances concerning the representative:**<br><br>☐ The representative is not carrying out their duties in a manner sufficient to guarantee the protection of the person or property of the adult<br><br>☐ The representative has died<br><br>☐ The representative has resigned<br><br>☐ The representative refuses to assume their duties, upon the impairment of the personal faculties of the adult<br><br>☐ The representative's personal faculties have been impaired and / or a competent authority has taken a measure of protection on their behalf<br><br>☐ The representative has been declared bankrupt or insolvent<br><br>☐ The representative of the adult is their spouse / civil partner and the powers of representation provide that, upon separation, divorce or nullity of their marriage or civil partnership, the powers are to be extinguished<br><br>☐ The representative and the adult are in a conflict of interest<br><br>☐ Other (please specify): |
| 28.2 | Would your response to the above question differ if such powers of representation were subject to a formal requirement (*e.g.*, notarisation, certification, witnessing etc) or not? | ☐ Yes (please explain):<br><br>☐ No |
| 28.3 | In [name of your State], would the circumstances listed in 28.1 result in an automatic (*i.e.,* by operation of law) | ☐ All circumstances listed in 28.1 would result in an automatic extinction |

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| | extinction or would an intervention by a competent authority be necessary?<br>*Please tick all the boxes that apply.* | ☐ Some of the circumstances listed in 28.1 would result in an automatic extinction (please indicate which circumstances):<br>☐ All of the circumstances listed in 28.1 would require an intervention by a competent authority in order for the power of representation to become extinct<br>☐ Some of the circumstances listed in 28.1 would require an intervention by a competent authority in order for the power of representation to become extinct (please indicate which circumstances): |
| 28.4 | In [name of your State], is it mandatory for the extinction of the powers of representation to be registered? | ☐ Yes<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 29. Confirmation of powers of representation for the purpose of the certificate under Article 38

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| Although the 2000 Convention does not prescribe a process for confirmation, such confirmation, as a prerequisite for the delivery of the certificate under Article 38, must give "every guarantee of reliability".[11] For a power of representation to be confirmed and to benefit from the certificate under Article 38, it must be in force and in conformity with the applicable national law.[12] It is for each Contracting Party to entrust the task of confirmation to a judicial or administrative authority, a public body or an appropriate professional, bearing in mind that, in any case, safeguards should be in place to avoid conflicts of interest.[13] | | |
| 29.1 | Does the law of [name of your State] provide for a process of confirmation for powers of representation that gives "every guarantee of reliability"? | ☐ Yes (please elaborate):<br>☐ No (please elaborate): |
| 29.2 | If yes, which authority(ies) in [name of your State] is (are) competent to confirm powers of representation?<br>*If possible, please provide a web link to the relevant legislation or attach a copy.* | The following authority is responsible for:<br>☐ Verifying that the powers of representation have entered into force<br>☐ Verifying that the powers of representation are in conformity with the law<br>☐ Confirming the powers of representation based on the verification made by other authorities (*i.e.,* that the powers are in force and in conformity with the law)<br>☐ Other:<br>Please provide the details of this authority:[14]<br>Name of organisation:<br>Telephone: |

11 Conclusions and Recommendations (C&R) adopted at the First meeting of the Special Commission on the practical operation of the 2000 Protection of Adults Convention, C&R No 42.
12 *Ibid.*, C&R No 43.
13 *Ibid.*, C&R No 44.
14 This section will be expandable in order to allow for the inclusion of additional authorities .

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| | Fax:<br>Email:<br>Website:<br><br>The following authority is responsible for:<br>☐ Verifying that the powers of representation have entered into force<br>☐ Verifying that the powers of representation are in conformity with the law<br>☐ Confirming the powers of representation based on the verification made by other authorities (*i.e.,* that the powers are in force and in conformity with the law)<br>☐ Other:<br>Please provide the details of this authority[15]:<br>Name of organisation:<br>Telephone:<br>Fax:<br>Email:<br>Website:<br><br>The following authority is responsible for:<br>☐ Verifying that the powers of representation have entered into force<br>☐ Verifying that the powers of representation are in conformity with the law<br>☐ Confirming the powers of representation based on the verification made by other authorities (*i.e.,* that the powers are in force and in conformity with the law)<br>☐ Other:<br>Please provide the details of this authority[16]:<br>Name of organisation:<br>Telephone:<br>Fax:<br>Email:<br>Website:<br><br>The following authority is responsible for: |

15 This section will be expandable in order to allow for the inclusion of additional authorities .
16 This section will be expandable in order to allow for the inclusion of additional authorities .

