Quels sont les différents types de tutelle ?

Plusieurs formes de *tutelles* peuvent être mises en place par le juge ; le choix opéré dépend de chaque cas, en fonction de la situation familiale, de la consistance du *patrimoine* et de l'état de santé du majeur protégé.

La *tutelle* **complète**

entraîne la constitution d'un *conseil de famille* , la nomination d'un *tuteur* et d'un

subrogé

tuteur.

Le subrogé

juge des tutelles nomme les 4 à 6 membres

qui composent le *conseil de famille.*

Le conseil de famille présidé

par le juge règle les

conditions générales de

vie du majeur protégé

et contrôle les

actes effectués par le

tuteur dont il fixe, au

besoin,

la

rémun

ération.

Le

subrogé tuteur

exerce

une

missio

n

desurv

eillanc

e

génér

ale du

tuteur

.

Le conjoint du

majeur

protégé

gé a,

en

princi

pe,

vocati

on à

être

son *tu*

teur

A défau

t, le c

onsei

l de

famill

e

nom

me le

tuteur

qui peut

être

un

parent,

un

ami,

un

tiers

voire

mêm

e

une

pers

onne

mor

ale

(ass

ociat

ion

tutél

aire,

fond

ation

...).

Le tute

ur

peut

agir seul

pour

les

actes

d'ad

mini

strat

ion

mais

doit

obte

nir

l'aut

oris

atio

n du

cons

eil

de

famil

le

pour

les

acte

s les

plus

grav

es.

L'admini

stra

tion

légale

sous

con

trôl

e

judi

ciair

e

est

la

forme

simplifi

ée

de

la

tute

lle.

Sou

vent

préf

éré

e à

la *tu*

telle

C

om

plèt

e,

elle

s'ex

erc

e

plus

co

mm

odé

me

nt

san

s

con

seil

de

famille

ni

tute

ur

sel

on

les

règl

es

de

l'ad

min

istr

atio

n

lég

ale

sou

S

con

trôl

e

judi

ciai

re

app

lica

ble

aux

min

eur

S.

Le j

uge

des

tute

Iles

dés

ign

e l'

ad

min

istr

ate

ur

lég

al

qui

agi

t

SO

us

SO

n

CO

ntr

ôle

dè

S

lor

S

qu'i

exi

ste

un

par

ent

ou

alli

é

du

ma

jeu

r

SO

us

tut

ell

e

sp

éci

ale

me

nt

dig

ne

de

CO

nfi

an

ce

et

apt

e à

gér

er

SO

n

pat

rim

oin

e.

La

gé

ra

nc

de

tut

est

ch

ois

lor

sq

u'il

n'e

st

pa

S

po

ssi

ble

de

CO

nfi

er

l'e

xer

cic

e

de

la

m

es

ur

e

de

pr

ot

ect

ion

à

un

pa

re

nt

ou

qu

e

les

cir

CO

nst

an

ce

S

fa

mil

ial

es

re

nd

en

t

pr

éf

ér

abl

es

la

dé

sig

na

tio

n

d'u

n

tie

rs

ES

se

nti

e

en

t

ch

ar

gé

d'a

SS

ur

er

la

ge

sti

on

du

pa

tri

m

ne

du

m

aj

eu

r

pr

ot

ég

é,

le

gé

ra

nt

de

tut

es

es

t

dé

sig

né

pa

r

le

ge

pa

les

pe

rs

on

ne

S

ph

qu

es

ou

or

al

es

(a

SS

OC

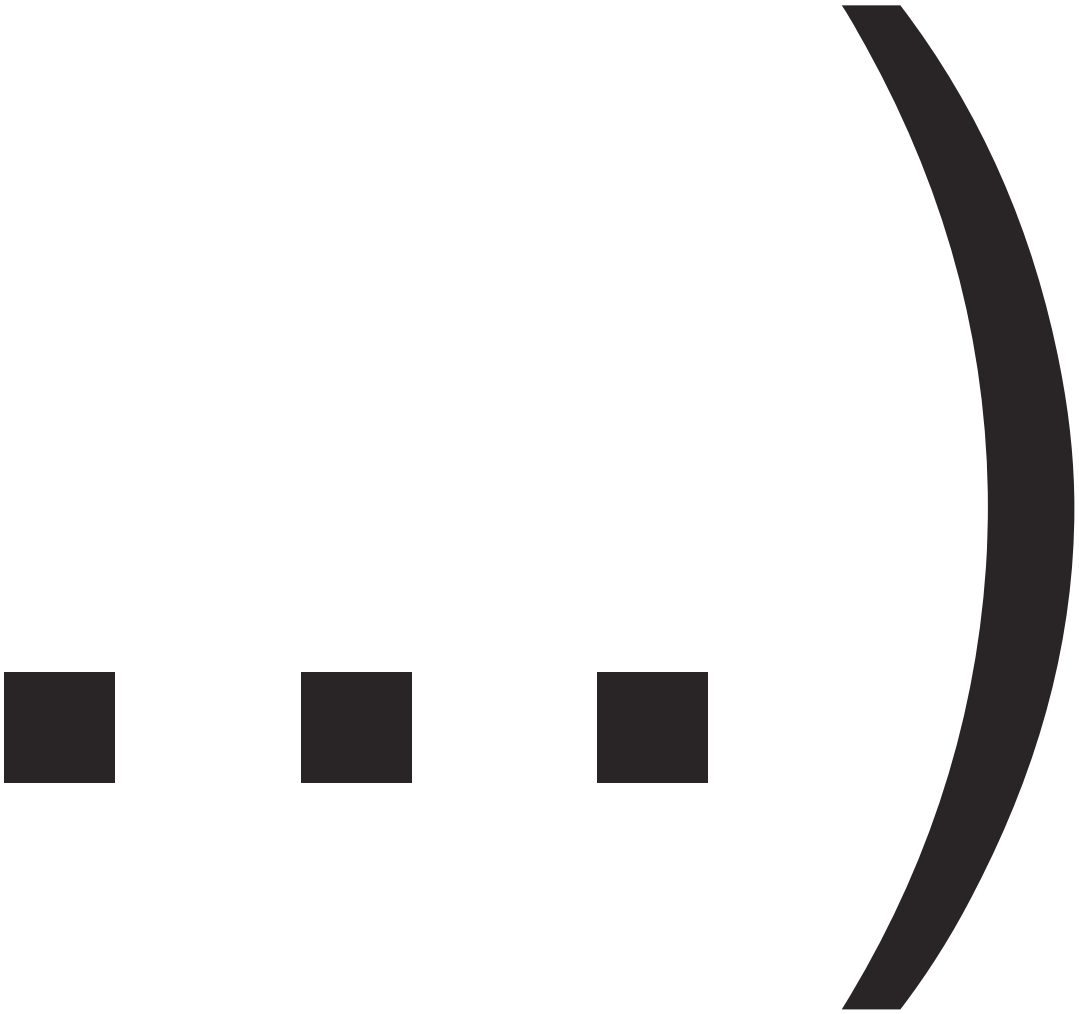
iat

ns

tut

air

es



SC

rit

es

su

r

la

list

e

ét

ab

an

nu

e

en

t

pa

r

le

pr

OC

ur

eu

r

de

la

liq

ue

ex

er

cic

e

de

sa

ssi

on

OC

ca

si

on

ne

un

e

m

un

ér

ati

on

ar

bit

e

pa

r

le

ge

et

fin

an

cé

e

pa

r

le

pa

tri

m

oi

ne

du

aj

eu

r

pr

ot

do

nt

as

su

re

la

bo

e

ge

sti

on

LO

rs

qu

e

le

aj

eu

r

pr

ot

ég

es

t

no

sp

ita

lis

ou

ac

é

da

ns

un

ét

ab

lis

se

en

t,

le

gé

ra

nt

de

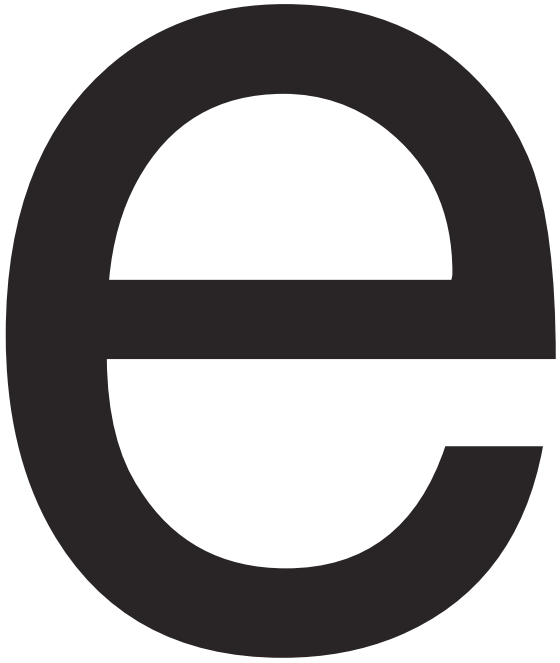
tut

es

pe

ut

êtr



dé

gn

pa

rm

le

pe

rs

on

ne

de

l'é

ta

SS

e

en

t

de

SO

S.

E

ca

S

de

va

ca

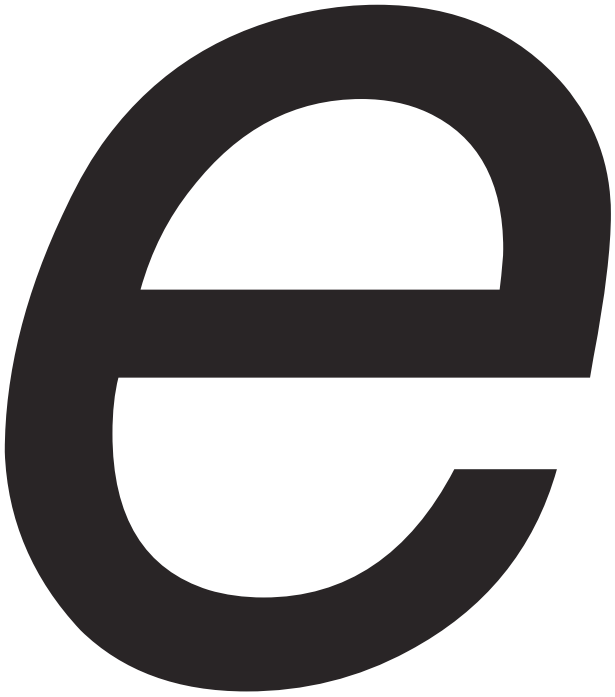
nc

lia

le,

la

tut



p

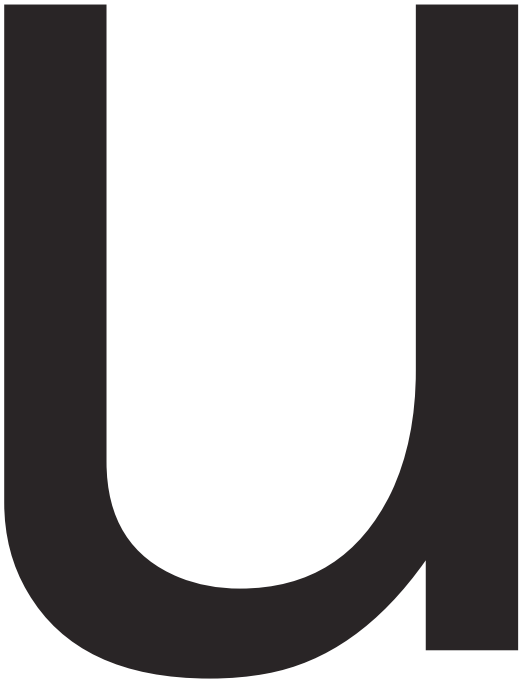
e

ut

êt

d

év



e

à

ta

tu

d'

