

Le Lien

Newsletter for tutors of minor children and members of
tutorship councils



**Le Curateur public
du Québec**

À la rencontre de la personne

Planning the tutorship council's annual meeting

CA tutorship to the property of a minor is created in order to protect a child's patrimony and ensure that his interests are looked after. For the same reasons, the law requires the tutor to form a tutorship council.

The tutorship council plays a crucially important role, acting as the first line of defence for the tutorship to the property of the minor by making sure the tutor is managing everything correctly.

The members of the tutorship council and the tutor are required to meet at least once a year. For some, this may be a friendly get-together. For others, the thought of having to get involved in managing a family member's property or, even worse, having to report to someone else, can be very unpleasant. These reactions are completely understandable and are dependent on the relationships between each member, and on each person's values and personal experiences. However, it is important to get past these feelings and remember that the point of these meetings is to decide what's best for the child, in an open and honest way. The tutorship council is the guardian of the child's interests and a safeguard against possible abuse.

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**Le Lien, for useful
information on
protecting the assets
of a minor**

The members of the tutorship council and the tutor are required to meet at least once a year.

Planning the meeting

The annual meeting generally takes place at the same time as the tutor is required to produce the annual report. Meetings can be held more often at the beginning, especially if an inventory needs to be produced, or to determine the nature and amount of the security.

The first step in planning a meeting involves the secretary of the tutorship council convening the participants, which includes the members of the tutorship council and the tutor. If the minor is over the age of 14, he may be invited. Substitute members are not convened to the meeting.

The meeting can be convened very simply, for example, by email or phone, and can take place around a table, of course, but also via any real-time method of communication (video conference, conference call, etc.).

The second step is setting the agenda.

We recommend that the secretary send the agenda to the participants prior to the meeting. There is an [agenda template](#) in the guide that was given to the tutor and the members of the tutorship council at the time the tutorship was instituted; it can also be downloaded from the Curateur public's website.

The agenda includes the points to be addressed, as well as the balance sheet for the previous year. The members may ask questions about the expenses incurred.

The agenda also needs to contain the plan for the coming year. If important decisions will be made in the next few months, this is a good time to discuss them. For example, if the tutor is considering private school or if the child needs orthodontic care, the members might discuss the exceptional use of the minor's patrimony. They might also need to make a decision about the sale of a building belonging to the child.

Another important topic is the confirmation of the security, the guarantee that protects the minor's patrimony. This point can be discussed if, for example, new amounts were received, or if property was added to the patrimony.

The third step is the annual meeting.

When decisions must be made, the quorum (number of members needed for decisions to be valid) is two members, if the tutorship council is comprised of three members. While the topics can sometimes be delicate, it is best that discussions take place in an open and cooperative atmosphere. It is important not to lose sight of the sole objective of these meetings, which is to look out for the best interests of the child. The secretary of the tutorship council, whose role is to chair the meeting, needs to consider each person's point of view and try to reach a consensus. If this is impossible, decisions are made by majority vote.

At the end of this meeting, the secretary must produce the minutes, which is the fourth step. There is a [template](#) in the

guide that was given to the tutor and the members of the tutorship council; it can also be downloaded from the Curateur public's website. The minutes are simply an account of the decisions that were made, the follow-up needed on these decisions, the name of the person responsible, and the deadline. The minutes will also be the starting point for the next meeting. It is recommended to give a copy of the minutes to the tutor and to the Curateur public. The members of the tutorship council may ask to consult the minutes. The secretary of the tutorship council is responsible for keeping all documents, including the minutes, which will be handed over to the child when the tutorship ends.

If you need help or if you have any questions, you can contact the private representation officer assigned to your file at the Curateur public, whom the secretary of the tutorship council and the tutor can also consult as needed.



The annual report: not that complicated

The [annual report](#) contains the balance sheet of amounts spent or received in a 12 month period, starting on the date the tutorship was instituted. In addition to protecting the child's assets, the tutor to the property of a minor is responsible for producing this balance sheet once a year as justification of all actions taken on behalf of the child.

A **dative tutor** (someone who is not the child's parent) must produce a report, regardless of the value of the child's patrimony. A **legal tutor** (the child's mother or father) must produce a report if the child's assets are worth more than \$25,000. This is still required, even if the total value of the property is less than \$25,000 at the end of the year.

The first year, one month before the tutorship anniversary date, the tutor will receive a detailed annual report form from the Curateur public to be filled out. The second year, the Curateur public will send him a detailed or simplified form, depending on the minor's financial situation. If the child's patrimony exceeds \$100,000, the Curateur public may request an audit by a chartered accountant.