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| | | ☐ Verifying that the powers of representation have entered into force<br>☐ Verifying that the powers of representation are in conformity with the law<br>☐ Confirming the powers of representation based on the verification made by other authorities (*i.e.,* that the powers are in force and in conformity with the law)<br>☐ Other:<br>Please provide the details of this authority[17]:<br>Name of organisation:<br>Telephone:<br>Fax:<br>Email:<br>Website: |
| 29.3 | Can the aforementioned authority(ies) in [name of your State] also confirm powers of representation **governed by the law of another State**? | ☐ Yes<br>☐ No, the aforementioned authority(ies) is (are) only competent to confirm powers of representation governed by the law of our State<br>☐ No, a different authority is competent to confirm powers of representation governed by the law of another State<br>*Please indicate:*<br>Name of organisation:<br>Telephone:<br>Fax:<br>Email:<br>Website: |
| 29.4 | What do the authorities in [name of your State] require in order to confirm powers of representation?<br>*Please tick all boxes that apply.* | ☐ The document establishing the powers of representation<br>☐ A medical certificate regarding the impairment of the adult<br>☐ Other (please specify): |
| 29.5 | Is a confirmation of powers of representation considered a measure of protection in [name of your State]? | ☐ Yes<br>☐ No |
| 29.6 | In [name of your State], is (are) the authority(ies) tasked with confirmation the same authority(ies) competent to draw up and deliver the certificate under Article 38? (See questions 5.1 – 5.10 above) | ☐ Yes<br>☐ No<br>Please provide the details of this authority:<br>Name of organisation:<br>Telephone: |

17 This section will be expandable in order to allow for the inclusion of additional authorities .

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| | Fax:<br>Email:<br>Website: |
| Last Update: [INSERT DATE] | |

## VIII. Other matters pertaining to the protection of adults

### 30. *Ex lege* representation

*Ex lege* representation is a representation that arises by operation of law, for which there is no specific conflict rule in the Convention. While there is no provision in the Convention that deals with *ex lege* representation *per se*, such representation falls under the scope and object of the Convention by virtue of Article 1 when it is aimed at the protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests (Art. 1(1)). Thus, *ex lege* representation may be the subject of cooperation between the authorities of Contracting Parties (Art. 1(2)(e) and Chapter V). In general, competent authorities will give effect to *ex lege* representation in accordance with their own law, including, where appropriate, their rules of private international law.[18]

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| 30.1 Please list and describe the possible types of representation available in [name of your State], arising by operation of law (*ex lege*), that apply to the protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests.<br><br>*Please tick all boxes that apply.* | ☐ Representation between spouses<br><br>Representation may include:<br><br>☐ Taking health / medical decisions on behalf of the spouse<br><br>☐ Taking decisions regarding the placement of the spouse in an establishment where support and / or protection can be provided<br><br>☐ Administration of property on behalf of the spouse<br><br>☐ Disposal of property on behalf of the spouse<br><br>☐ Taking financial decisions on behalf of the spouse<br><br>☐ Other (please specify):<br><br>☐ Representation between registered partners<br><br>Representation may include:<br><br>☐ Taking health / medical decisions on behalf of the registered partner<br><br>☐ Taking decisions regarding the placement of the registered partner in an establishment where support and / or protection can be provided<br><br>☐ Administration of property on behalf of the registered partner<br><br>☐ Disposal of property on behalf of the registered partner<br><br>☐ Taking financial decisions on behalf of the registered partner |

18 C&R adopted at the First meeting of the Special Commission on the practical operation of the 2000 Protection of Adults Convention, C&R No 22.