at

e

CO

p

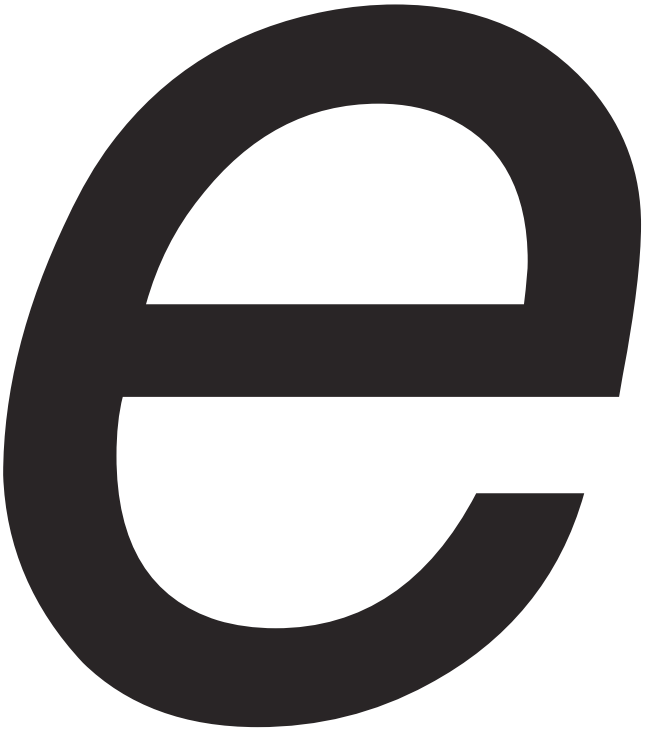
or

te

CO

ns

d



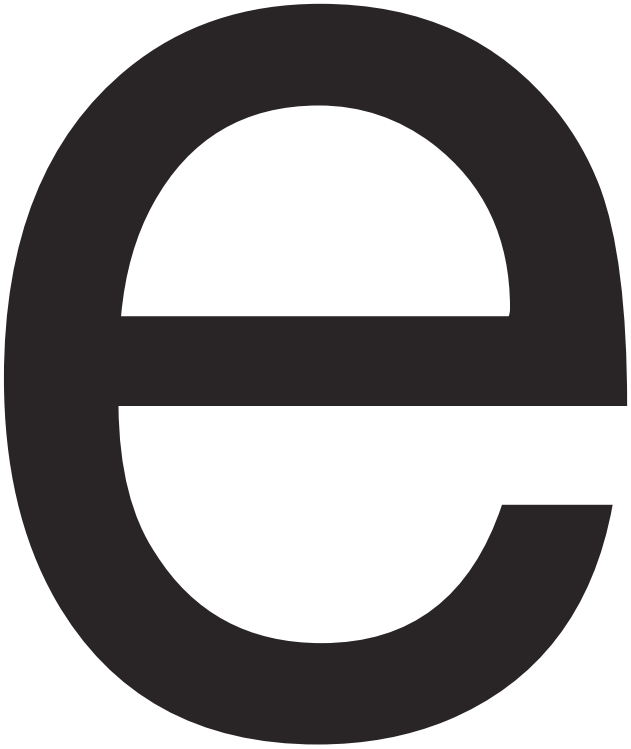
fa

,

ni

tu

te



tu

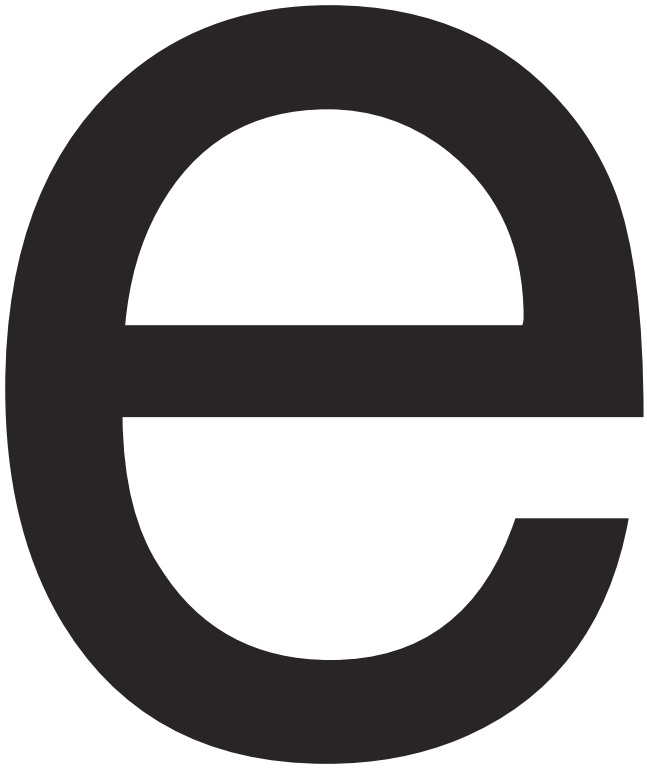
t

S

O

u

S



C

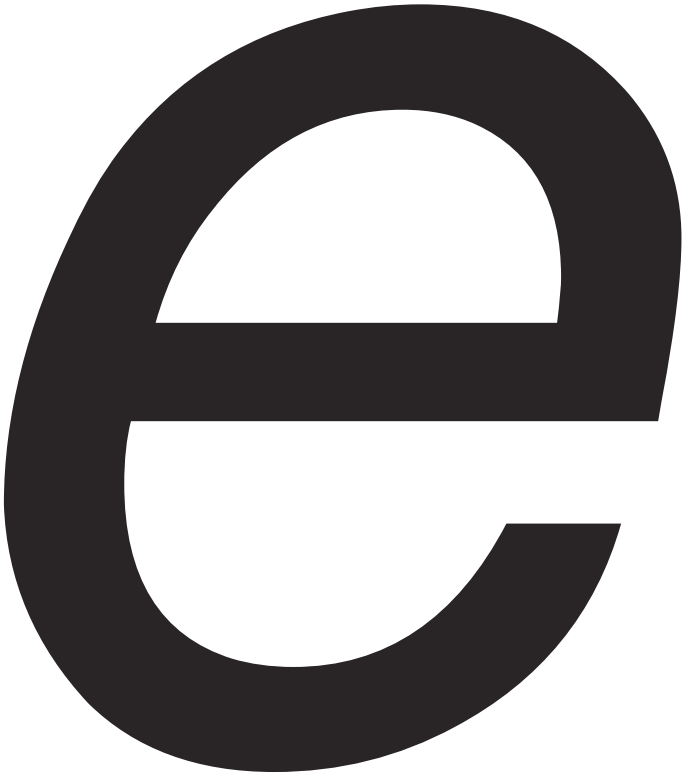
O

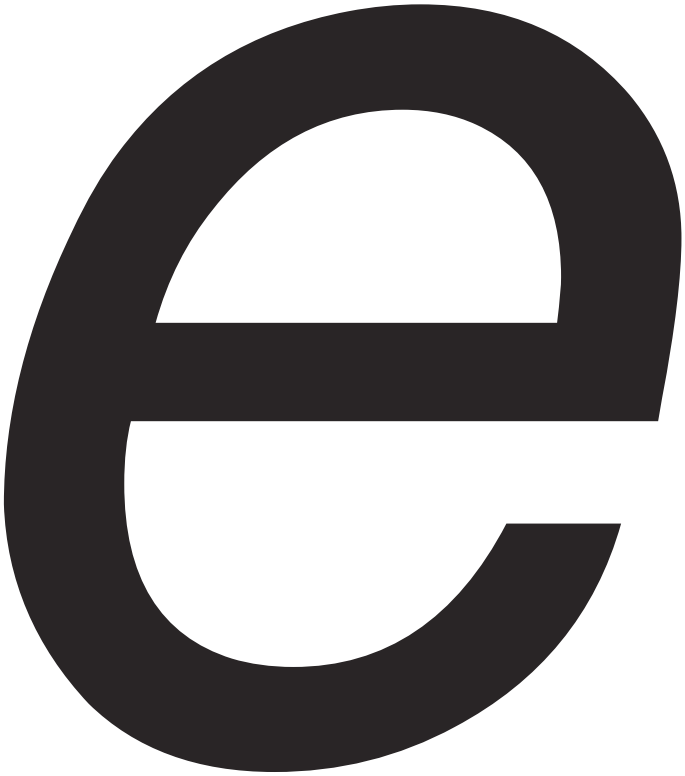
nt

le

d

g

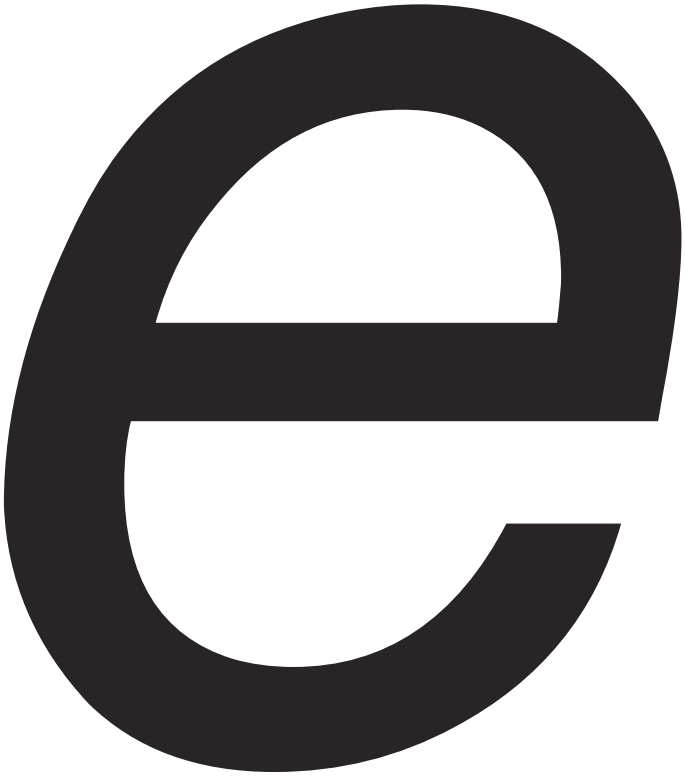




S

tu

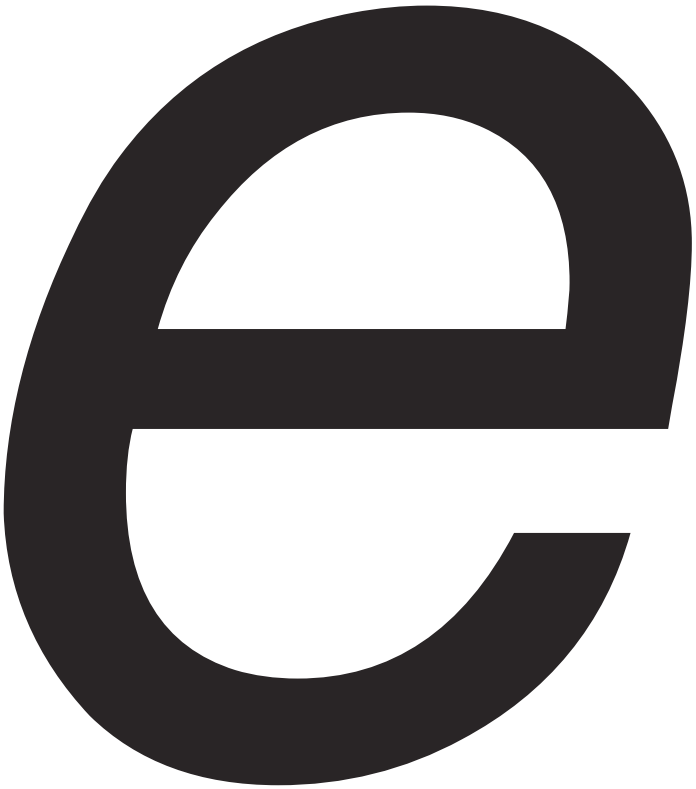
te



S.

tu

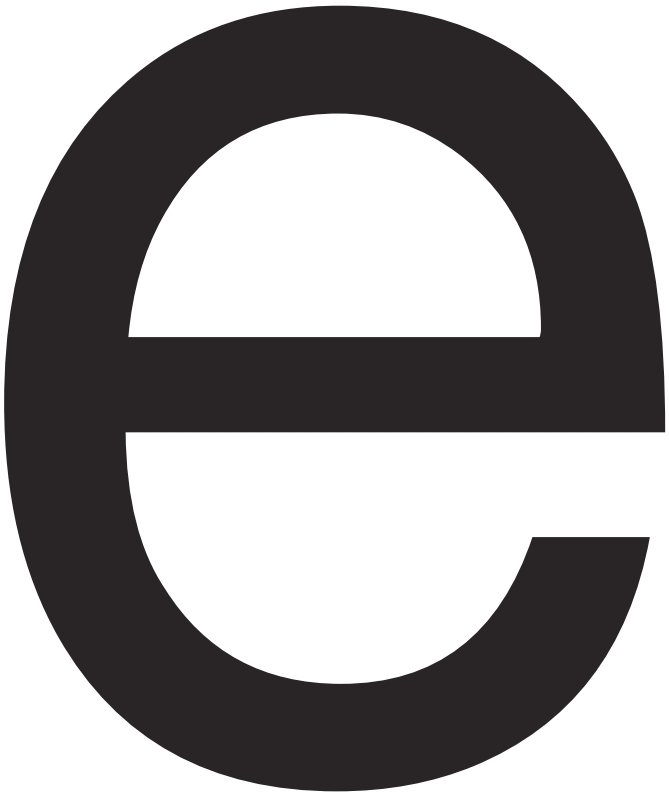
te



d'