The annual report must be sent no later than three months after the tutorship anniversary date. The tutor must provide a copy to the Curateur public, the secretary of the tutorship council, the child, if age 14 or over, and the tutor to the person, if he administers only the property. He must also submit all supporting documents (receipts, bank statements, investment statements) with the first annual report. In the years that follow, he only needs to send them to the secretary of the tutorship council, making sure to keep copies so that he can answer any questions that might be raised.

The [forms](#) are available online. They can be filled out on screen, but must be printed, signed, and sent by mail. A [Checklist – Annual Report](#) is also available on the Curateur public's website.

The child inherits money

A child's inheritance is part of his patrimony. The amount received or expected, and the value of the property he inherits (e.g., house, vehicle, jewelry) therefore need to be entered in the annual report. Of course, the tutor can always decide to accept or renounce the inheritance on the child's behalf. If the value of the inheritance is greater than the debts, accepting it is the right thing to do. On the other hand, if the debts are significantly higher than the value of the inheritance, it is best to renounce it. In making this decision, the child's interests should always come first.

The tutor is responsible for managing the minor's inheritance. If he wants to sell any property that the child has inherited, the tutor must first obtain authorization from the tutorship council. If the value of the property to be sold exceeds \$25,000, he must also obtain authorization from the court. If

the inheritance increases the value of the child's patrimony to more than \$25,000, the tutorship council will have to establish a [security](#) (hold funds, mortgage guarantee, etc.) to ensure it is protected. It is important to know that CNESST, SAAQ, and life insurance benefits are not considered part of an inheritance.

To renounce an inheritance, the tutor must make the renunciation official. A tutor who wishes to renounce an inheritance must consult with the tutorship council, who will agree or disagree with his decision. The renunciation must be made by notarial act or by judicial declaration, and sent to [Revenu Québec](#). The renunciation must be registered no later than two months after the liquidator makes the inventory of the succession, otherwise the inheritance will be considered as having been accepted.

The child has a job

Does the child have a summer job or work a few hours a week at the corner grocery store? This income must be entered in the annual report. The salary is considered as the child's pocket money, to be used to purchase things like clothing, video games, or concert tickets.

When it comes to working, the child is considered to be of full age starting at age 14 and can get a job without a parent's permission. However, if the child is earning a large amount of money or is spending recklessly, the tutor can ask the court to set a limit on the amount of money the child is allowed to handle alone.

The child is an orphan

A child with one or both parents who have died is eligible for an orphan's pension. This pension, paid by Retraite Québec (formerly the Régie des rentes du Québec), is an allowance paid to the tutor. It does not have to be entered in the annual report.

For a minor child to receive an orphan's pension, the deceased parent must have

sufficiently contributed to the Québec Pension Plan while working. Currently, the monthly pension payable upon the death of one or both parents is \$241.02. It can be obtained by filling out the [Application for Survivors' Benefits](#) form available on Retraite Québec's website. This pension ends when the child turns 18.

The child receives a gift

As with inheritances, gifts worth more than \$100 (vehicle, computer), and cash gifts of any amount, received by the minor must

be entered in the annual report. However, the tutor may accept them without prior authorization from the tutorship council.

Exemple of the Simplified Annual Report

Curateur public
Québec

[Click here for the procedures to be followed](#)

[Before completing this form, read the guide on page 3](#)

Simplified Annual Report

Name of legal representative:

Name of the represented person:

File number:

FOR THE PERIOD

starting year month day
ending year month day

These dates are indicated in the letter sent by the Curateur public.

Check the box indicating that you are a tutor to a minor.

1) IDENTITY OF LEGAL REPRESENTATIVE

Are you:

☐ a tutor to a minor

☐ a tutor or curator to a person of full age

Your new address, if applicable

No.

Street

City

Province

Country

Postal Code

Telephone

Your relationship with the person you represent:

Check "Yes" and fill out "At that address since" if the minor's address is the same as yours.

2) IDENTITY OF REPRESENTED MINOR OR PERSON OF FULL AGE

Surname

Address: same as above

Given name

Name of residence

Date of birth

Year

Month

Day

No.

Street

Civil status

Single

Married

City

Province

Separated

Divorced

Country

Postal Code

Common-law marriage

Widow(er)

Telephone

At that address since

YEARS

MONTHS

1. E.g., cash and cheques not cashed on behalf of the child.

2. E.g., savings accounts and chequing accounts.

6. E.g., term deposits.

12. E.g., amounts expected further to a settlement, inheritance.

23. Make, model, and year of each vehicle.

25. Total value of items or gifts over \$100 only.

26. Brief description of all other items over \$100.

30. The total indicates whether the minor's assets are worth more than \$25,000.

3) ASSETS

1	Cash	1	\$	Assets tutorship	
2	Bank accounts: name and address of institution	Account Nos.	2		\$
3			3		\$
4			4		\$
5			5		\$
6	Deposit certificates: name and address of institution	Certificate Nos.	6		\$
7			7		\$
8			8		\$
9			9		\$
10			10		\$
12	Accounts receivable (notes and loans): name and address of debtor		12	\$	
13			13	\$	
14			14	\$	
22	Funeral prearrangement contract		22	\$	
23	Vehicles (car, ATV, motor home, boat, etc.)		23	\$	
25	Furniture and personal effects		25	\$	
26	Others		26	\$	
30	Total of assets	30	\$	0.00	

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Return this copy to Public Curator

To be continued

Section 3

Assets as at the tutorship anniversary date.