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| | ☐ Other (please specify):<br><br>☐ Representation between cohabiting partners (with a cohabitation agreement)<br><br>Representation may include:<br><br>☐ Taking health / medical decisions on behalf of the cohabiting partner<br><br>☐ Taking decisions regarding the placement of the cohabiting partner in an establishment where support and / or protection can be provided<br><br>☐ Administration of property on behalf of the cohabiting partner<br><br>☐ Disposal of property on behalf of the cohabiting partner<br><br>☐ Taking financial decisions on behalf of the cohabiting partner<br><br>☐ Other (please specify):<br><br>☐ Representation between cohabiting partners (without a cohabitation agreement)<br><br>Representation may include:<br><br>☐ Taking health / medical decisions on behalf of the cohabiting partner<br><br>☐ Taking decisions regarding the placement of the cohabiting partner in an establishment where support and / or protection can be provided<br><br>☐ Administration of property on behalf of the cohabiting partner<br><br>☐ Disposal of property on behalf of the cohabiting partner<br><br>☐ Taking financial decisions on behalf of the cohabiting partner<br><br>☐ Other (please specify):<br><br>☐ Representation between next of kin<br><br>*If applicable, please elaborate on who may be considered next of kin in* [name of your State]*:*<br><br>Representation may include:<br><br>☐ Taking health / medical decisions on behalf of next of kin<br><br>☐ Taking decisions regarding the placement of next of kin in an establishment where support and / or protection can be provided<br><br>☐ Administration of property on behalf of next of kin<br><br>☐ Disposal of property on behalf of next of kin |

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| | | ☐ Taking financial decisions on behalf of next of kin<br>☐ Other (please specify):<br>☐ Other type of representation (please specify):<br><br>Representation may include:<br>Please specify:<br>☐ Not applicable |
| 30.2 | Please indicate whether it is obligatory in [name of your State] for any of the aforementioned *ex lege* representatives to be consulted on decisions regarding the person or property of the adult or to be asked to take such decisions. | ☐ Yes (please specify which *ex lege* representative):<br>☐ No |
| 30.3 | If yes to the above question, please indicate who is obliged to consult the *ex lege* representative.<br>*Please tick all boxes that apply.* | ☐ Doctors only<br>☐ All medical personnel<br>☐ Social workers<br>☐ Civil servants<br>☐ Financial institutions<br>☐ Competent authorities<br>☐ All of the above<br>☐ Other (please specify): |
| 30.4 | Please provide any relevant information with regard to the domestic conflict rules in [name of your State] governing *ex lege* representation. | |
| **Last Update: [INSERT DATE]** | | |

## 31. Questions relating specifically to voluntary anticipatory acts containing instructions given and wishes made by an adult in anticipation of a future impairment (*e.g.*, advance directives)

Instructions given and wishes made by an adult, in anticipation of a future impairment of their personal faculties, fall within the general scope of the 2000 Convention under Article 1 and are subject to the cooperation provisions in Chapter V.[19] Instructions given and wishes made by an adult can be found in various types of voluntary, anticipatory acts such as advance directives,[20] advance arrangements, advance healthcare decisions or (continuing) powers of attorney. Unilateral acts containing instructions and wishes without necessarily designating an individual to carry them out are important tools in ensuring the exercise of the adult's autonomy.[21] The appreciation of whether or not a particular voluntary anticipatory act constitutes a power of representation under Articles 15 and 16 could be undertaken by competent authorities on a case-by-case basis.[22] This section of the Country Profile

19 C&R adopted at the First meeting of the Special Commission on the practical operation of the 2000 Protection of Adults Convention, C&R No 23.

20 Advance directives are instructions given or wishes made by a capable adult concerning issues that may arise in the event of their incapacity (see Glossary of draft Revised Practical Handbook on the Operation of the 2000 Protection of Adults Convention and Council of Europe, Recommendation CM/Rec(2009)11).

21 C&R adopted at the First meeting of the Special Commission on the practical operation of the 2000 Protection of Adults Convention, C&R No 24.

22 *Ibid.*, C&R No 25.