Et

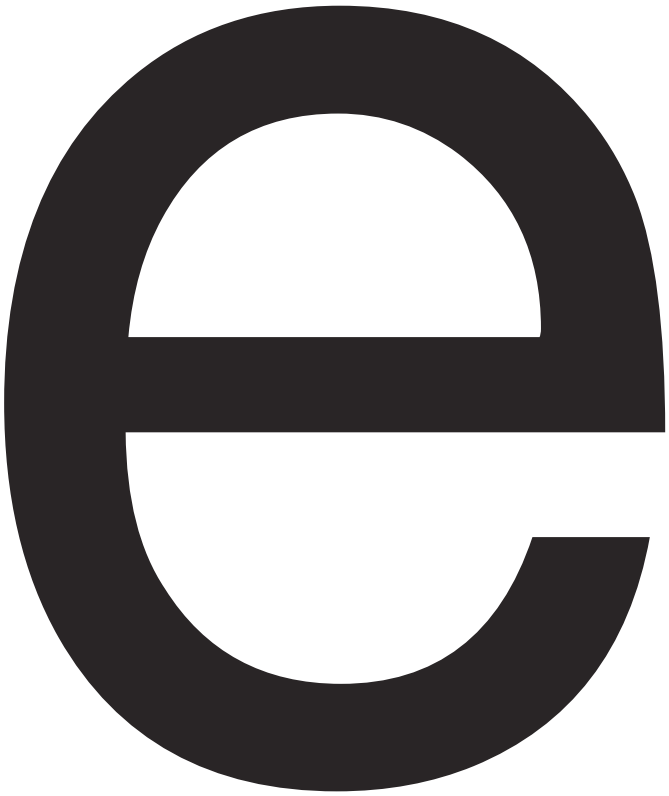
at

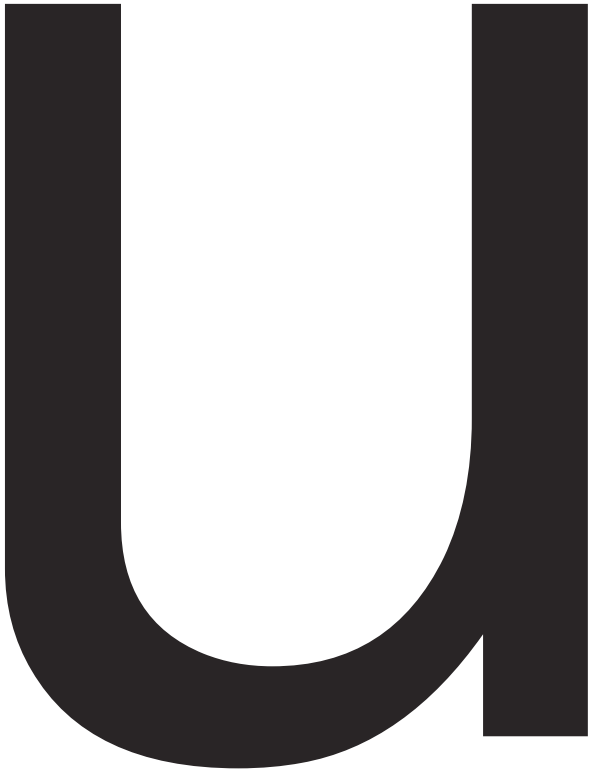


st

C

O





et

le

u

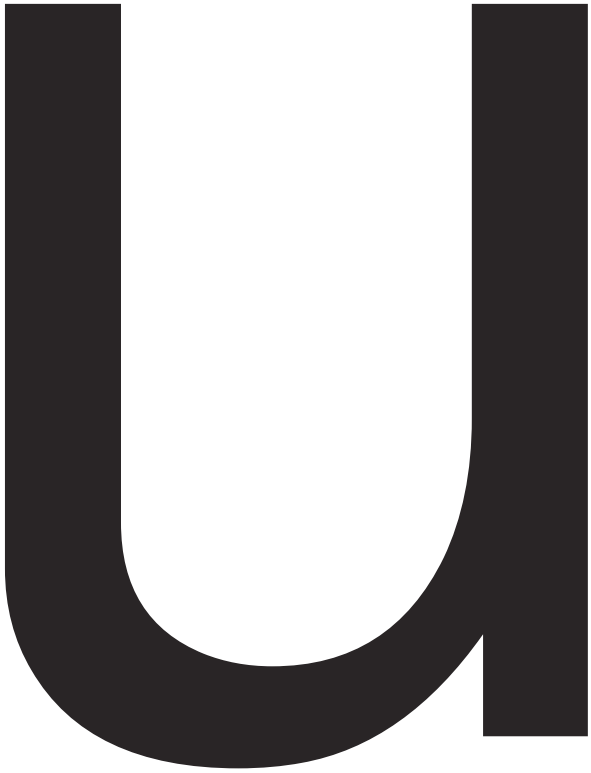
el

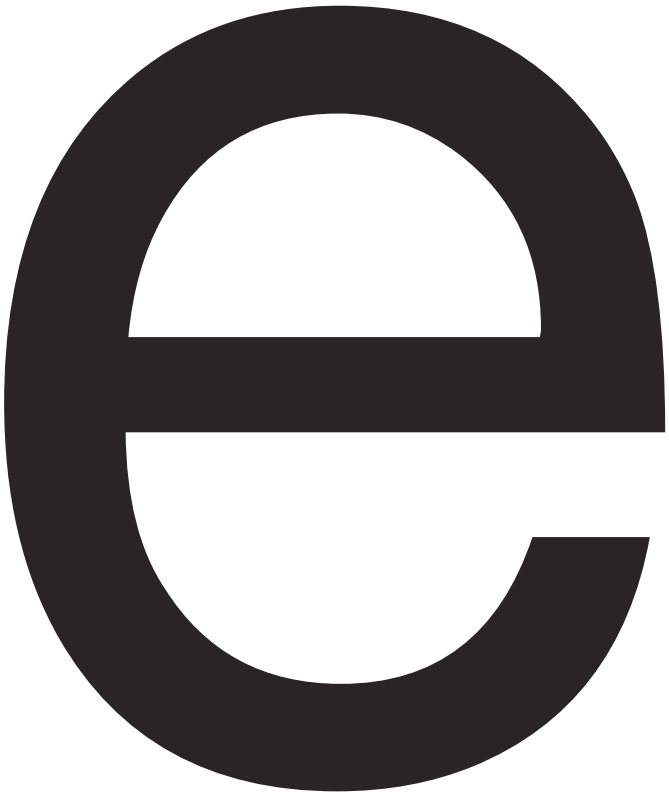
la

d

é

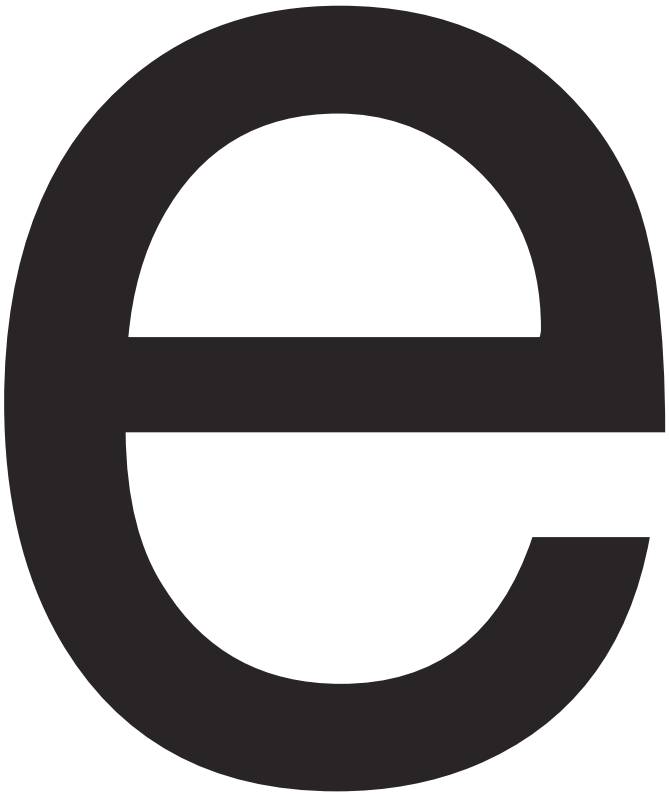
g





u

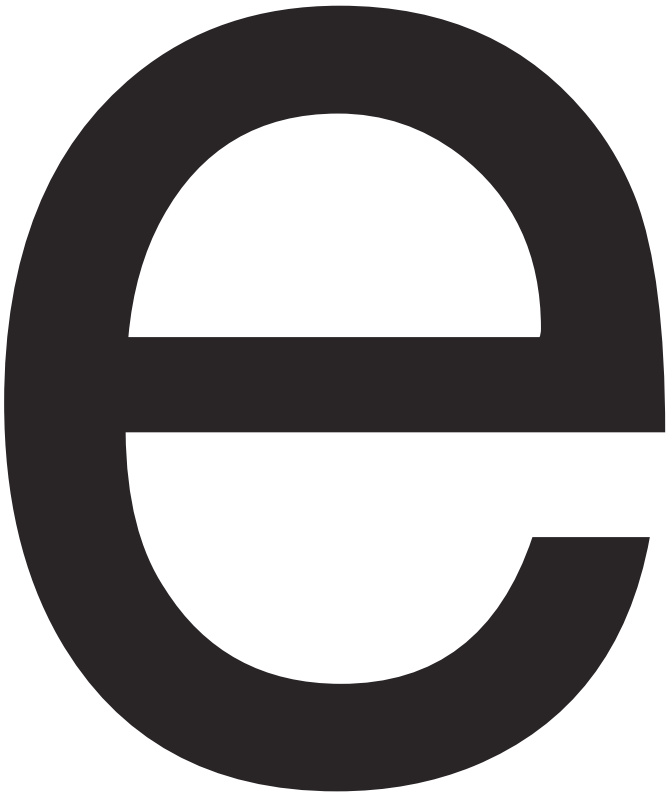
ct



d

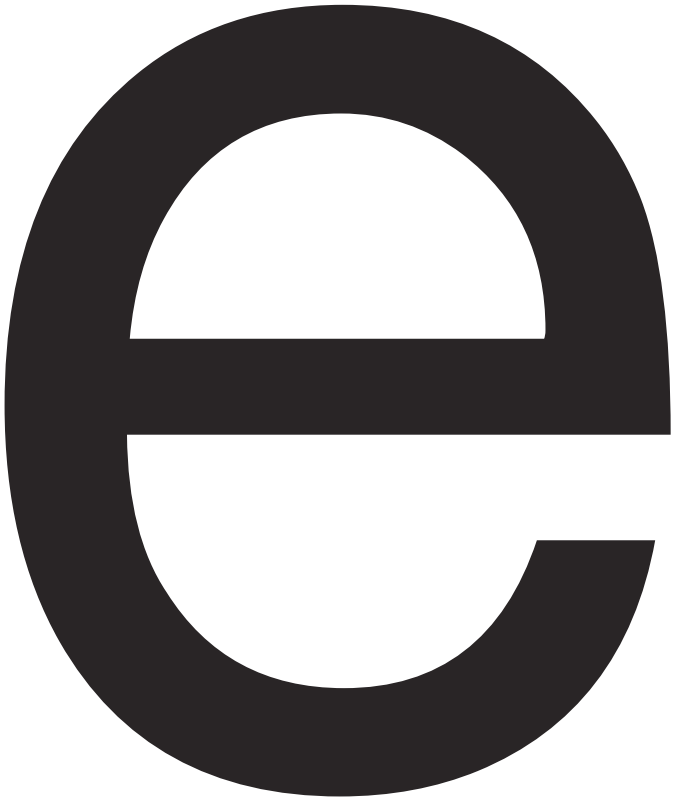
p

te



nt

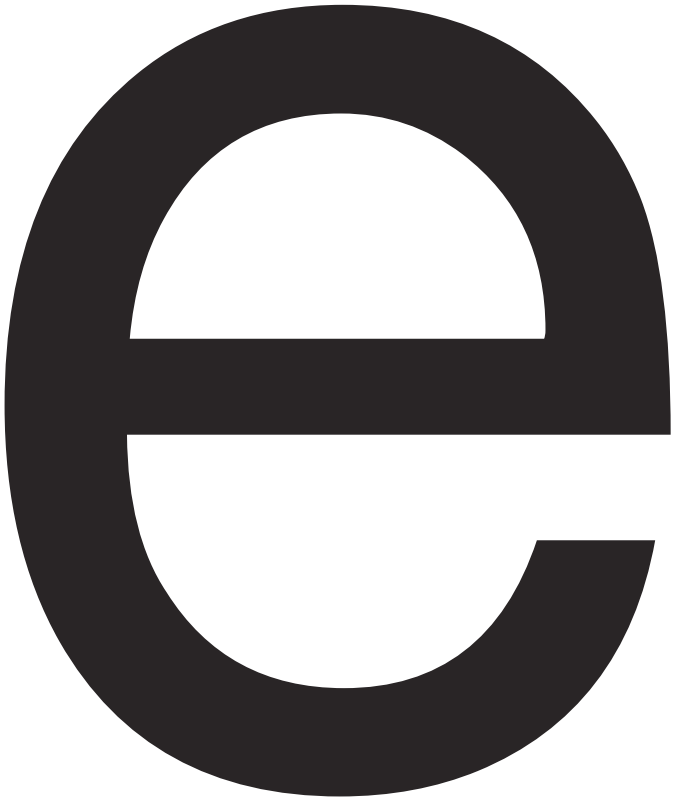
d



ct

S

ta



et

S

O

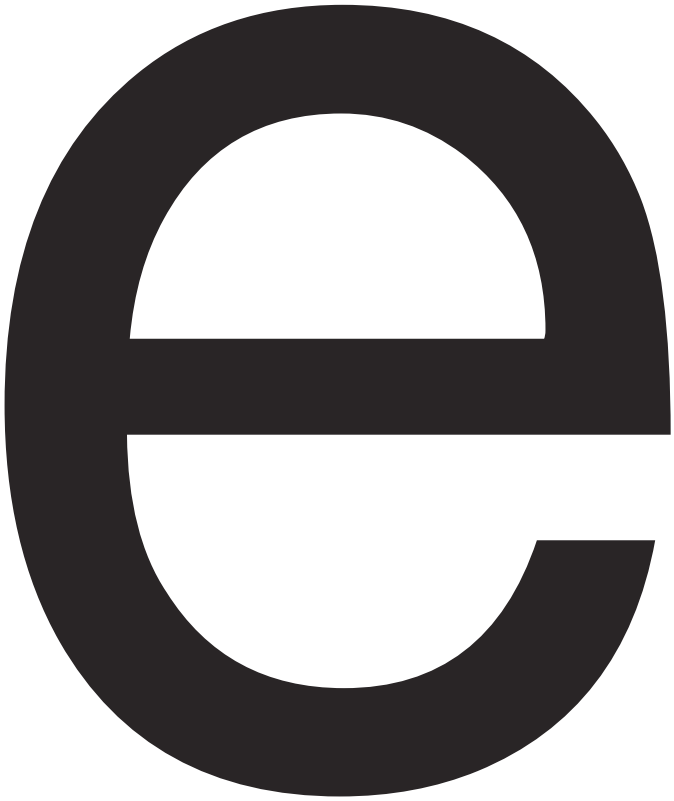
e,

à

ot

O

à

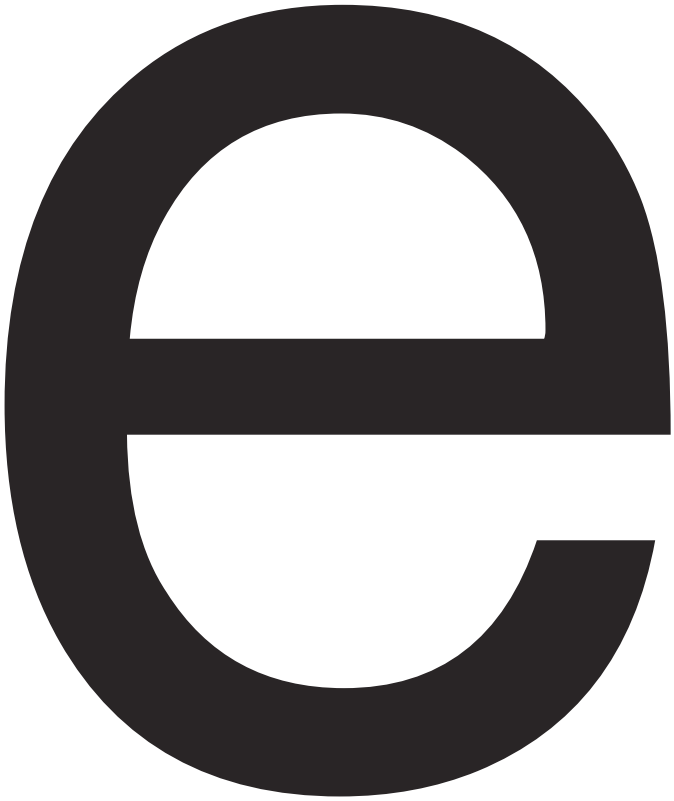


p

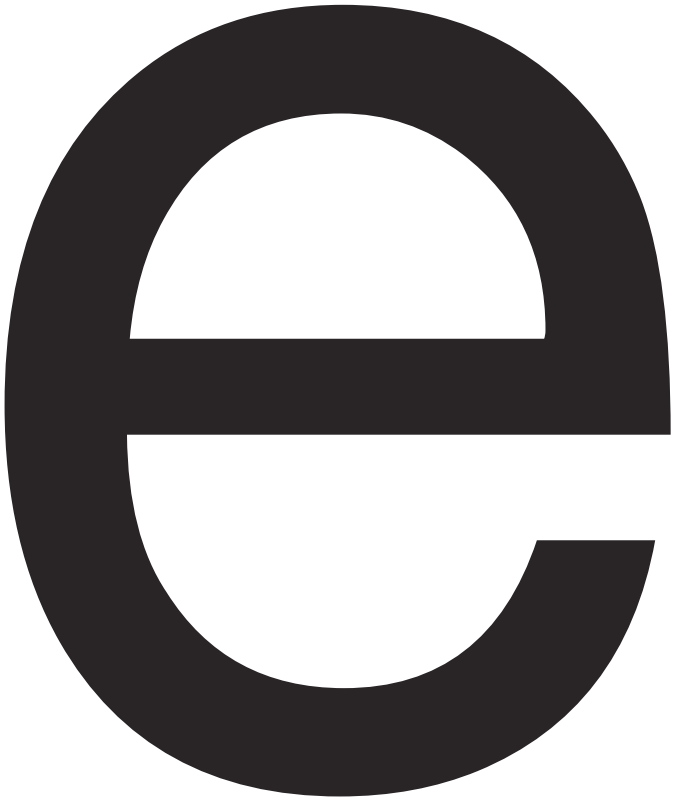
er

S

O



y

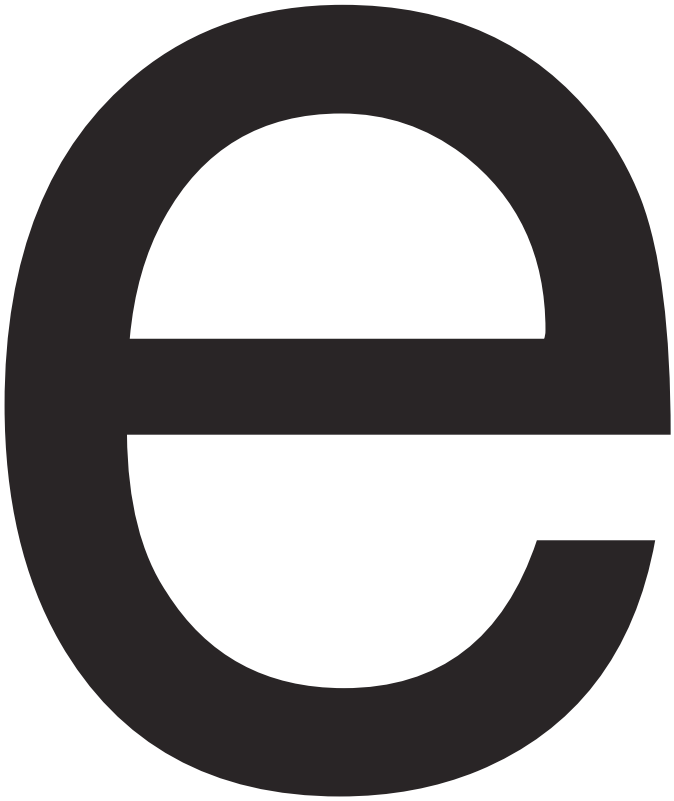


O

m

or

al



(a

S

S

O

at

tu

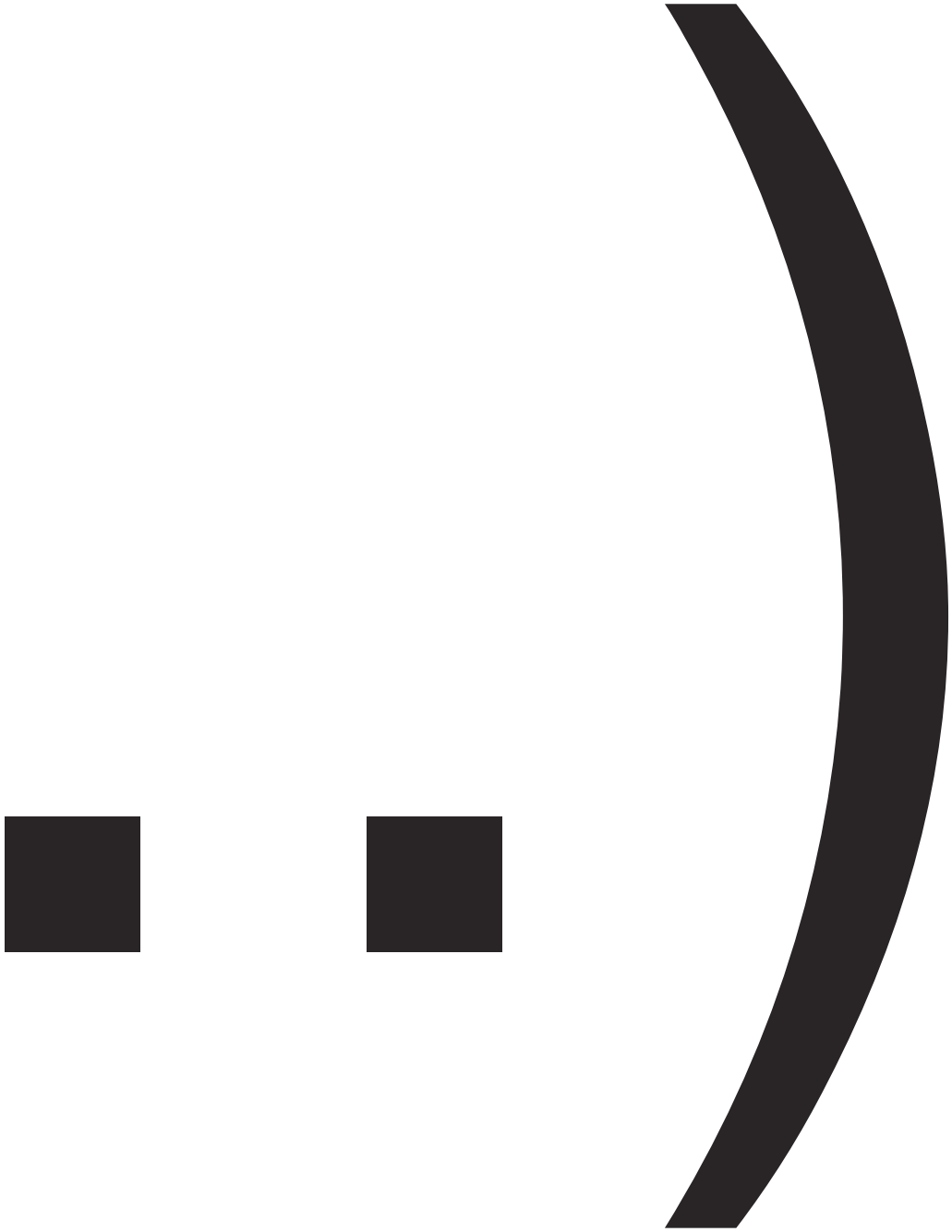
té

la

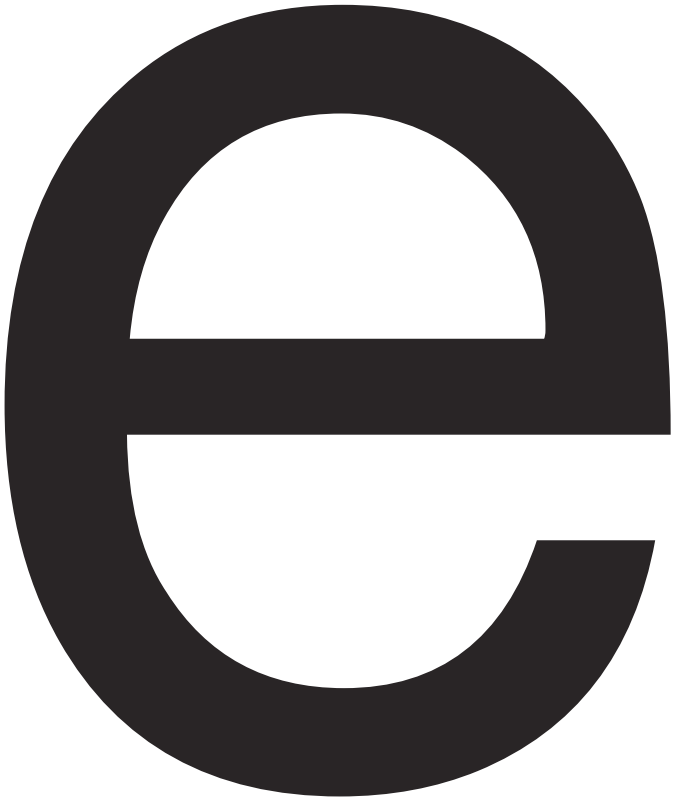
e,

d

at



S



S

la

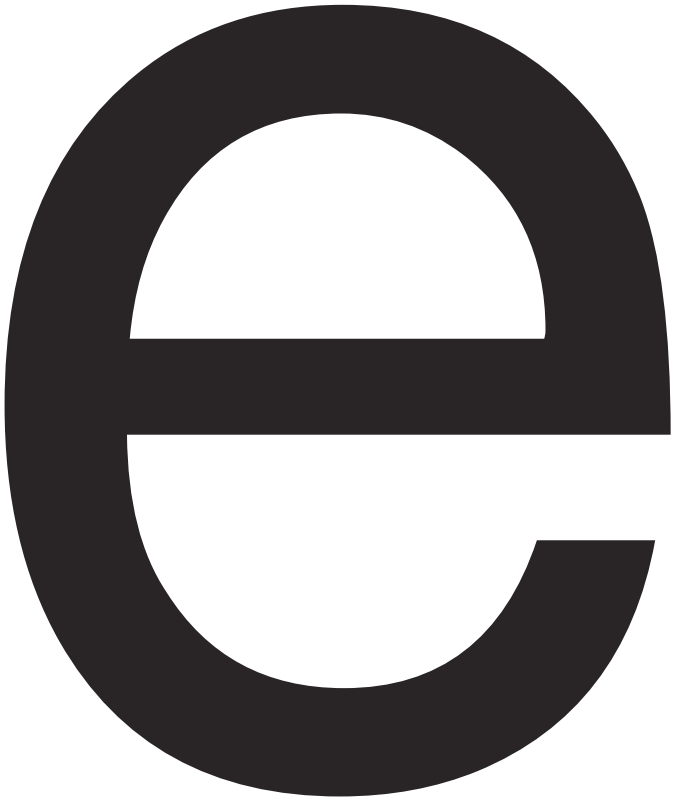
lis

te

el

le

m

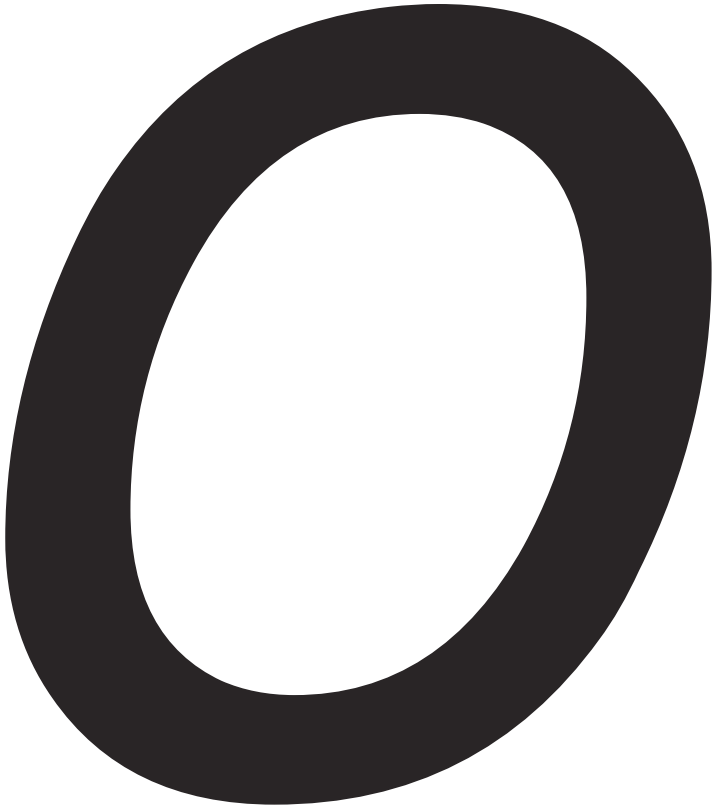


nt

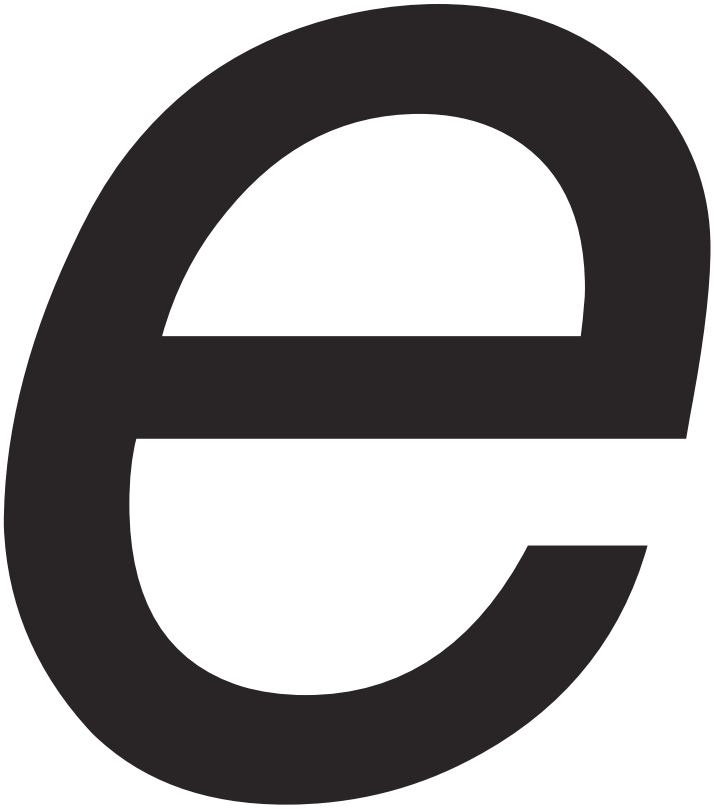
p

le

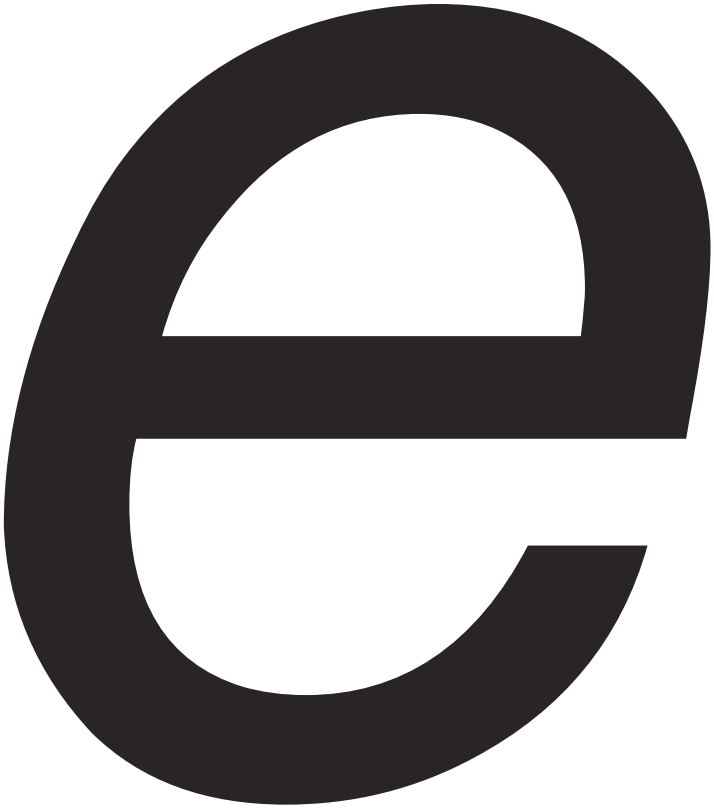
pr



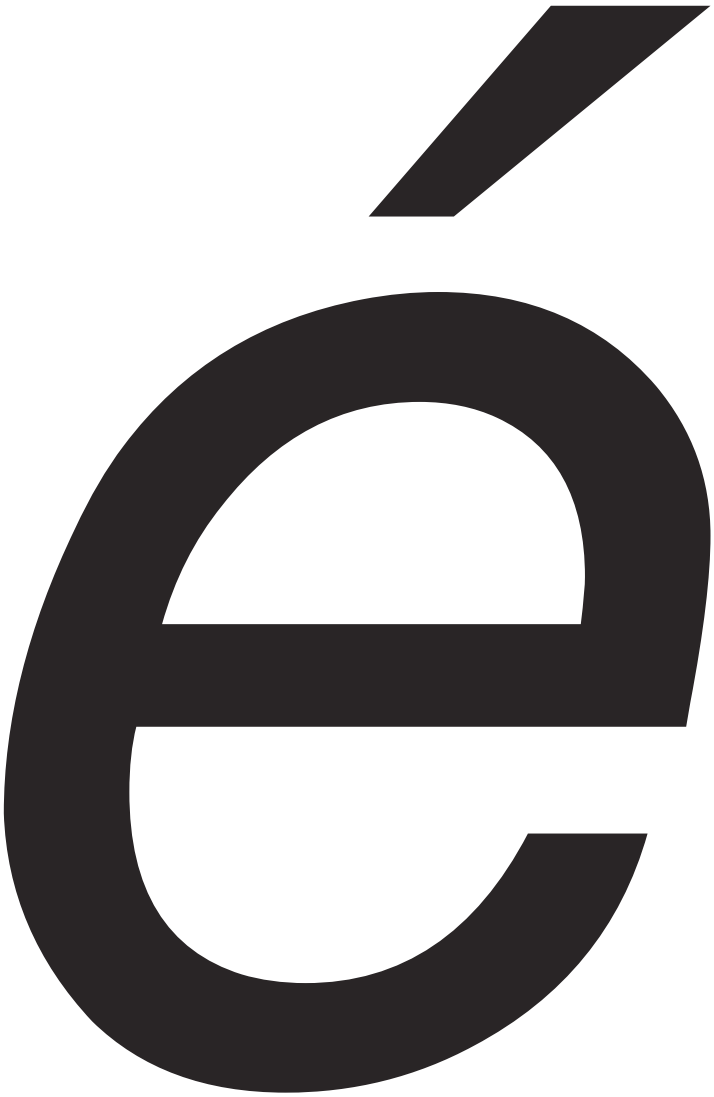
C



d



la



e.