42. E.g., electricity or phone bills more than 30 days past due for property belonging to the minor (e.g., buildings).

105-106-107.
Do not apply to a tutorship to a minor.
Do not enter anything.

112. E.g., interest income other than from a loan, inheritance, or gift, income earned by the minor.

200. E.g., banking, investment, brokerage, safety deposit box fees.

203. E.g., costs related to the formation of the tutorship council.

204. No fees charged for tutorships to a minor under private protective supervision.
Do not enter anything.

208. Cannot be paid by a minor. Do not enter anything..

209. If the minor resides in an establishment in the health and social services network, a private nursing home, or a foster home.

4) LIABILITIES			
Accounts payable: name and address of creditor			
42		42	\$
43		43	\$
Other liabilities (specify)			
49		49	\$
50		50	\$
55	Total of liabilities	55	\$ 0.00

5) INCOME			
100	Bank interest	100	\$
105	Benefits of Social Assistance or Social Solidarity (income security)	105	\$
106	Québec Pension Plan (RRQ)	106	\$
107	Old age security pension (including guaranteed income supplement)	107	\$
108	Benefits and indemnities from the CSST	108	\$
109	Benefits and indemnities from the SAAQ	109	\$
111	Income tax refunds and other credits (GST, QST)	111	\$
Other income (specify)			
112		112	\$
113		113	\$
120	Total income	120	\$ 0.00

6) EXPENSES			
200	Bank charges and investment expenses	200	\$
203	Professional fees	203	\$
204	Public Curator supervision fees	204	\$
208	Rent paid	208	\$
209	Accommodation and boarding expenses	209	\$
210	Heating, electricity, cable, phone	210	\$
212	Medical expenses (specify)	212	\$
Personal expenses of represented person			
213		213	\$
214		214	\$
Other expenses (specify)			
215		215	\$
216		216	\$
217		217	\$
220	Total expenses	220	\$ 0.00

I, the undersigned, declare that the information in this report is true.

Signature of legal representative(s)

(sign all three copies)

Date

Home phone number: () -

Work phone number: () -

Print Public Curator copy

Print tutorship council copy

Print a copy for your records

210. Cannot be paid by a minor. Do not enter anything.

212. Medical expenses not covered by the RAMQ.

213. E.g., expenses for the minor's maintenance, education, or recreational activities. Applies to dative tutorships. For legal tutorships, the expenses must be pre-authorized by the tutorship council.

215. E.g., other exceptional expenses or expenses not previously entered.

Section 4

Assets as at the tutorship anniversary date.

Section 5

Amounts received in the previous 12 months.

Section 6

Amounts spent in the previous 12 months.



There is another way to designate a tutor for your minor child, which is to submit the Declaration of Dative Tutorship form to the Curateur public.

Parents, plan ahead: prepare your protection mandate!

Are you young and healthy and think you don't need a protection mandate? Think again. You can't predict when an accident, illness, or stroke might happen, leading to your incapacity and preventing you from taking care of yourself, your family, and your property.

A recent survey commissioned by the Curateur public du Québec showed that only 22% of people between the ages of 18 and 44 have prepared their protection mandate, compared to 46% of people aged 45 to 54.

Don't wait until it's too late to prepare your mandate. This isn't being alarmist; it's simply smart planning. The protection mandate allows you to determine in advance who will take care of you and your property in the event you become incapable. You can include your instructions about your assets (management of your property, loans, etc.) and your person (housing, end-of-life wishes, etc.).

You can also specify how your patrimony will be used to meet your family's financial obligations (children's education, summer camps, etc.).

The mandate also lets you appoint a tutor for your minor children. You can even name one person to look after their needs (food, housing, etc.) and another person to manage their patrimony.

Like a will, the protection mandate is an important document, but the two are not interchangeable. The will contains the expression of your final wishes and takes effect only after your death, while the protection mandate can be applied only while you are still alive, according to your own instructions.

The protection mandate can be prepared by a lawyer or a notary, or using the free form available on the Curateur public's website at www.curateur.gouv.qc.ca/mandate. You can consult the accompanying brochure for instructions on how to fill it out.

My child is going to summer camp. Can I pay for it with his money?