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| aims to bring to the attention of competent authorities and other interested parties the various types and forms of voluntary, anticipatory acts containing the instructions and wishes of the adult in different jurisdictions.[23] | | |
| 31.1 | Does the law of [name of your State] provide for voluntary anticipatory acts containing instructions given and wishes made by an adult in anticipation of a future impairment, such as advance directives?<br><br>*If applicable, please provide a web link to relevant legislation or attach a copy.* | ☐ Yes, in all areas (health / medical matters, personal finances, property matters etc)<br><br>☐ Yes, but only in the health / medical field<br><br>☐ Yes, only for matters pertaining to personal finances / property<br><br>☐ No (please elaborate): |
| 31.2 | If yes to the above question, please indicate whether such voluntary anticipatory acts are subject to any formal requirements in [name of your State].<br><br>*Please tick all the boxes that apply.* | ☐ All such voluntary anticipatory acts are subject to the same formal requirements<br><br>*Please indicate the type of formal requirement and whether it is optional or mandatory:*<br><br>☐ Notarisation<br>☐ Optional<br>☐ Mandatory<br>☐ Certification<br>☐ Optional<br>☐ Mandatory<br>☐ Witnessing<br>☐ Optional<br>☐ Mandatory<br>☐ Other (please specify):<br>☐ Optional<br>☐ Mandatory<br><br>☐ Voluntary anticipatory acts containing the instructions and wishes of an adult pertaining to medical / health matters are subject to formal requirements<br><br>*Please indicate the type of formal requirement and whether it is optional or mandatory:*<br><br>☐ Notarisation<br>☐ Optional<br>☐ Mandatory<br>☐ Certification<br>☐ Optional<br>☐ Mandatory<br>☐ Witnessing<br>☐ Optional |

[23] *Ibid.*, C&R No 26.

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| | | ☐ Mandatory<br>☐ Other (please specify):<br>☐ Optional<br>☐ Mandatory<br>☐ Non-medical / health related voluntary anticipatory acts containing the instructions and wishes of an adult are subject to formal requirements<br>*Please indicate the type of formal requirement and whether it is optional or mandatory:*<br>☐ Notarisation<br>☐ Optional<br>☐ Mandatory<br>☐ Certification<br>☐ Optional<br>☐ Mandatory<br>☐ Witnessing<br>☐ Optional<br>☐ Mandatory<br>☐ Other (please specify):<br>☐ Optional<br>☐ Mandatory<br>☐ No, voluntary anticipatory acts containing instructions given and wishes made by an adult are not subject to any formal requirements. |
| 31.3 | If no to question 31.1, would such voluntary anticipatory acts be given effect in [name of your State]? | ☐ Yes<br>☐ Yes, but only if they relate to health / medical matters<br>☐ Yes, but only if they relate to personal finance / property matters<br>☐ Yes, but only if they accompany another voluntary anticipatory act that designates a representative for the adult (*e.g.,* a (continuing) power of attorney)<br>☐ No (please elaborate): |
| 31.4 | In [name of your State], such voluntary anticipatory acts are **binding** on:<br>*Please tick all boxes that apply.* | ☐ The representative of the adult<br>☐ Doctors only<br>☐ All medical personnel<br>☐ Social workers<br>☐ Civil servants<br>☐ Financial institutions<br>☐ Competent authorities |

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| | | ☐ Other (please specify):<br>☐ Such voluntary anticipatory acts are not binding |
| 31.5 | Is the registration of such voluntary anticipatory acts in a **public registry** available in [name of your State]? | ☐ Yes, all voluntary anticipatory acts can be registered in a public registry<br>☐ Yes, but only to those voluntary anticipatory acts that relate to health / medical matters<br>☐ Yes, but only to those voluntary anticipatory acts that relate to personal finance / property matters<br>☐ Yes, but only to those voluntary anticipatory acts that relate to health / medical matters which accompany another voluntary anticipatory act that designates a representative for the adult (*e.g.,* a (continuing) power of attorney)<br>☐ Yes, but only to those voluntary anticipatory acts which accompany another voluntary anticipatory act that designates a representative for the adult (*e.g.,* a (continuing) power of attorney)<br>☐ No, voluntary anticipatory acts cannot be registered in a public registry<br>☐ Other (please specify): |
| 31.6 | Can voluntary anticipatory acts containing the instructions given and wishes made by an adult relating to health / medical matters be registered in a **health insurance policy** in [name of your State]? | ☐ Yes<br>☐ No (please elaborate): |
| 31.7 | Does the law of [name of your State] require healthcare professionals to consult these registered voluntary anticipatory acts prior to providing treatment?<br>*Please tick all the boxes that apply.* | ☐ Yes, healthcare professionals are legally required to consult all voluntary anticipatory acts registered in a **public registry**<br>☐ Yes, healthcare professionals are legally required to consult all voluntary anticipatory acts registered in a **health insurance policy**<br>☐ No, healthcare professionals are not legally required to consult any registered voluntary anticipatory acts, but they have the discretion to do so<br>☐ Other (please elaborate): |
| 31.8 | In [name of your State], is it possible to obtain information regarding voluntary anticipatory acts containing instructions given and wishes made by an adult from a public registry, a health insurance policy or other similar means? | ☐ Yes<br>☐ From a public registry<br>☐ From a health insurance policy<br>☐ Other (please specify):<br>☐ No |
| 31.9 | If yes to the above question, who may **access** that information?<br>*Please tick all the boxes that apply.* | ☐ The representative of the adult<br>☐ Doctors only<br>☐ All medical personnel<br>☐ Social workers<br>☐ Civil servants |