S

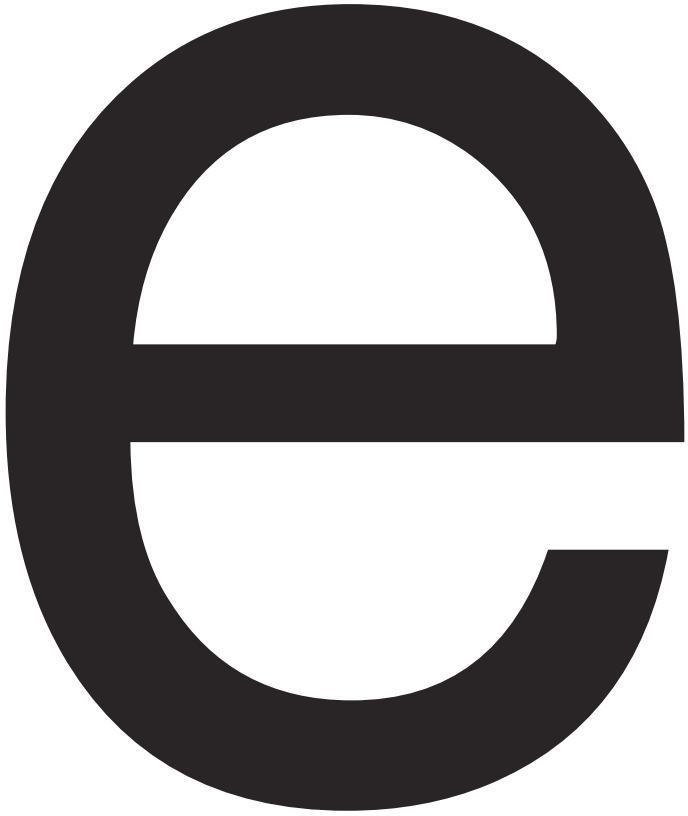
O

S

O

at

d



S

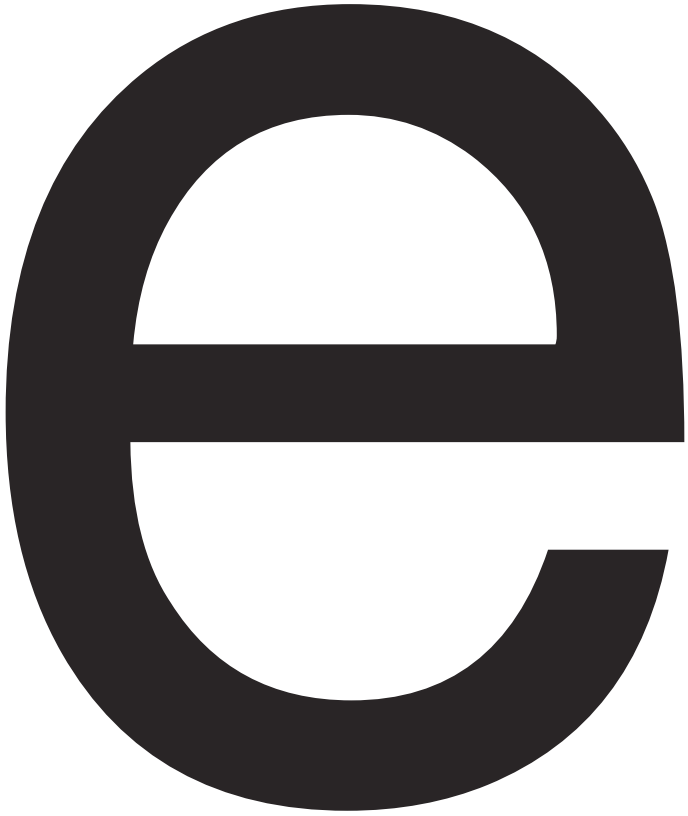
nt

et

S

S

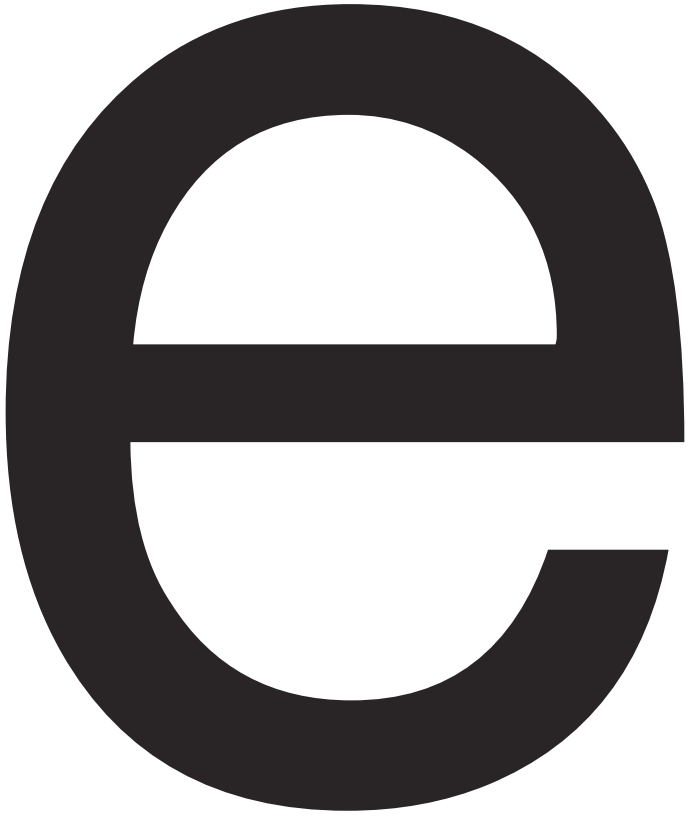
d



S

O

d



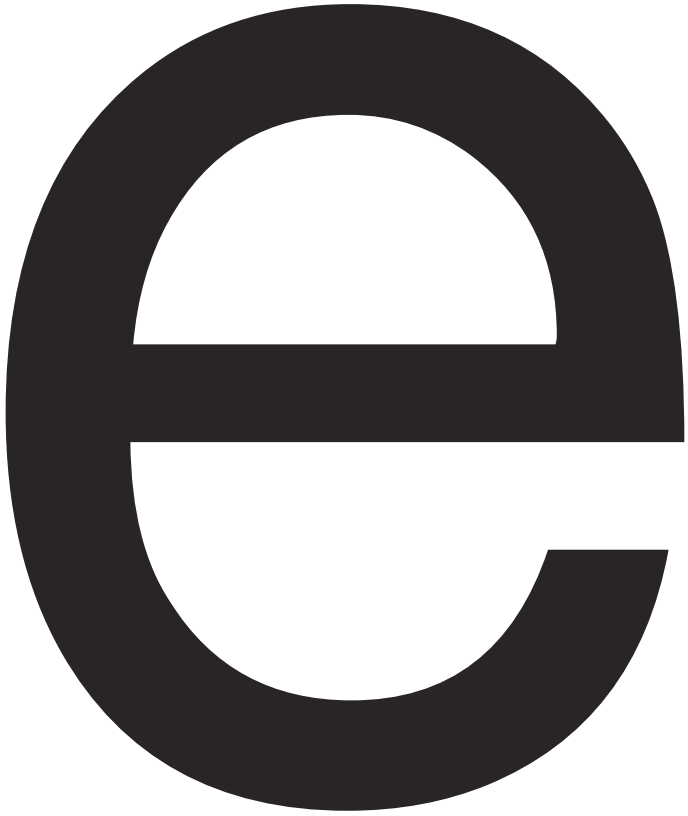
tr

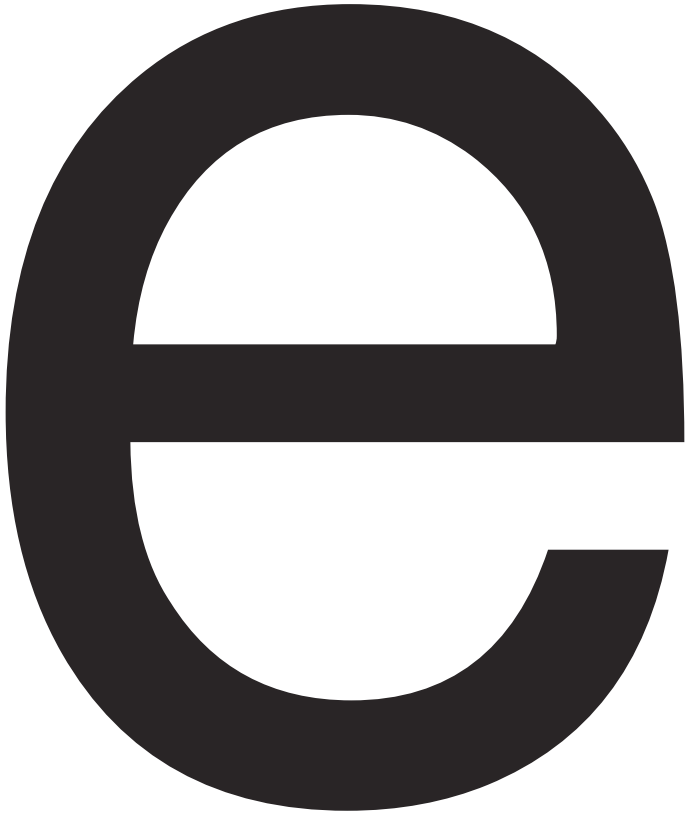
ta

nt

le

g



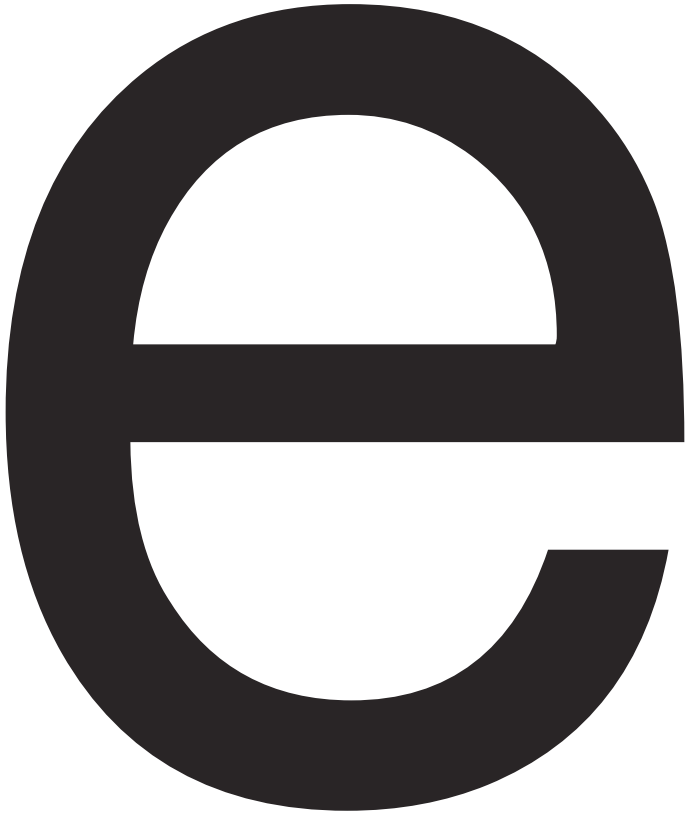


ut

la

S

er



ot

g

le

O

V

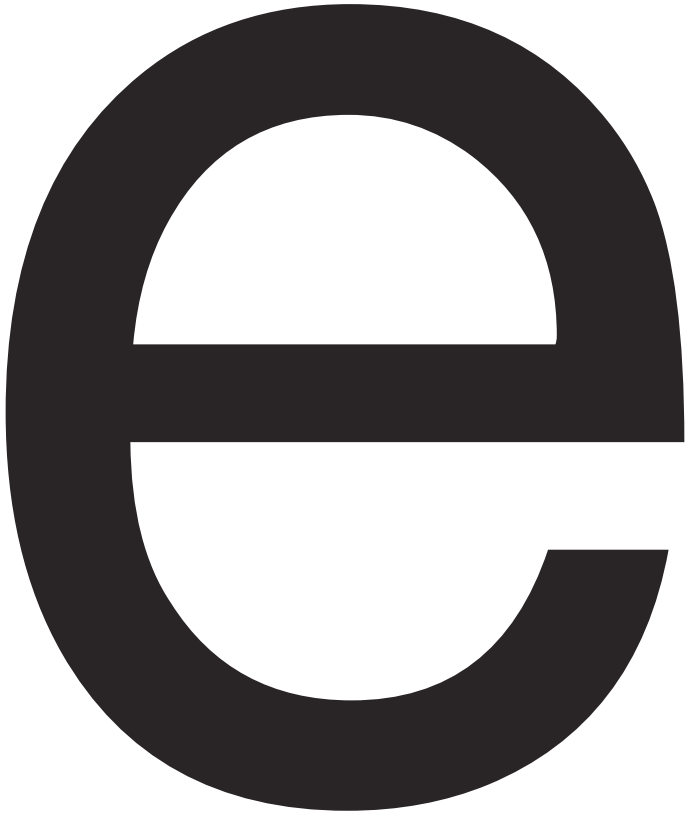
d'