As the parent, you are required to pay for all of the expenses needed to meet your child's needs. This is what is known as the "obligation of support." Normally, your child's money should not be used for these expenses because you have an obligation to safeguard it until he reaches full age.

However, in some situations, it is possible to use your child's patrimony to pay for additional expenses, for example, registration for summer camp or classes. For this to be possible, you need to prove that you are unable to afford these costs. The tutorship council will determine whether the expense meets an essential need and is beneficial for the child, whether the amount requested is reasonable, and whether the expense can be covered without having to use the child's patrimony. If your child is over the age of 14, he will also have to be notified.

At the end of the year, you will have to enclose the *Exceptional Use of the Patrimony of a Minor* form and the supporting documents with your annual report. You can download this form at www.curateur.gouv.qc.ca/exceptional-use.



Always there for you

As the popular saying goes, “Kids don’t come with an instruction manual.” The same goes for a tutorship to the property of a minor. At the Curateur public, staff members are always standing by to offer support to tutors throughout the protective supervision process, from the time it is first instituted to the production of the final report, when the child reaches full age. These employees are called private representation officers, and they work closely with their colleagues, the compliance officers.

Representation officers are employees who advise, guide, and support tutors. They analyze situations, establish appropriate support and monitoring plans and, where applicable, receive and process reports of abuse. Working closely with various other stakeholders, including the representation officer, compliance officers make sure the patrimony is being managed appropriately. If necessary, they inform the representation officer of the steps to take with the tutor to ensure the latter makes the necessary corrections. They determine the risks and work with the representative officer to develop and update the support and monitoring plan.

Present from the start

A tutorship to the property of a minor is instituted as soon as the Curateur public is informed that a child has received more than \$25,000, for example, by a notary, an insurance company, or an organization such as the Commission des normes, de l’équité, de la santé et de la sécurité du travail (CNESST) or the Société de l’assurance automobile du Québec (SAAQ). The Curateur public then calls the new tutor to inform him that he will soon receive an information kit including a [complete guide and forms](#), and to let him know that a representative officer will contact him shortly.



Marie Julie Dion and Josiane Gauthier at the Direction territoriale Nord.

This is where the representation officer comes in. Since 2014, Marie Julie Dion has held this position at the Curateur public’s Direction territoriale Nord, in Saint-Jérôme. Marie Julie enjoys the personal dimension of her job. “When a tutorship is instituted following the death of a parent or another family member who has left the child an inheritance, it’s a very delicate and emotional time for everyone involved. I’m very aware of that, and it’s important that tutors know they’re not just a number and that they’re dealing with people, not machines. The representation officers are there to offer them personalized service. A tutor doesn’t have to repeat his story to a different person each time he calls us; there’s only one representation officer assigned to each file,” she explains.

Marie Julie adds: “During the first year of the tutorship, our conversations are more frequent, because the tutors have more questions, and because I have to analyze their situation and provide them with a support and monitoring plan. After the first annual report, if the patrimony is being managed as it should and if the situation doesn’t change, for example, if new amounts aren’t added to the estate, then we talk whenever necessary. It’s important to know that we’re always available to deal with anything that comes up in the file. Usually, everything can be taken care of over the phone, but a tutor can also come to our offices if he prefers.”

Ensuring sound administration

When a tutorship to the property of a minor is instituted, the *Civil Code of Québec* stipulates that the Curateur public must play an oversight role to ensure that the tutor preserves the property of the minor, which must be handed over to the latter when he reaches full age.

Josiane Gauthier, compliance officer at the Curateur public's Direction territoriale Nord, plays an important role in this oversight process. "The first year is a major learning curve for tutors," Josiane states. "For example, unless they've ever acted as a tutor, very few people have ever heard of things like the security, the hold funds, or the *in the capacity of account*, which is completely normal. There's a whole vocabulary to be learned and new habits to be formed, such as systematically keeping receipts and submitting them with the annual report."

As Josiane sums up so well: "Not everyone is an accountant." But, she has some words of encouragement for new tutors: "The first annual report may seem complicated, but once you understand how it works, it gets a lot easier."

While the compliance officer is the person responsible for ensuring that the annual report shows that the patrimony is being managed responsibly, it's the representation officer's responsibility to contact the tutor before the first annual report to make sure he has all the information he needs and that he understands what information he has to send to the Curateur public.

"We really work well together," Marie Julie says. The private representation officer and the compliance officer share a lot of relevant information that helps us to better support the tutors and the minors they look after."



Feel free to call them!

You should never hesitate to call the Curateur public with your questions or even to confirm information.

Did you lose the contact information for the private representation officer assigned to your tutorship? Call the Curateur public's General Information department at 514 873-4074 or 1-800-363-9020. By giving them the minor's name, date of birth, social insurance number, or file number, they'll be able to provide you with the information you need.

Le Lien

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