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| | ☐ Financial institutions<br>☐ Competent authorities<br>☐ Central Authorities<br>☐ All of the above<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | |

# IX. Co-operation (Arts 28 – 37)

## 32. Central Authority assistance

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| 32.1 | Does the Central Authority of [name of your State] provide assistance (either directly or through public authorities or other bodies in [name of your State]) to **an individual habitually resident in [name of your State]** who has requested assistance regarding a matter falling within the scope of the 2000 Convention in a requested State? | ☐ Yes<br>☐ No (please elaborate): |
| 32.2 | If yes to the above question, please indicate the type of assistance provided by the Central Authority of [name of your State].<br>*Please tick all boxes that apply.* | ☐ Assistance in obtaining information on the operation of the 2000 Convention<br>☐ Assistance in obtaining information on the relevant laws and / or procedures and / or services available in the requested State<br>☐ Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide<br>☐ Transmission of a request to the Central Authority or to the competent authorities in the requested State<br>☐ Assistance in discovering the whereabouts of an adult (Art. 30(b))<br>☐ Assistance in initiating judicial or administrative proceedings<br>☐ Assistance in providing or facilitating the provision of legal aid and advice<br>☐ Assistance in obtaining private legal counsel or mediation services, where needed, in the requested State<br>☐ Ensuring separate legal representation for the adult<br>☐ Ensuring support for exercise of capacity in accordance with Article 12(3) of the UNCRPD (*e.g.*, communication and accessibility support)<br>☐ Referral to other governmental and / or non-governmental organisations for assistance |

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| | | ☐ Provision of regular updates on the progress of the request<br>☐ Other (please specify): |
| 32.3 | Does the Central Authority of [name of your State], in practice, provide assistance (either directly or through other competent authorities in [name of your State]) to **an individual habitually residing abroad** who has requested assistance regarding a matter falling within the scope of the 2000 Convention? | ☐ Yes<br>☐ No (please elaborate): |
| 32.4 | If yes to the above question, please indicate the type of assistance provided by the Central Authority of [name of your State].<br>*Please tick all boxes that apply.* | ☐ Assistance in obtaining information on the operation of the 2000 Convention<br>☐ Assistance in obtaining information on the relevant laws and / or procedures and / or services available in the requested State<br>☐ Assistance in discovering the whereabouts of an adult (Art. 30(b))<br>☐ Assistance in initiating judicial or administrative proceedings<br>☐ Assistance in providing or facilitating the provision of legal aid and advice<br>☐ Assistance in obtaining private legal counsel or mediation services, where needed, in the requested State<br>☐ Ensuring separate legal representation for the adult<br>☐ Ensuring support for exercise of capacity in accordance with Article 12(3) of the UNCRPD (*e.g.*, communication and accessibility support)<br>☐ Referral to other governmental and / or non-governmental organisations for assistance<br>☐ Provision of regular updates on the progress of the request<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | | |

## 33. Locating an adult, where it appears they may be in need of protection (Art. 30(b))

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| 33.1 | How does the Central Authority of [name of your State], on the request of a competent authority of another Contracting Party, provide assistance in discovering the whereabouts of an adult where it appears that said adult may be present and in need of protection within the territory of [name of your State]?<br>Article 30(b) of the 2000 Convention. | ☐ Assistance is provided directly<br>Please elaborate on the procedure:<br>☐ Assistance is provided through public authorities<br>Please elaborate on the procedure:<br>☐ Assistance is provided through other bodies |