C

C

O

m

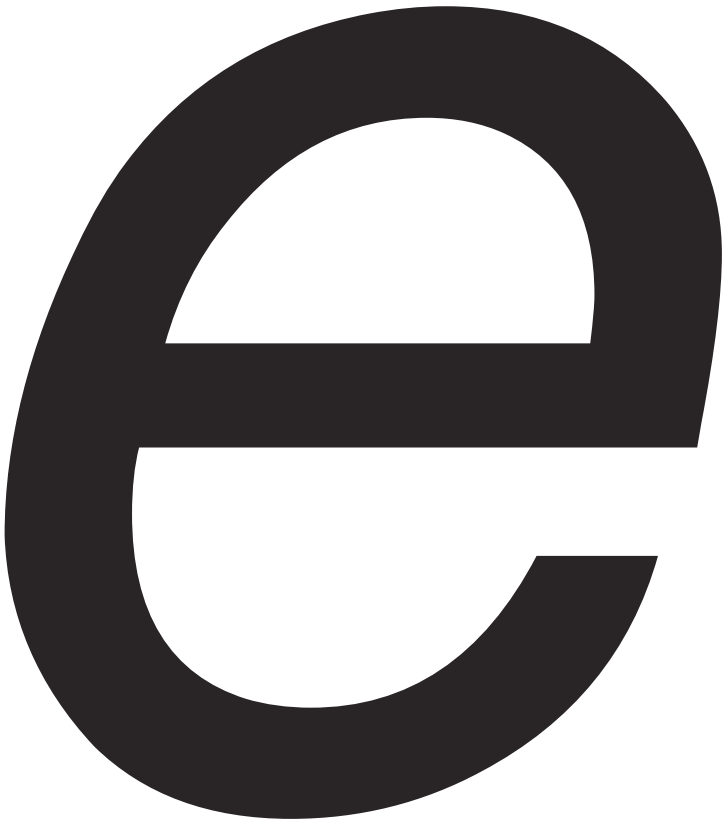


C

er

ta

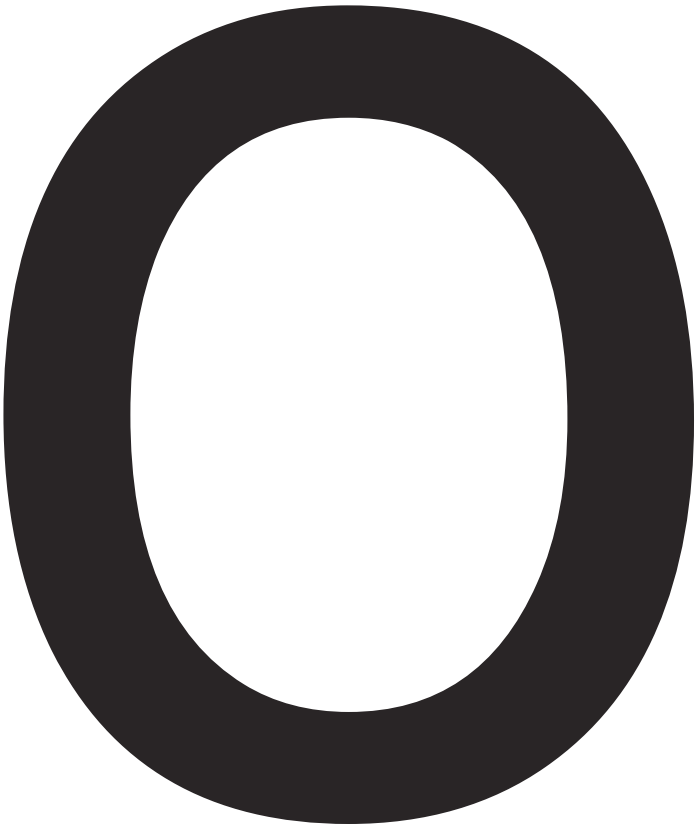
S



S,

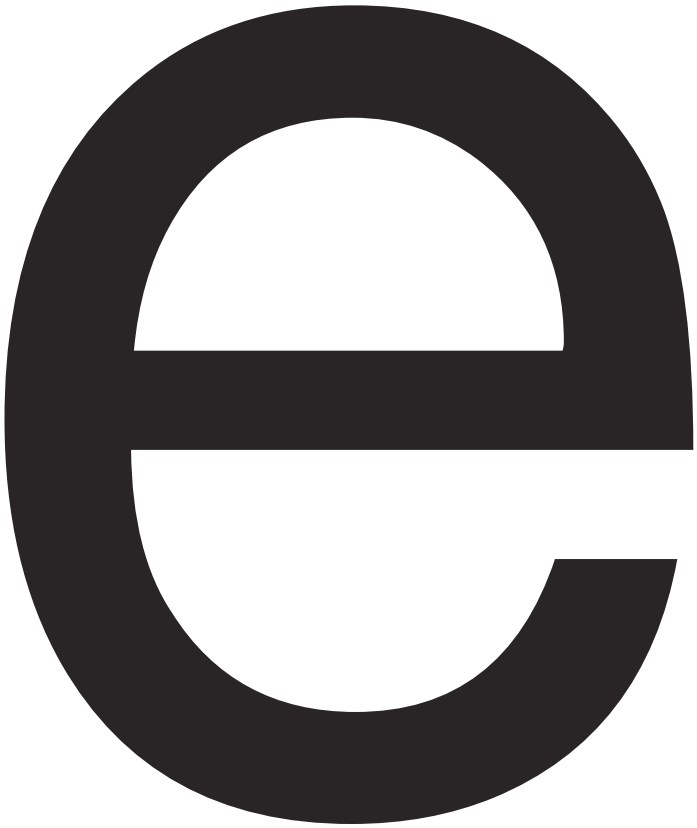
S

e



u

V



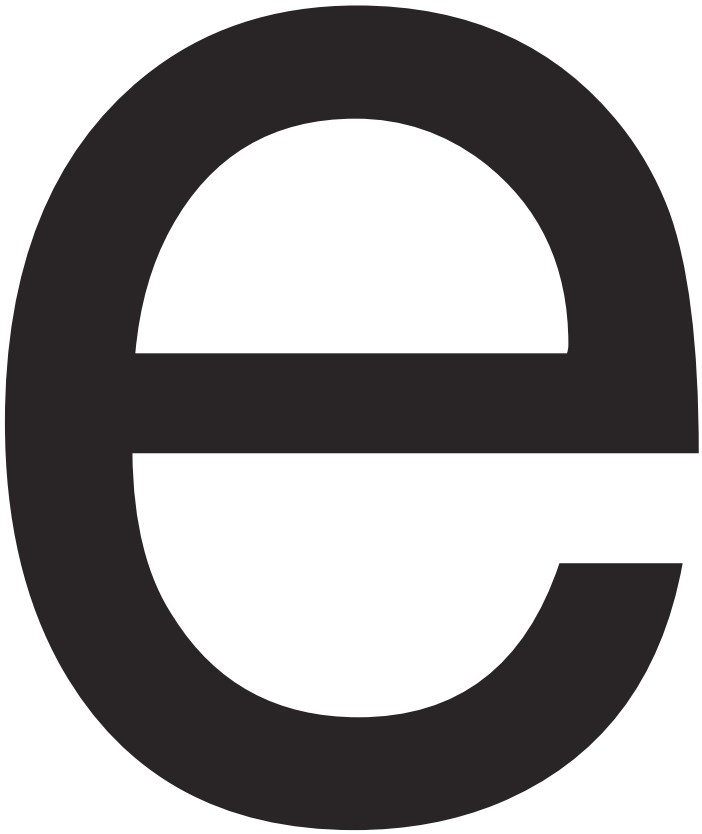
C

S

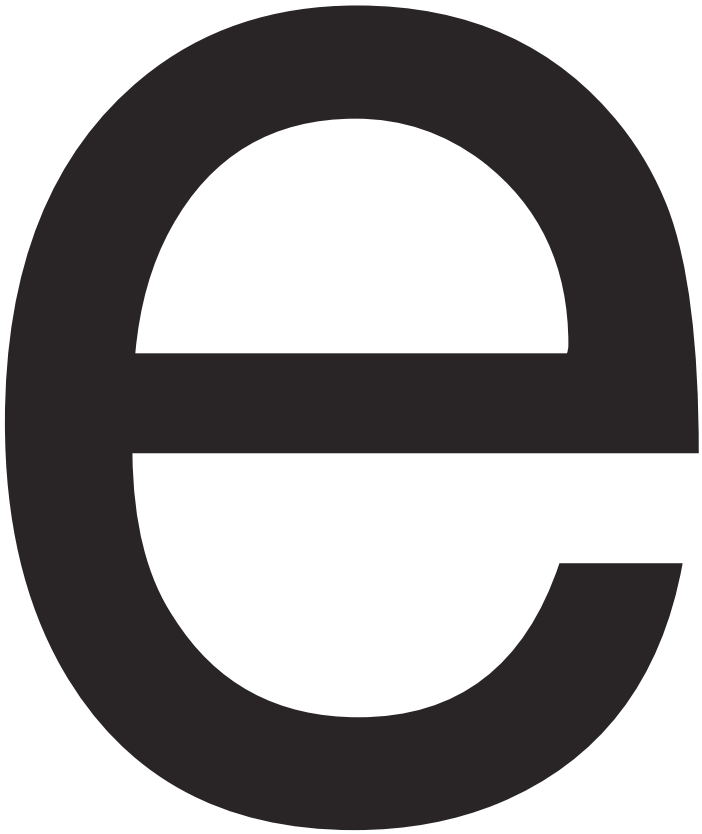
Si

st

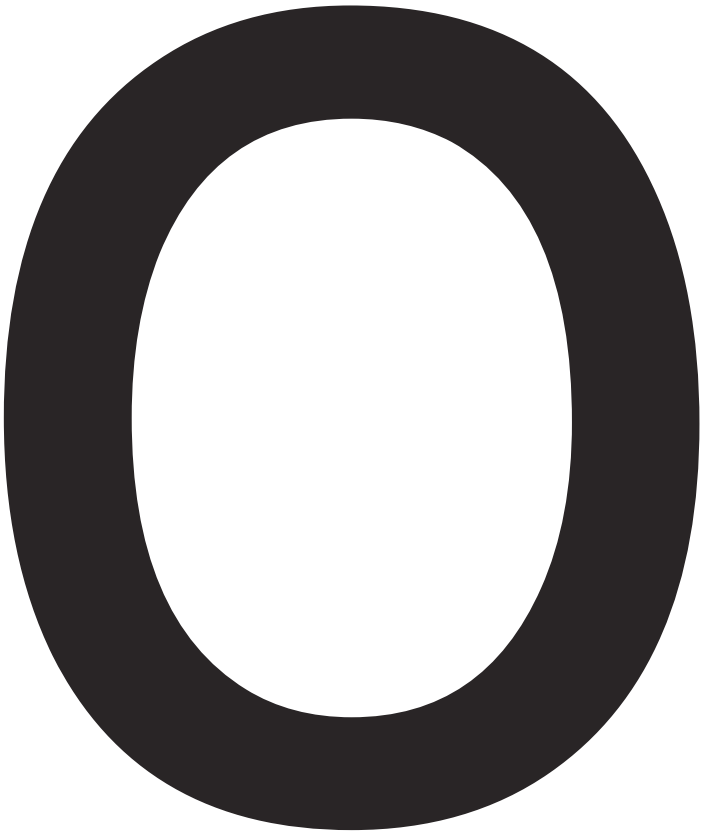
C



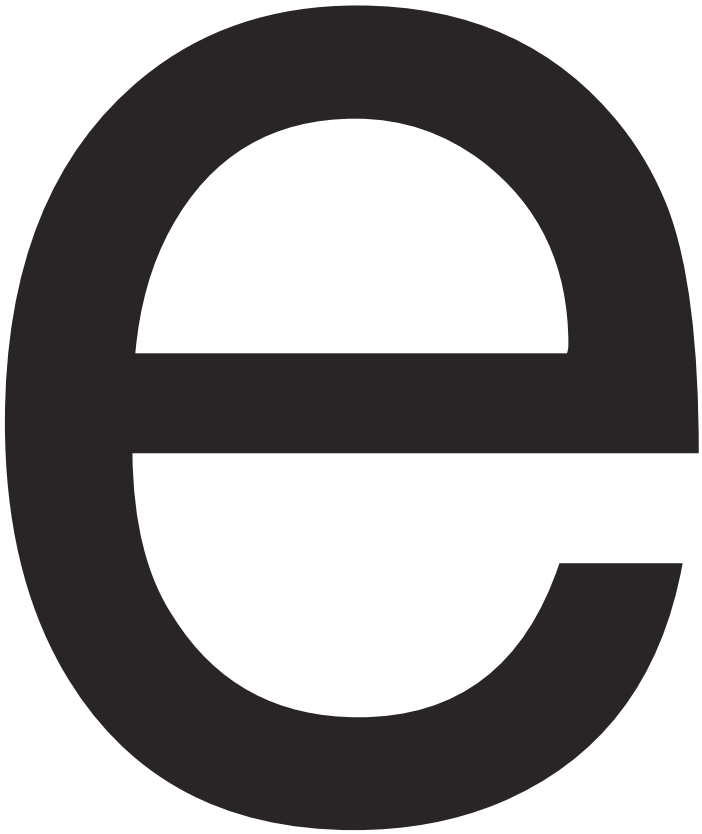
d



S



S



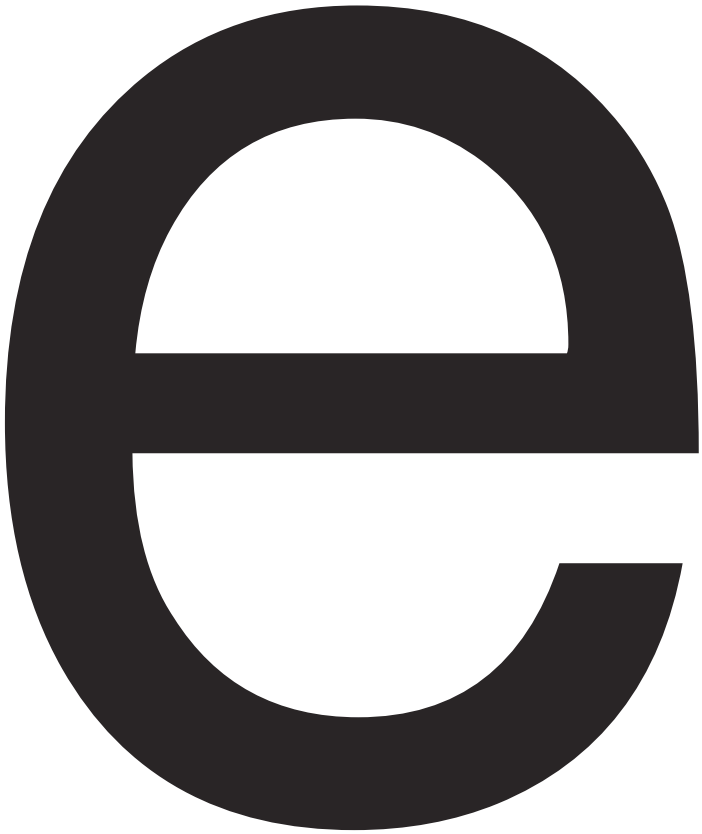
nt

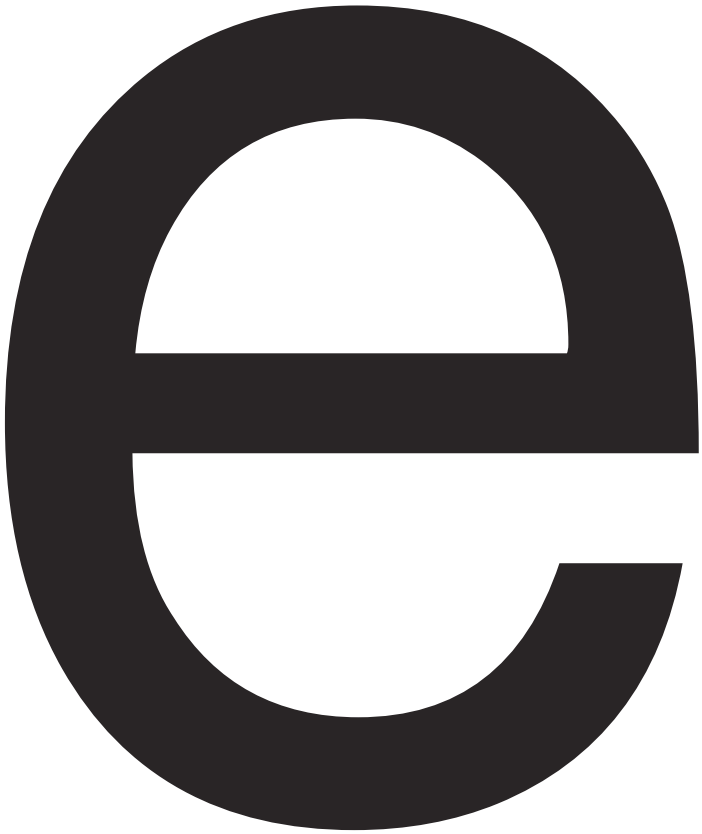
nt

g

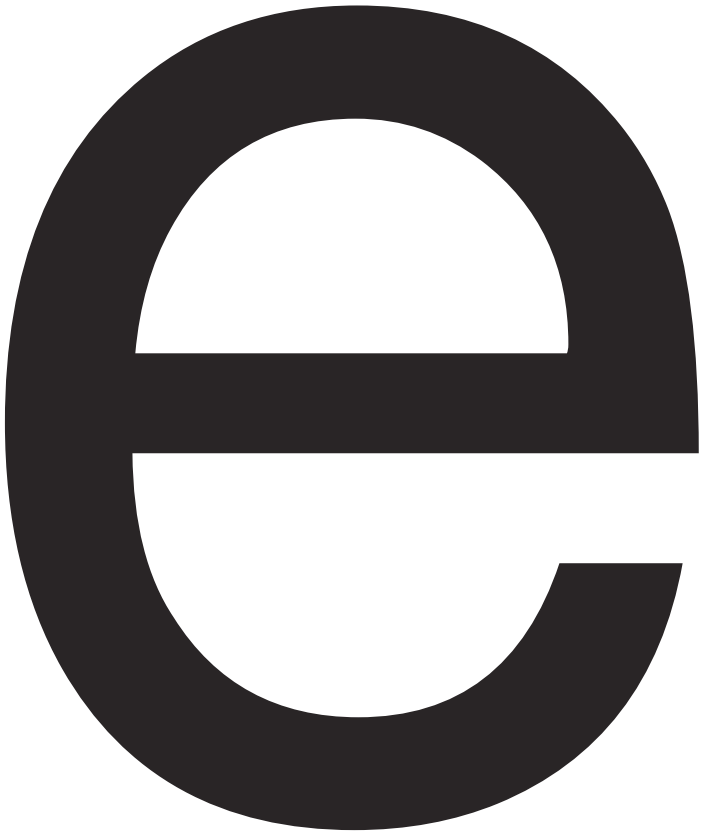
al

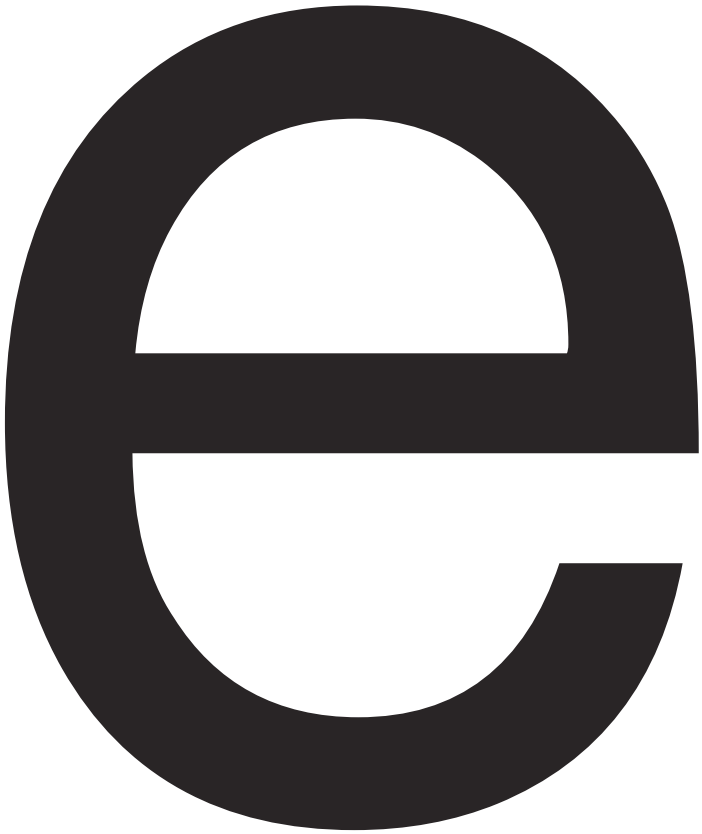
la



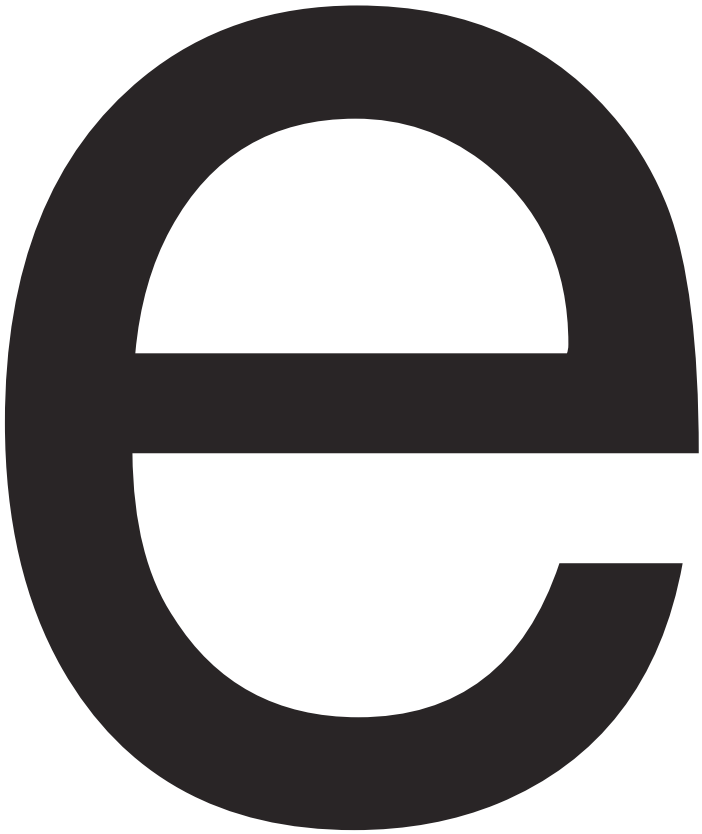


O



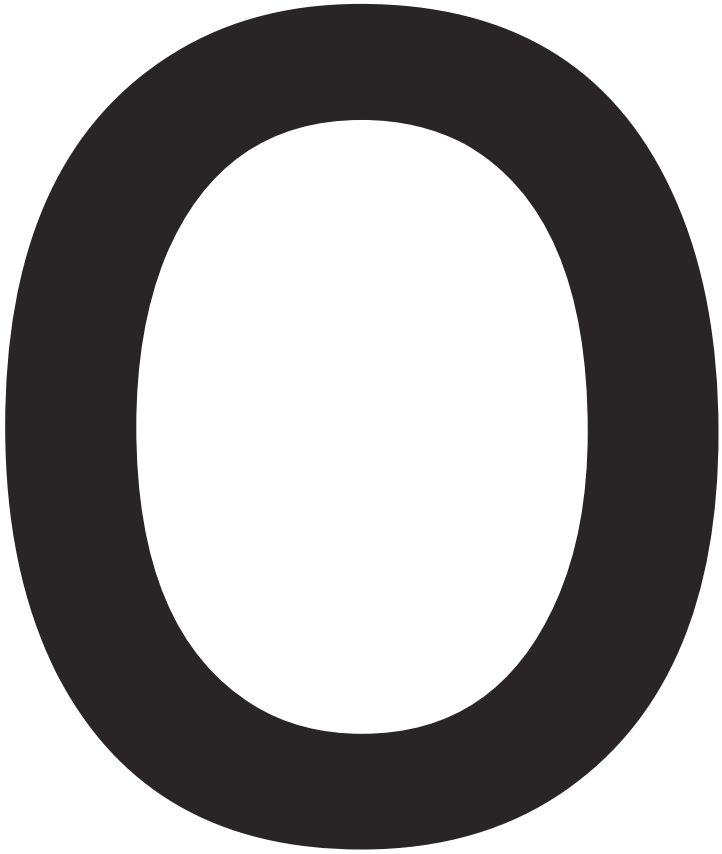


d'



