

# Children With Special Needs – What you need to know

## CHILDREN UNDER 14

- They're very well protected by the law, no matter if they have special needs or not.
- **Care:** The tutor's consent is always required for every type of intervention\*.
- **Representation in court:** The tutor represents the child under 14 in court.

\***Intervention:** Here, any procedure, surgical or not, that has a potential impact on a person's health (mental or physical).



## YOUTH 14 TO 17

- At the age of 14, a child acquires many rights that he or she didn't have before that age.
- **Care:** The tutor's consent is mandatory ONLY when an intervention could endanger the child's life. Otherwise, the child can consent alone.
- **Representation in court:** The child can represent himself or herself in court for some cases, but not for others. It is therefore important to seek a lawyer's advice when needed.
- **Youth with special needs:** A judge must pronounce the child unable to protect him or her from possibly damageable rights.

## ADULT 18+

- An adult, unless he or she has been declared unable by a court of law, has every right that a person can have.
- **Care:** If the major (adult) is under protection, the tutor or the curator will have to consent to every type of intervention. The court's approbation will sometimes be needed.
- **Representation in court:** The tutor or curator represents the unable major in court.



## List of definitions (in order of their apparition in the presentation)

**Legal tutorship:** The presumed tutorship that a biological parent has on their child.

**Dative tutorship:** When a child doesn't have a legal tutor, this type of tutorship comes from a legal procedure.

**Suppletive tutorship:** With a legal tutor's consent, it allows a child's relative to become his or her tutor.

**Administration:** The task to manage something.

**Property:** Everything that belongs to someone and that has a potential value (this value corresponds to a certain amount of money).

**Care procedures:** Any type of procedure, surgical or not, that can impact a person's health (mental health, physical health, ...).

**Alienate:** The fact to diminish the value of someone's property, for example by giving away a part of it.

**Incapacity:** A person can be declared incapable and have protective supervision when they are unable to care for themselves, administer their property for reasons such as illness, deficiency or debility which impairs the mental faculties or physical ability to express their will.

**Full administration :** the person will preserve the property of the person, can make revenue off of the property (ex : if the person owns a house, can rent it out), increase the value of the patrimony (patrimony includes all the assets and debts of the person), can alienate/donate belongings to fulfill obligations and pay off debts.

## More useful resources...

Protection regimes and protective supervision:

<https://www.educaloi.qc.ca/en/capsules/protective-supervision-vulnerable-people>

Wills:

<https://www.educaloi.qc.ca/en/capsules/dying-without-will>

Protection mandates:

<https://www.educaloi.qc.ca/en/capsules/protection-mandates-naming-someone-act-you>