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| | | Please indicate the body and elaborate on the procedure: |
| 33.2 | What type of information would the Central Authority or other competent authorities in [name of your State] require, in order to provide assistance in discovering the whereabouts of an adult, on the request of another State?<br>*Please tick all boxes that apply.* | ☐ Information that the adult entered our State (*e.g.*, evidence that the adult boarded a flight/ship/train/bus bound for our State)<br>☐ Information from the requesting authority as to why they believe the adult is in our State and in need of protection<br>☐ No information is required; searches can begin upon formal request<br>☐ Other (please explain): |
| 33.3 | What mechanisms or sources of information are available in [name of your State] to discover the whereabouts of an adult?<br>*Please tick all boxes that apply.* | ☐ Private location services<br>☐ Population register<br>☐ Employment register<br>☐ Information maintained by other government agencies (*e.g.*, immigration, social welfare)<br>☐ Police<br>☐ EUROPOL<br>☐ INTERPOL<br>☐ Other (please specify): |
| 33.4 | Please indicate who is responsible for gathering the information from the sources listed above by inserting the relevant source next to the responsible person or authority. | ☐ Central Authority:<br>☐ The applicant:<br>☐ The applicant's representative:<br>☐ Other (please specify): |
| 33.5 | Please indicate whether access to any of the sources of information listed above would require an order issued by a competent authority. | |
| **Last Update: [INSERT DATE]** | | |

## 34. Placement of the adult in an establishment, or other place where protection can be provided, located in another Contracting Party (Art. 33)

| | | |
|---|---|---|
| 34.1 | As a requesting State, please describe the procedure and list the conditions for the placement of an adult in an establishment, or other place where protection can be provided, located in another Contracting Party. | Please briefly describe the procedure:<br><br>Please indicate the conditions for such placement:<br>*Please tick all boxes that apply.*<br>☐ If the adult poses a danger to themselves or others and such danger cannot be otherwise averted<br>☐ If a competent authority has ordered such placement<br>☐ If the placement is critical to the life and health of the adult and support / assistance cannot be provided otherwise |

| | | |
|---|---|---|
| | | ☐ Other (please specify): |
| 34.2 | As a requested State, please indicate the information you would need to receive from a requesting State regarding the placement of an adult in an establishment or other place located in [name of your State].<br><br>*Please tick all boxes that apply.* | ☐ A decision by a competent authority ordering the placement of the adult<br><br>☐ A certificate issued by a medical doctor / psychiatrist, attesting to the need for the placement of the adult<br><br>☐ The written consent of a spouse / registered partner / cohabiting partner to the placement of the adult<br><br>☐ Other (please specify): |
| 34.3 | Please indicate which authority in [name of your State] is responsible for: | • Consulting on proposed placements of an adult in [name of your State]:[24]<br><br>Name of organisation:<br><br>Telephone:<br><br>Fax:<br><br>Email:<br><br>Website:<br><br>• Preparing reports on the adult in relation to their cross-border placement in the territory of another State:[25]<br><br>Name of organisation:<br><br>Telephone:<br><br>Fax:<br><br>Email:<br><br>Website: |
| 34.4 | Please briefly elaborate on the procedure followed by the Central or other competent authority in [name of your State], in order to arrange a cross-border placement of an adult (including any **conditions** or **safeguards** in place). | Procedure for the placement of an **adult habitually residing in [name of your State]** in an establishment located in another State:<br><br>Procedure for the placement of an **adult habitually residing in another State** in an establishment located in [name of your State]: |
| **Last Update: [INSERT DATE]** | | |

## 35. Direct judicial communications, including through the assistance of Central Authorities (Arts 30, 32, 33 and 34)[26]

| | | |
|---|---|---|
| 35.1 | Has a Member of the International Hague Network of Judges been designated in [name of your State]? | ☐ Yes<br><br>Please specify their name(s): |

24 This section will be expandable in order to allow for the inclusion of additional authorities.
25 This section will be expandable in order to allow for the inclusion of additional authorities.
26 Conclusion and Recommendation (C&R) of the Special Commission (SC) on the practical operation of the 2000 Protection of Adults Convention, C&R No 57. See, also, Conclusions and Decisions (C&D) of the Council on General Affairs and Policy (CGAP), C&D No 32.