d

S

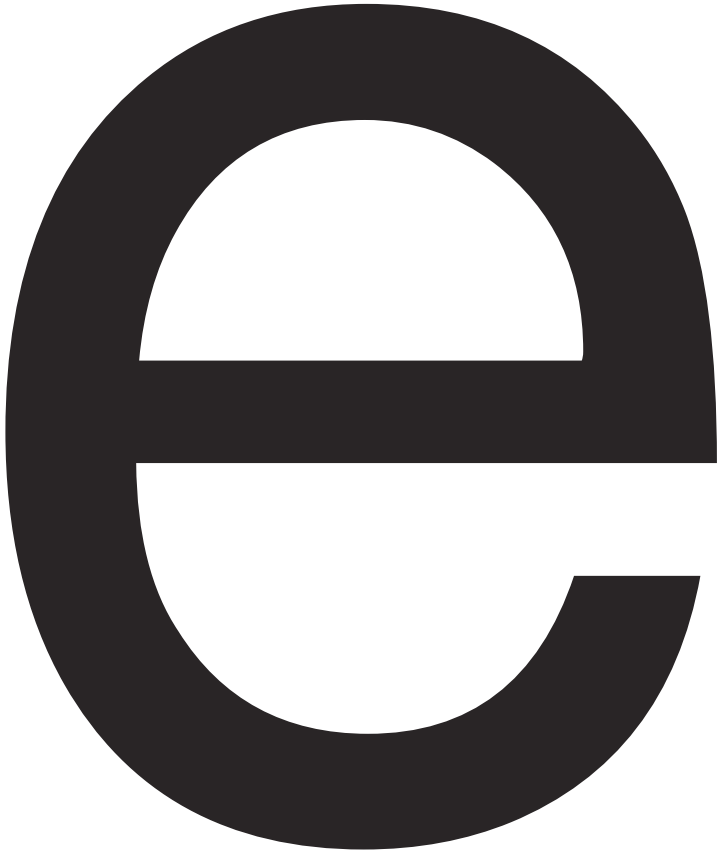


V

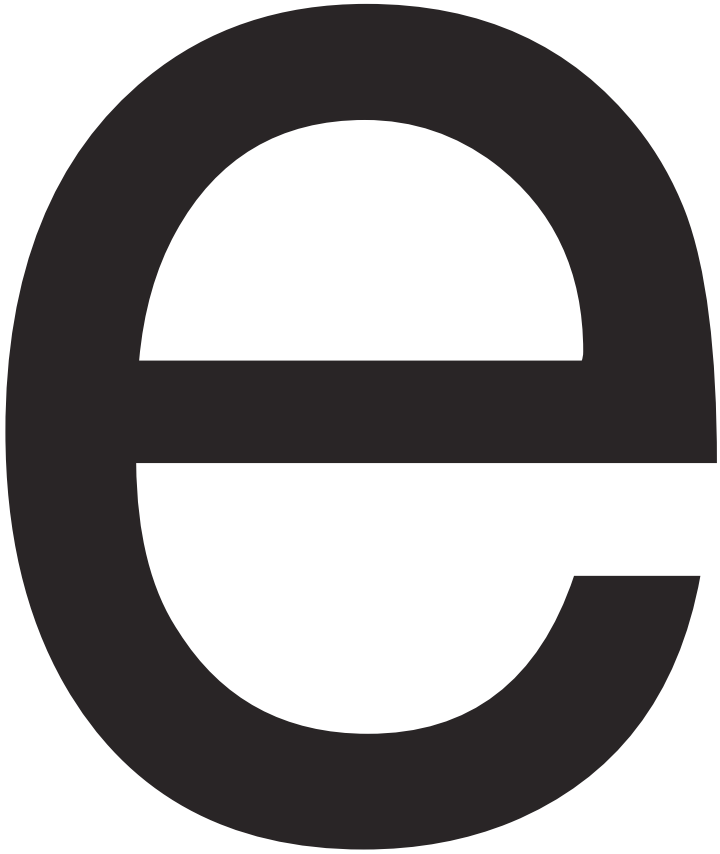
er

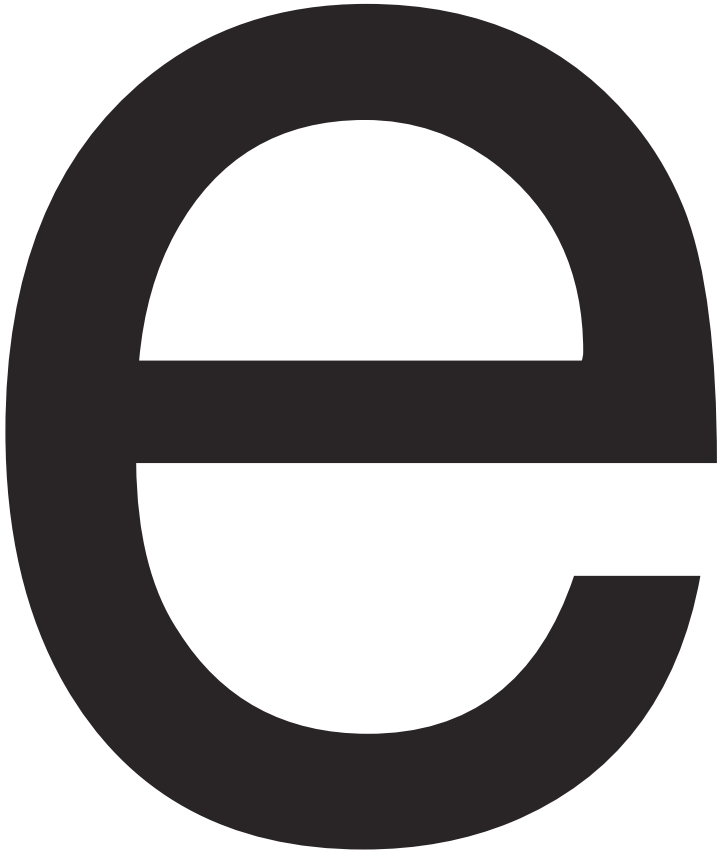
tu

d

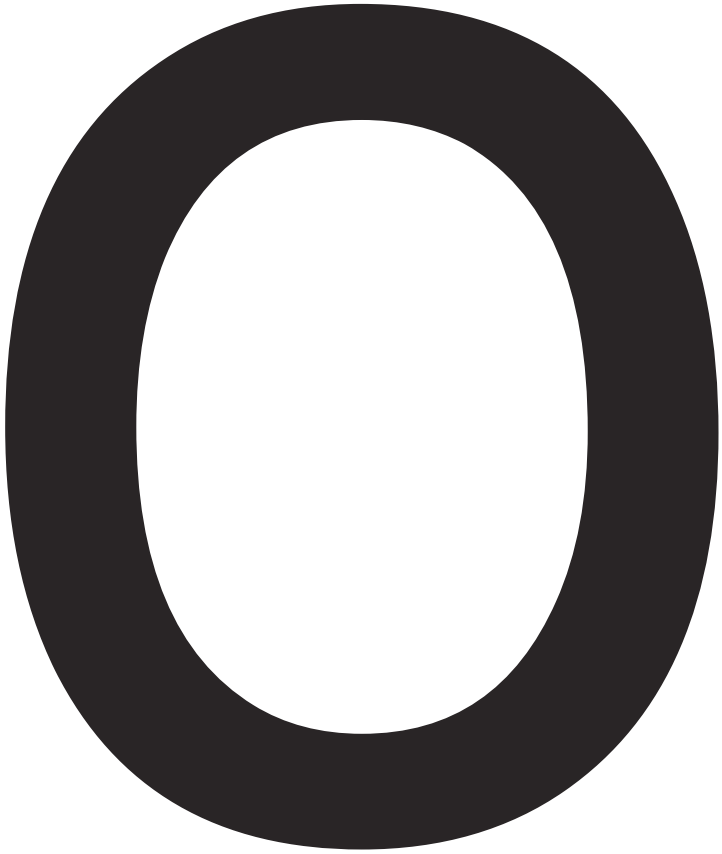


d



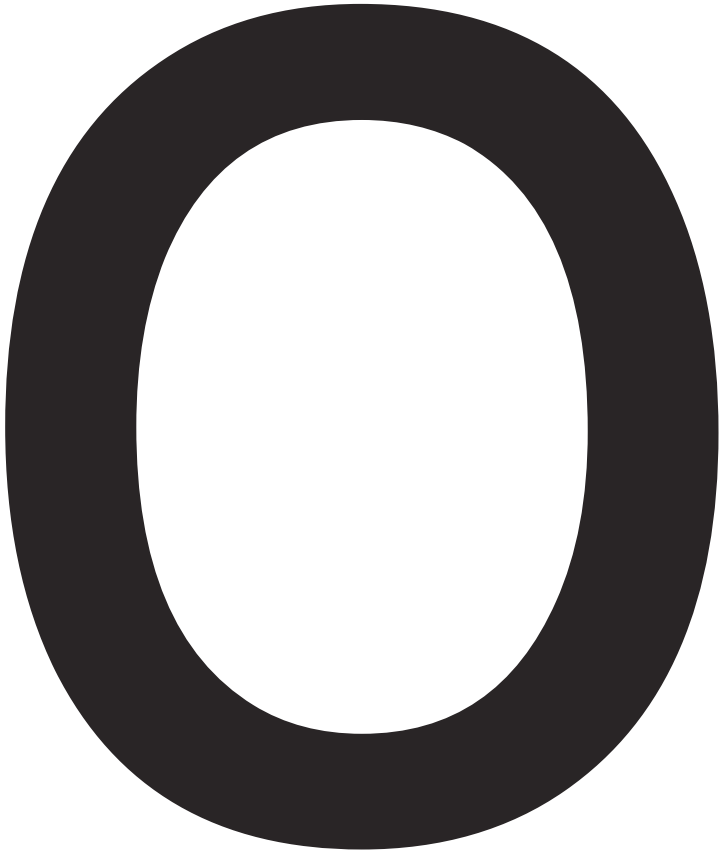


ct

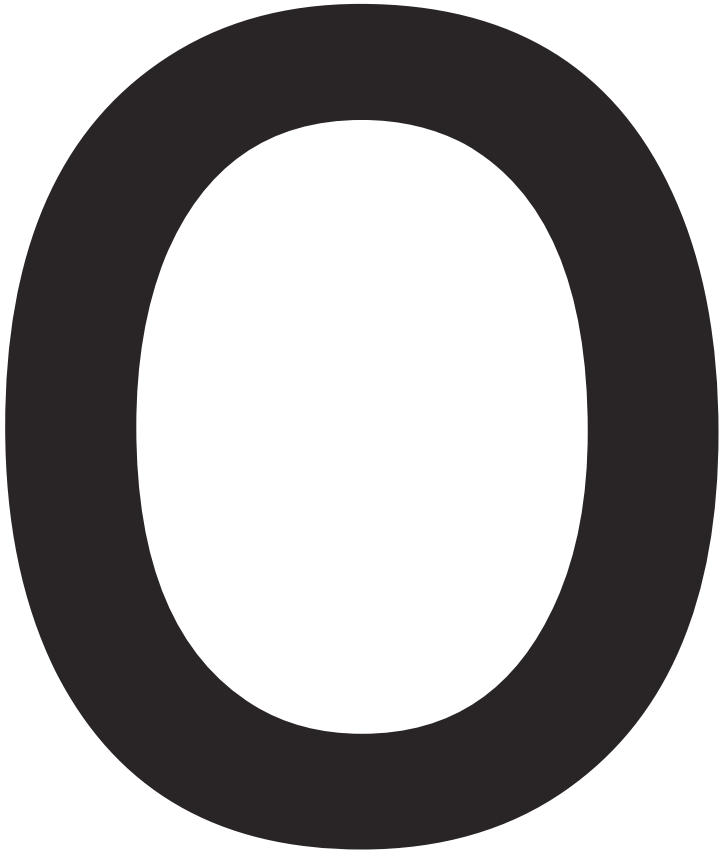


p

d



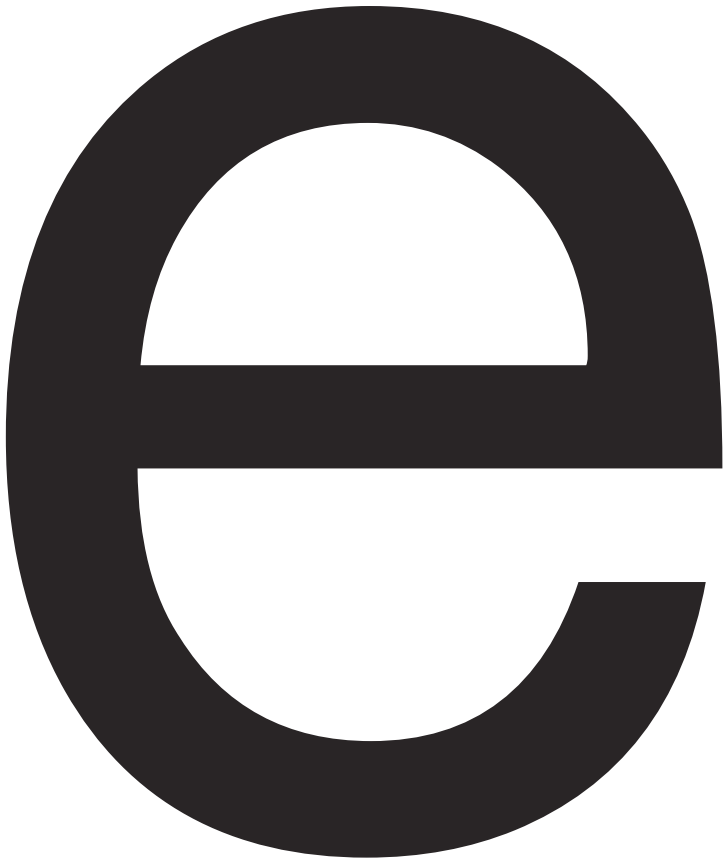
p



st

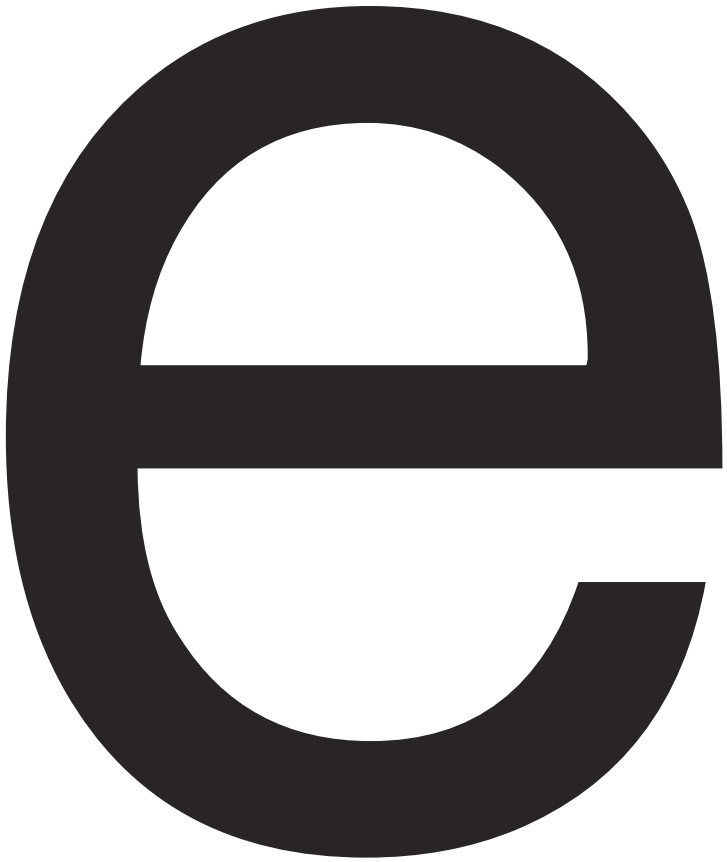
e.