| | | |
|---|---|---|
| | *For more information go to < www.hcch.net > under "1980 Child Abduction Section" then "The International Hague Network of Judges" or "Judicial Communications".* | *Please do not list the contact details of the judge(s) here. Instead, please ensure that the name, position, court and contact details have been provided to the Permanent Bureau*<br>☐ No |
| 35.2 | Is there a legislative basis upon which judges in [name of your State] can engage in direct judicial communications? | ☐ Yes<br>*Please specify how the legislation can be accessed (e.g., a web link) or attach a copy*<br>☐ No |
| 35.3 | In the absence of legislation, can judges in [name of your State] engage in direct judicial communications? | ☐ Yes<br>☐ No (please explain): |
| 35.4 | What means of communication are available to judges in [name of your State] to liaise with the International Hague Network of Judges? | ☐ Telephone<br>☐ Secure e-mail<br>☐ Registered mail<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | | |

# X. General

## 36. International certificates under Article 38

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|---|---|---|
| 36.1 | Where authorities in [name of your State] have taken a measure of protection or have confirmed a power of representation, does [name of your State] provide (if requested) for the delivery of certificates to a person entrusted with the protection of the person or property of the adult, indicating the capacity in which said person may act and the powers conferred, under Article 38? | ☐ Yes (please ensure you have responded to question 5 above)<br>☐ No |
| 36.2 | If yes to the above question, how may certificates under Article 38 be requested in [name of your State]?<br>*Please tick all boxes that apply.* | ☐ By an application on a website<br>☐ By e-mail<br>☐ By mail<br>☐ By phone<br>☐ In person<br>☐ Other (please specify): |
| 36.3 | In addition to the official language of [name of your State], can the certificate be issued in different languages? | ☐ Yes<br>☐ English<br>☐ French<br>☐ Spanish<br>☐ Other (please specify):<br>☐ No |
| **Last Update: [INSERT DATE]** | | |

## 37. Training

| | |
|---|---|
| What measures are available in [name of your State] to ensure that persons responsible for implementing the 2000 Convention (*e.g.,* judges, lawyers and Central Authority personnel) receive appropriate information and training?<br><br>*Please tick all the boxes that apply.*<br><br>*Please contact the Permanent Bureau for information in relation to forms of assistance which may be available for this purpose.* | ☐ Training as required for Central Authority staff<br>☐ Training as required for competent authorities<br>☐ Updates as required on legal developments related to the 2000 Convention provided to staff responsible for its implementation<br>☐ Training as required for lawyers<br>☐ Training as required for staff of financial institutions<br>☐ Other (please specify):<br><br>Specifically in respect of judges:<br>☐ Sending a basic package of information on the 2000 Protection of Adults Convention to judges<br>☐ Training through a dedicated judicial studies board<br>☐ Participation in judicial training seminars<br>☐ Participation in the International Hague Network of Judges<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | |

## 38. Other information

| | | |
|---|---|---|
| 38.1 | Does the Central Authority of [name of your State] have regular meetings with competent authorities to exchange any experience or insights on the implementation and operation of the 2000 Convention? | ☐ Yes<br>If possible, please indicate how often such meetings take place:<br>☐ Once a year<br>☐ Twice a year<br>☐ As needed<br>☐ Other (please specify):<br>☐ No |
| 38.2 | In [name of your State], what mechanisms / laws are in place in order to protect the confidentiality of information that is gathered or transmitted under the 2000 Convention?<br><br>Articles 39 and 40 of the 2000 Convention. | ☐ General Data Protection Regulation (EU) 2016/679 (GDPR)<br>☐ Other (please specify): |
| 38.3 | What other services / resources are available in [name of your State] to assist those involved in the international protection of adults?<br><br>*Please tick all the boxes that apply.* | ☐ NGOs and international organisations dealing specifically with the protection of adults (please provide contact information)<br>Name of organisation:<br>Telephone: |

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| *Please indicate, where available, contact details, websites and costs for such services.* | Fax:<br>Email:<br>Website:<br>☐ Financial / legal assistance<br>☐ Social / welfare assistance<br>☐ Other (please specify): |
| **Last Update: [INSERT DATE]** | |

## XI. Electronic resources

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| Please use the space below to provide any additional links to relevant legislation, rules of private international law regarding the protection of adults, relevant websites (*e.g.*, of courts and other competent authorities, notary associations, certification authorities, public bodies, organisations) and any other electronic resource pertinent to the protection of adults. |
| |
| **Last Update: [INSERT DATE]** |