A



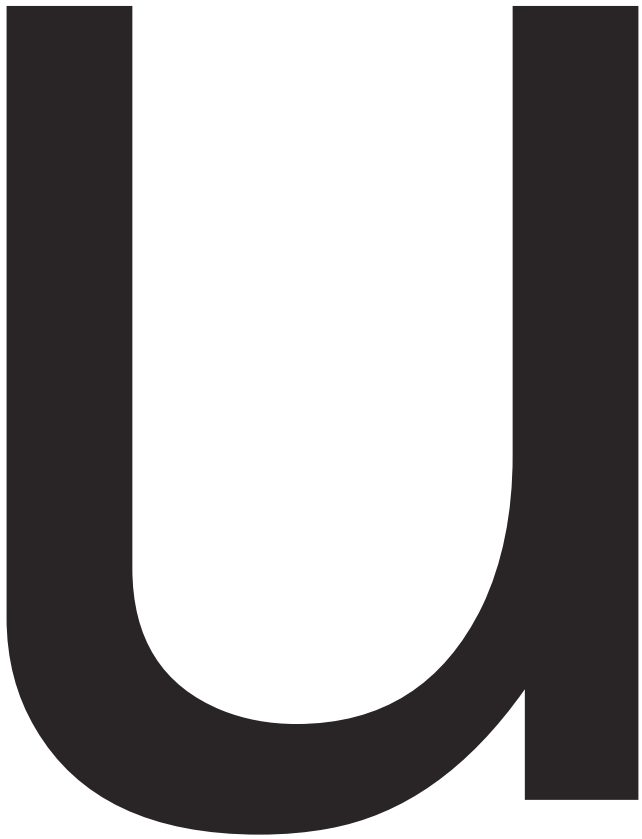
X

C

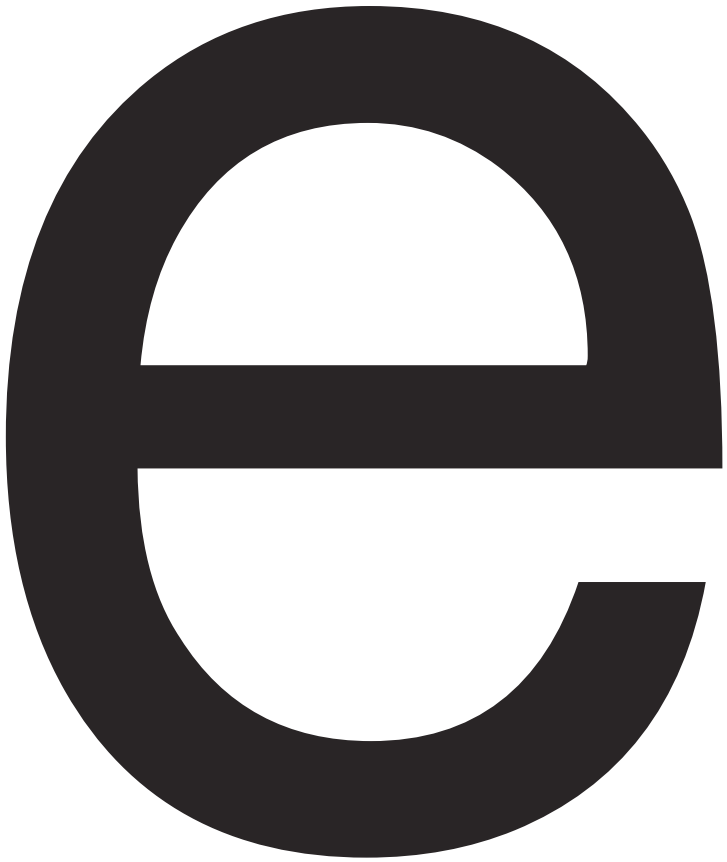


pt

d



d



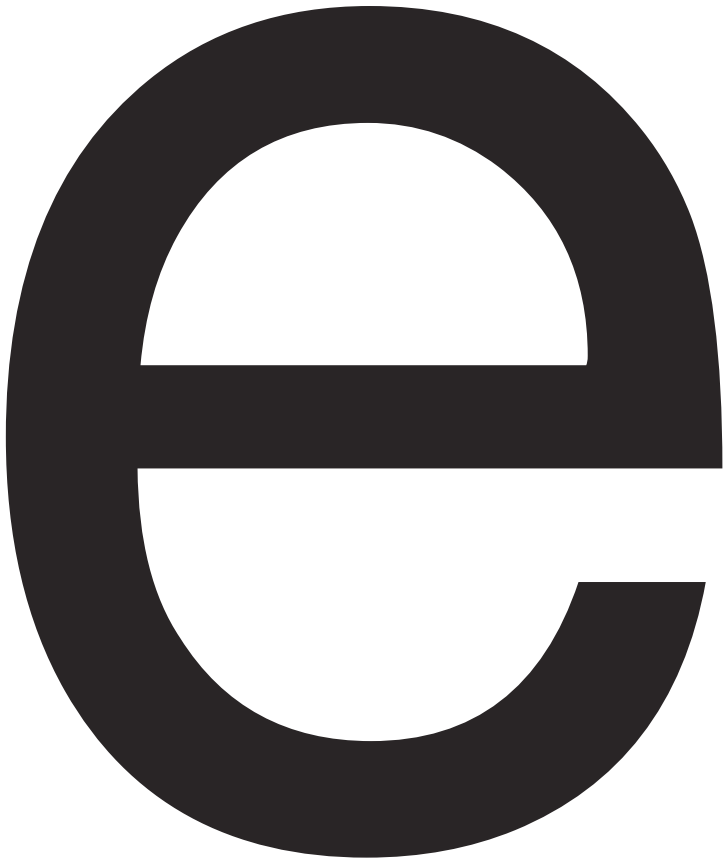
V

ot

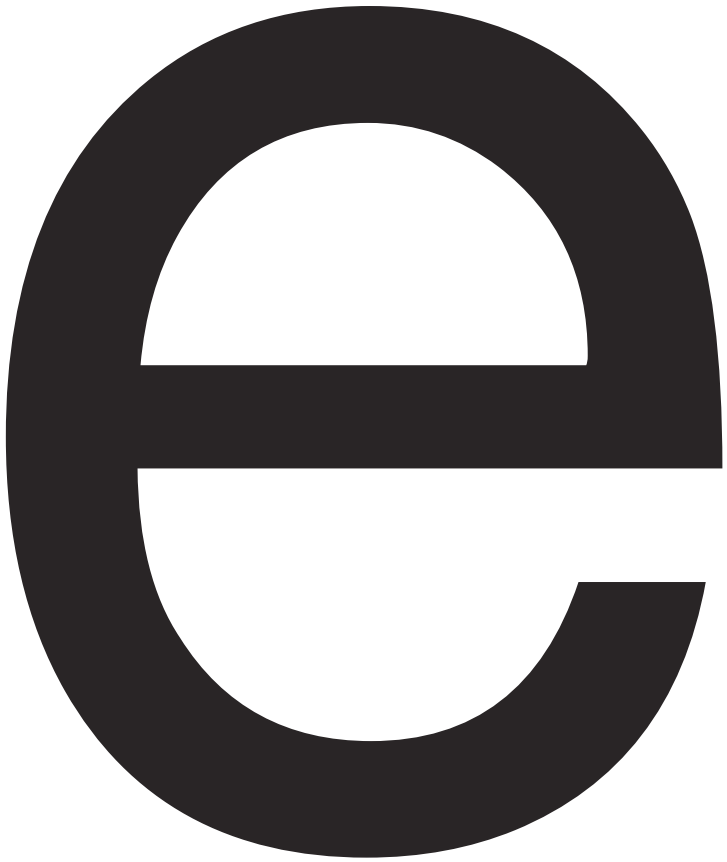
e,

le

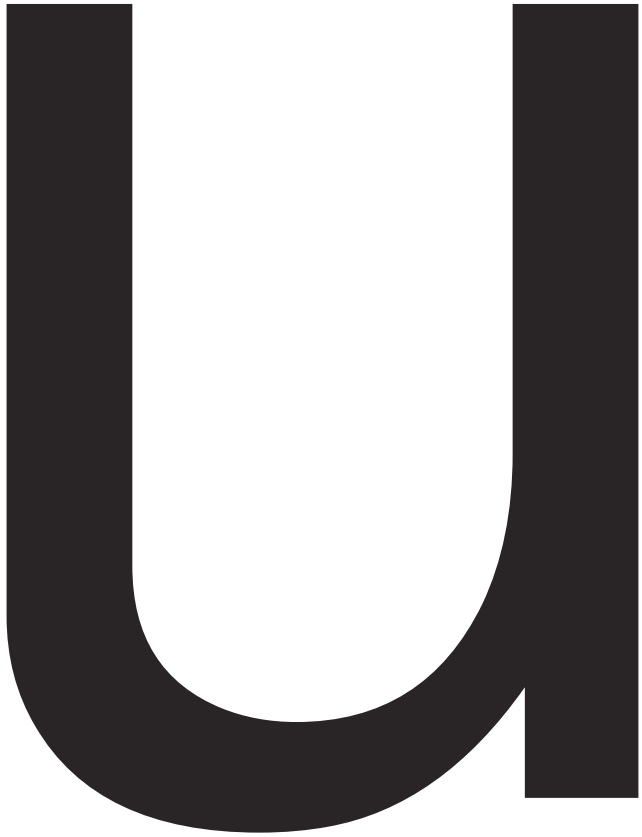
g



p



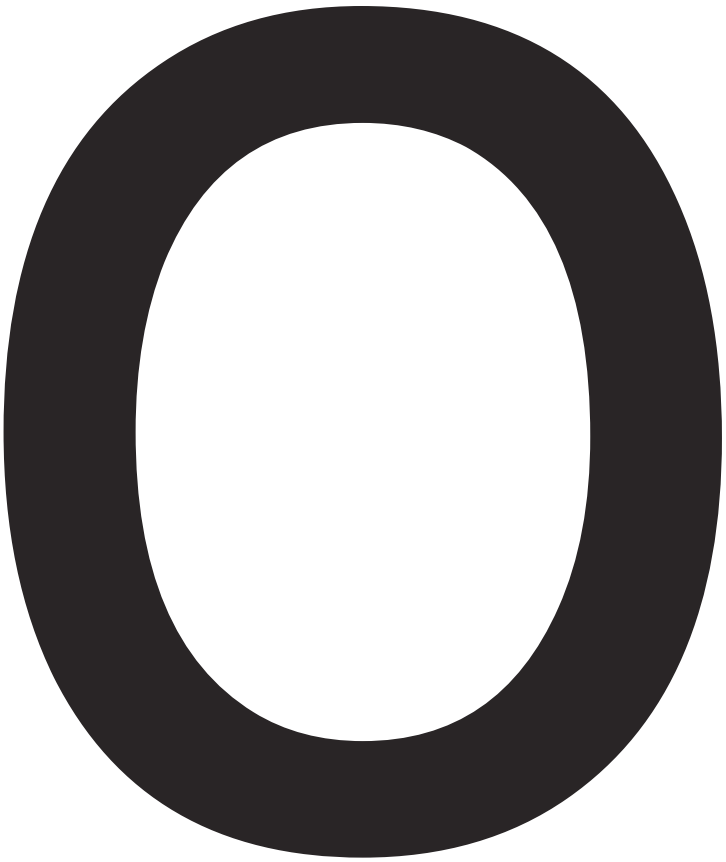
ut

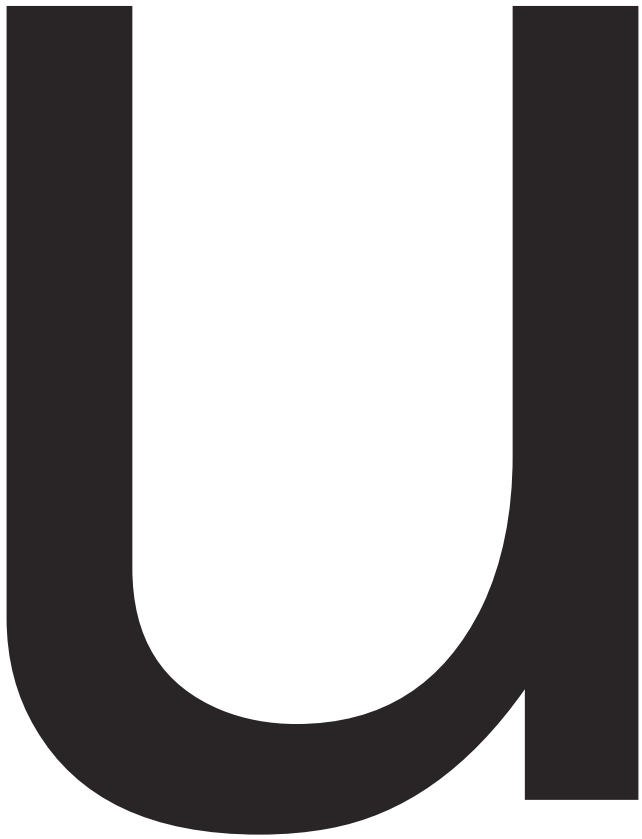


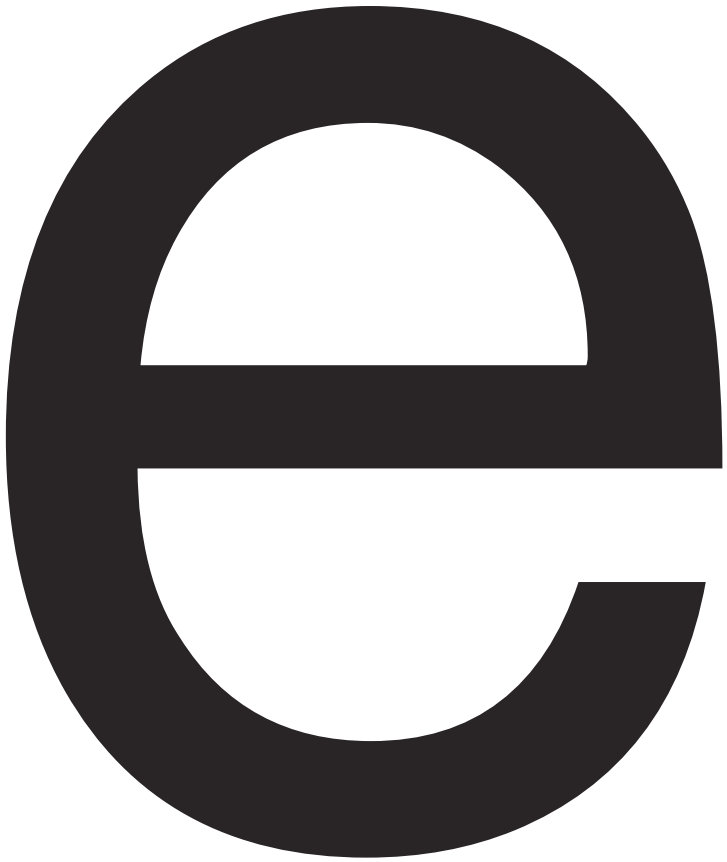
er

,

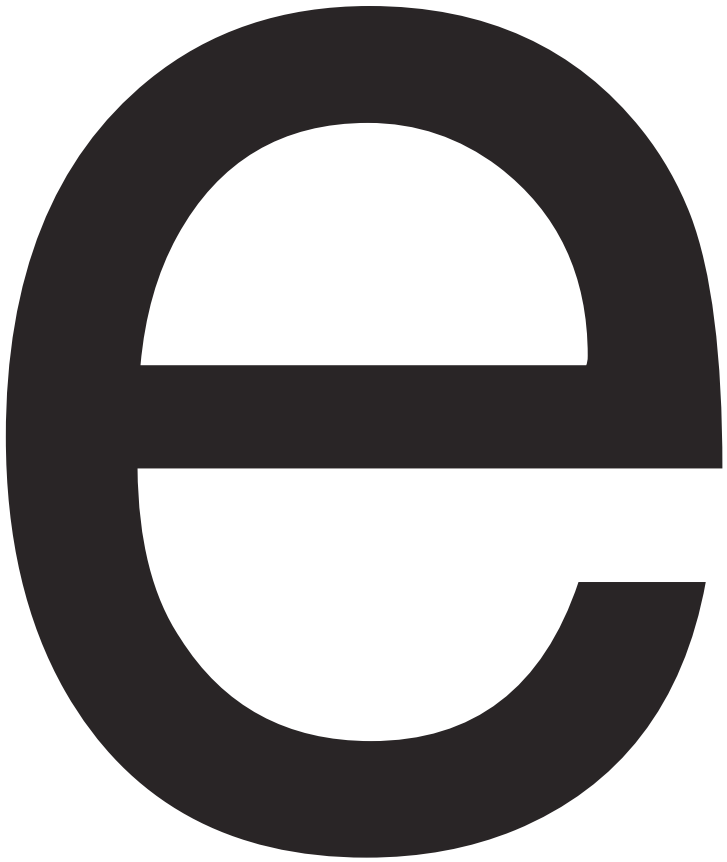
p







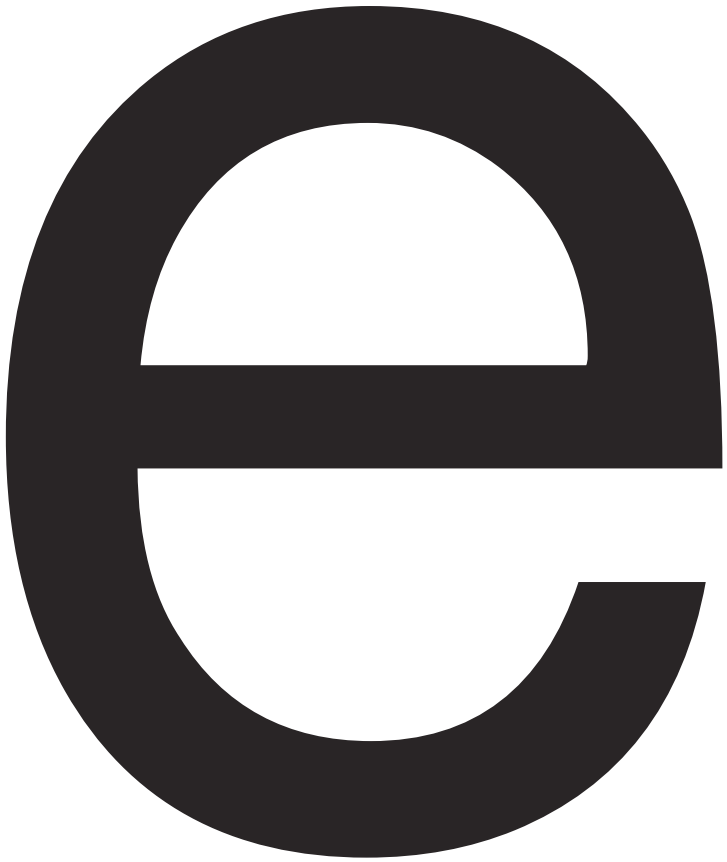
d

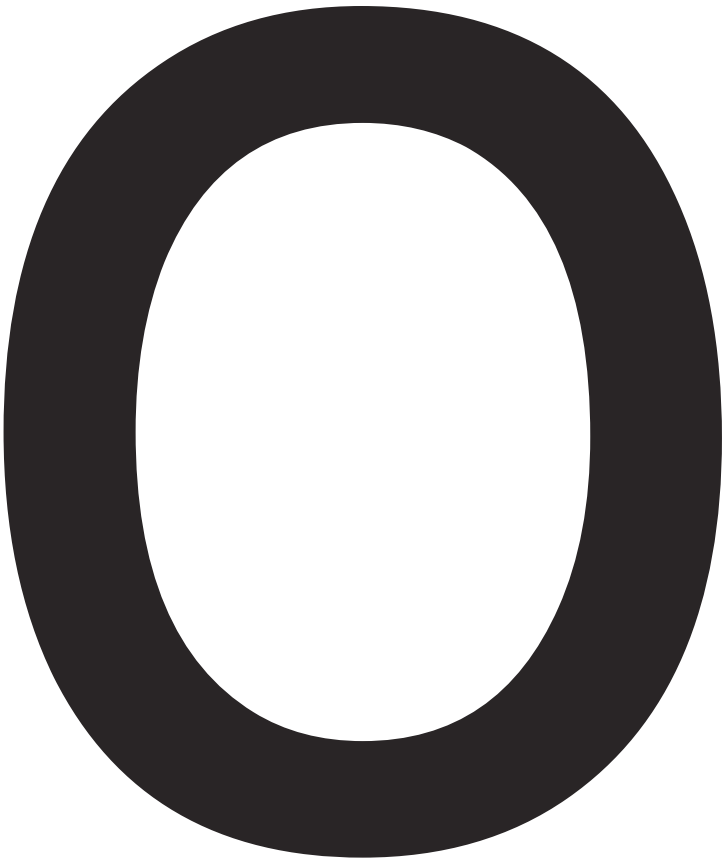


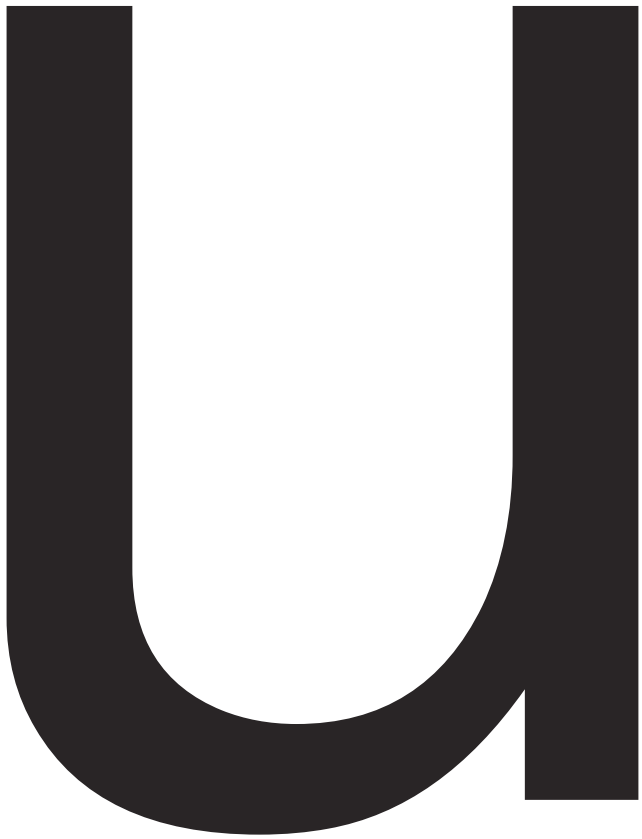
d

ét

er





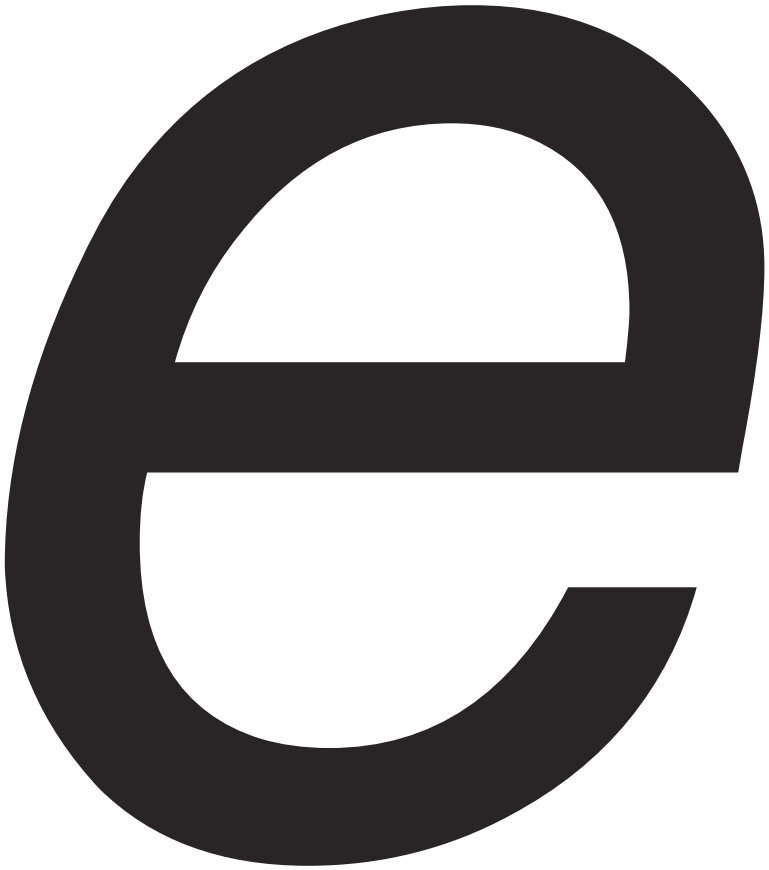


e,

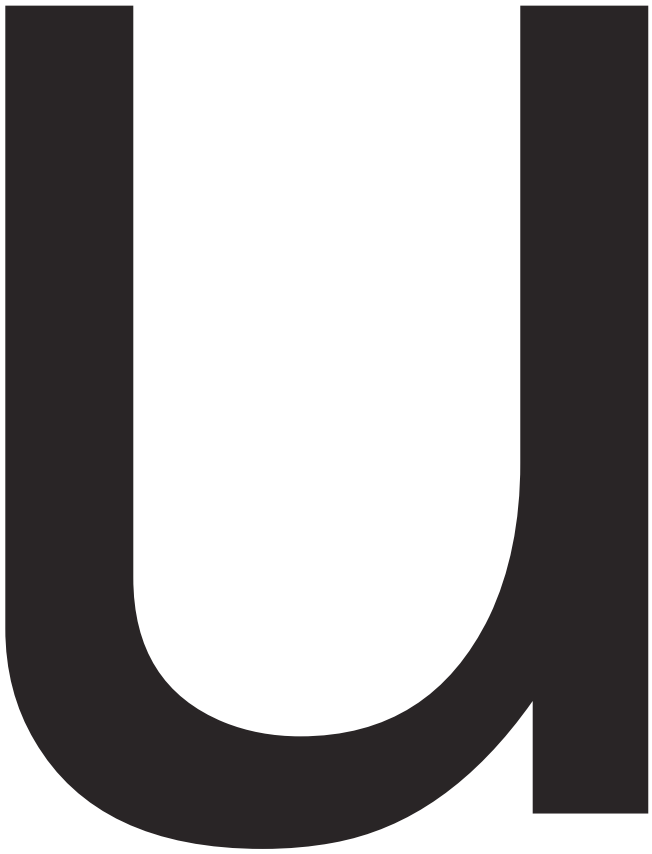
le

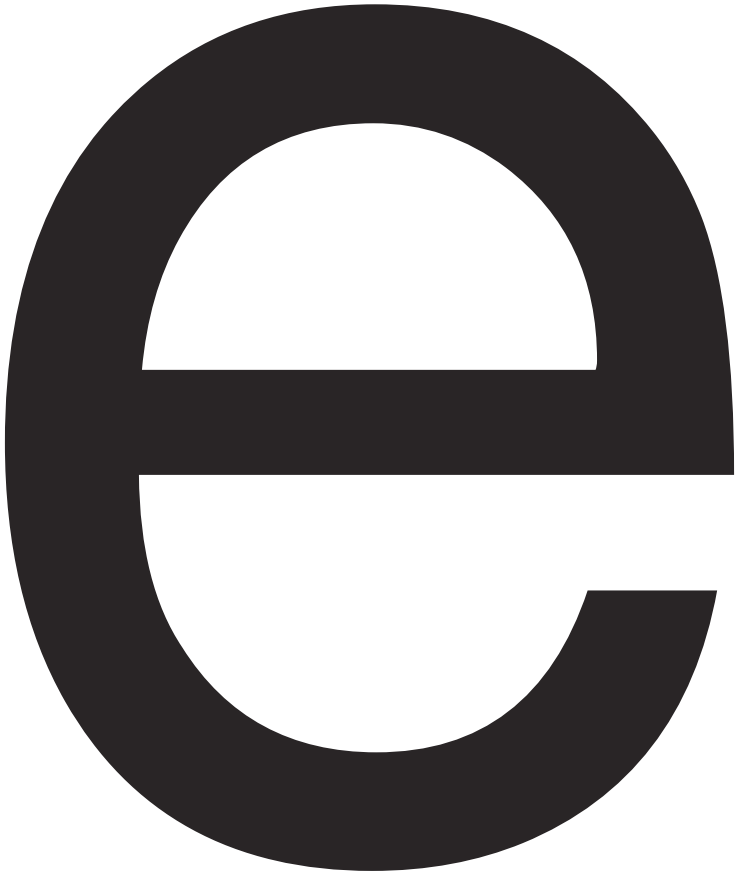
S

ct

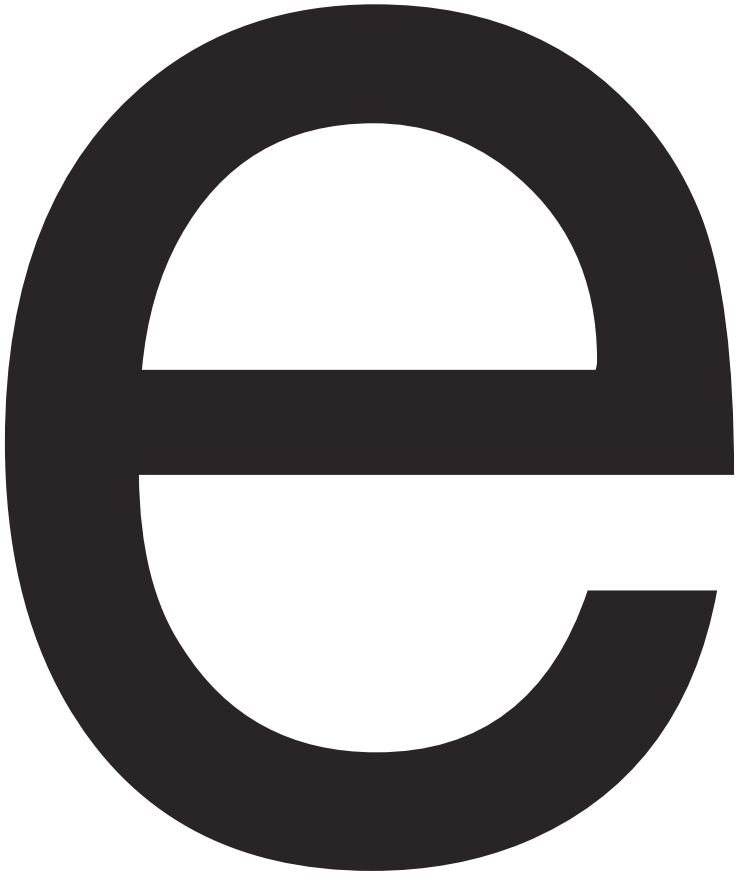


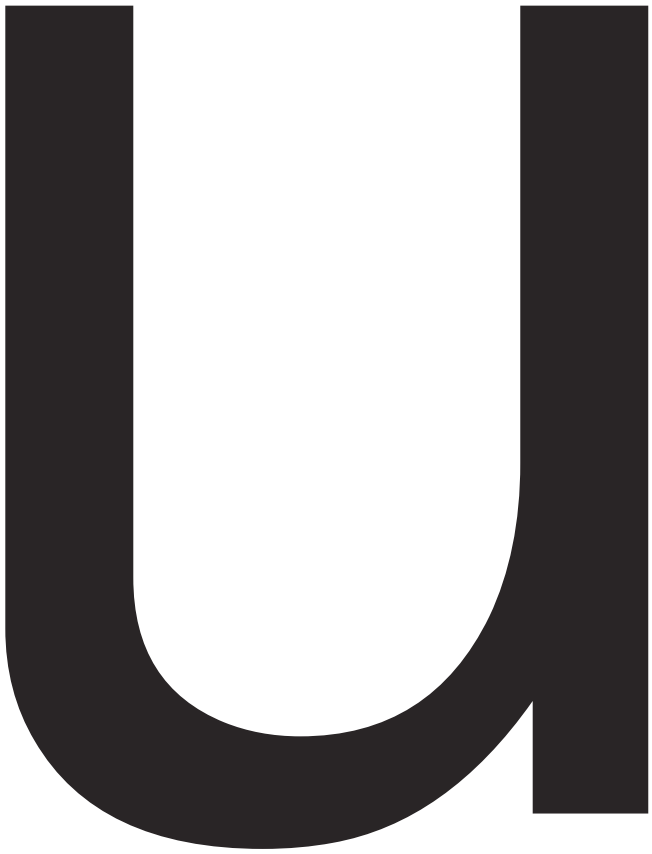
S

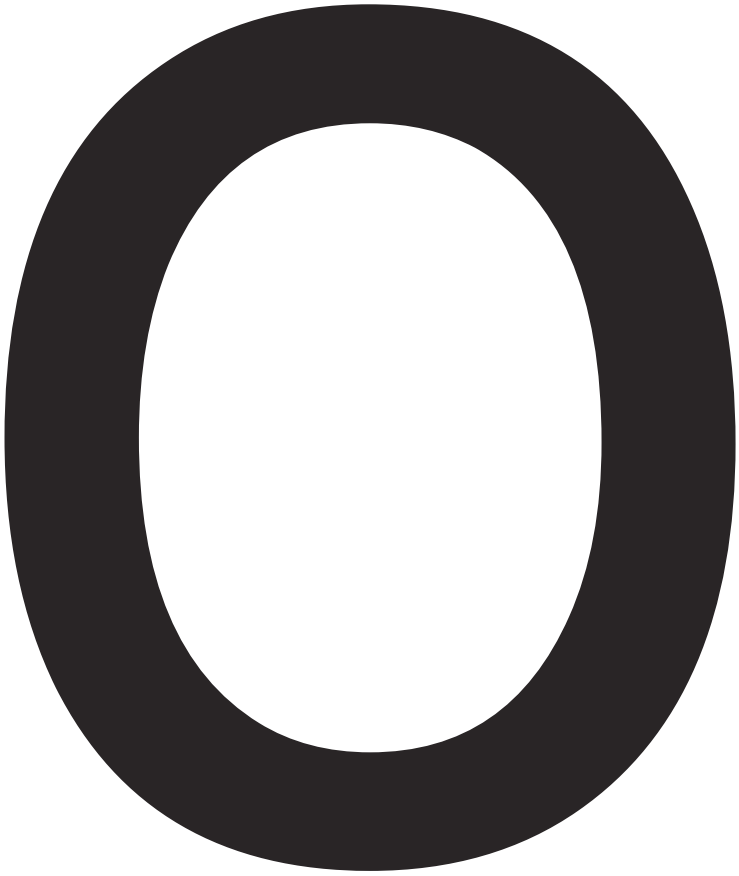


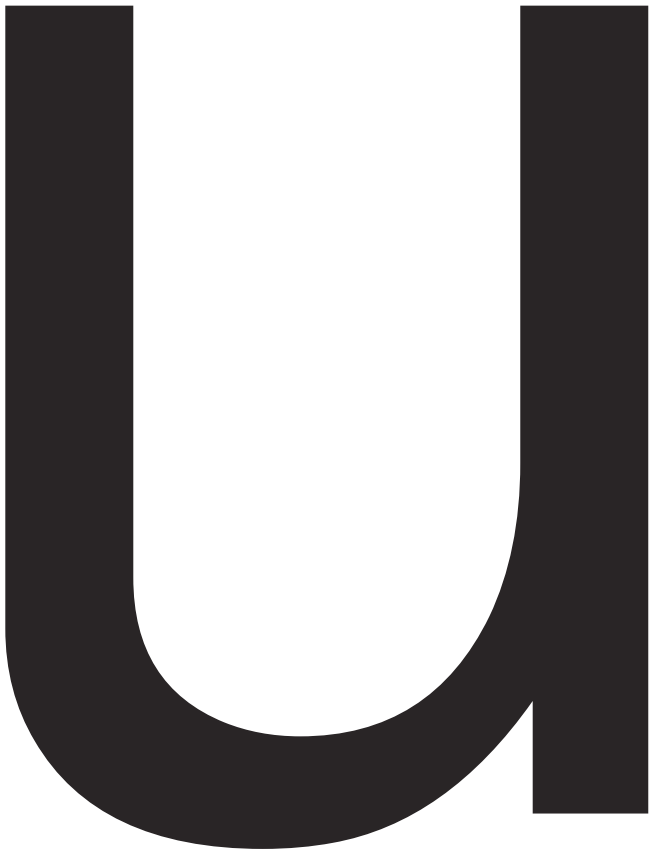


le



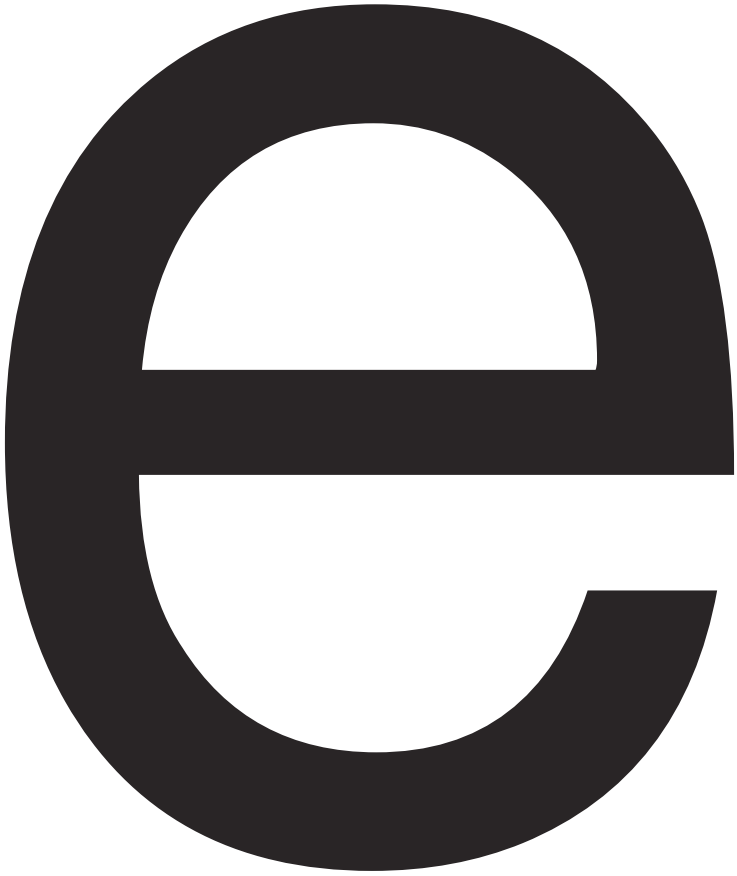




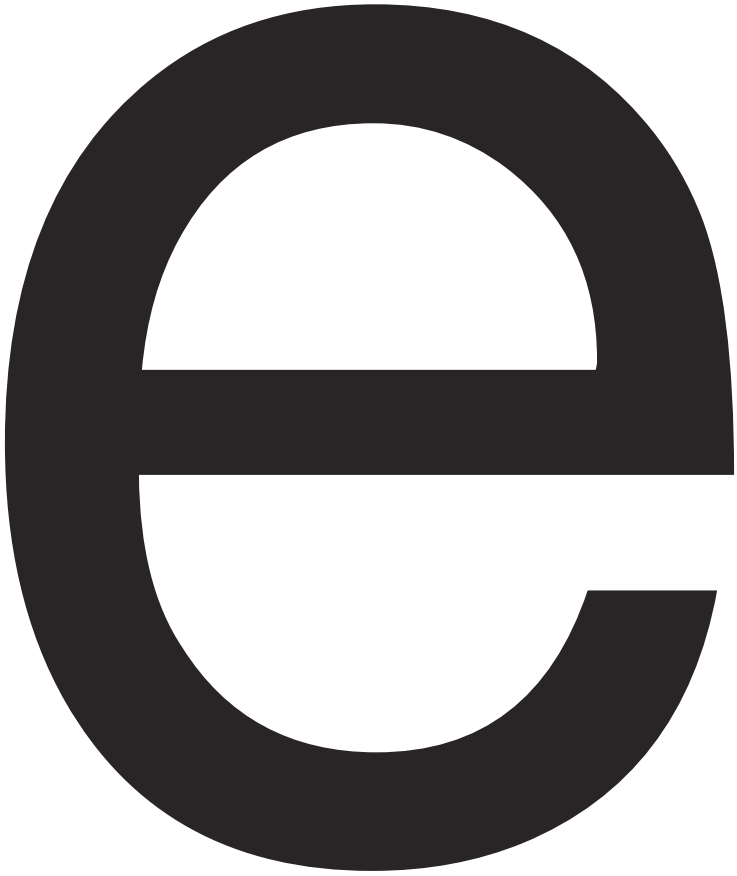


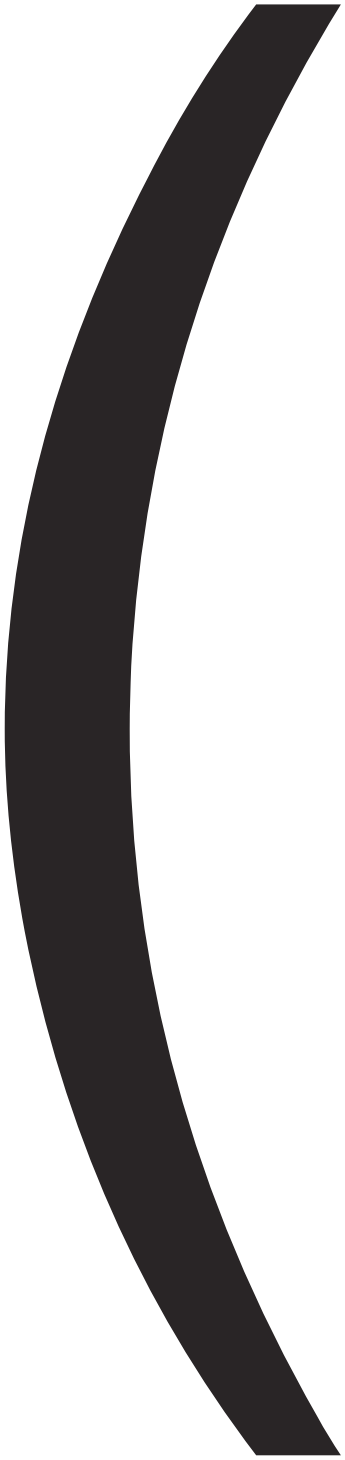
rr

fa

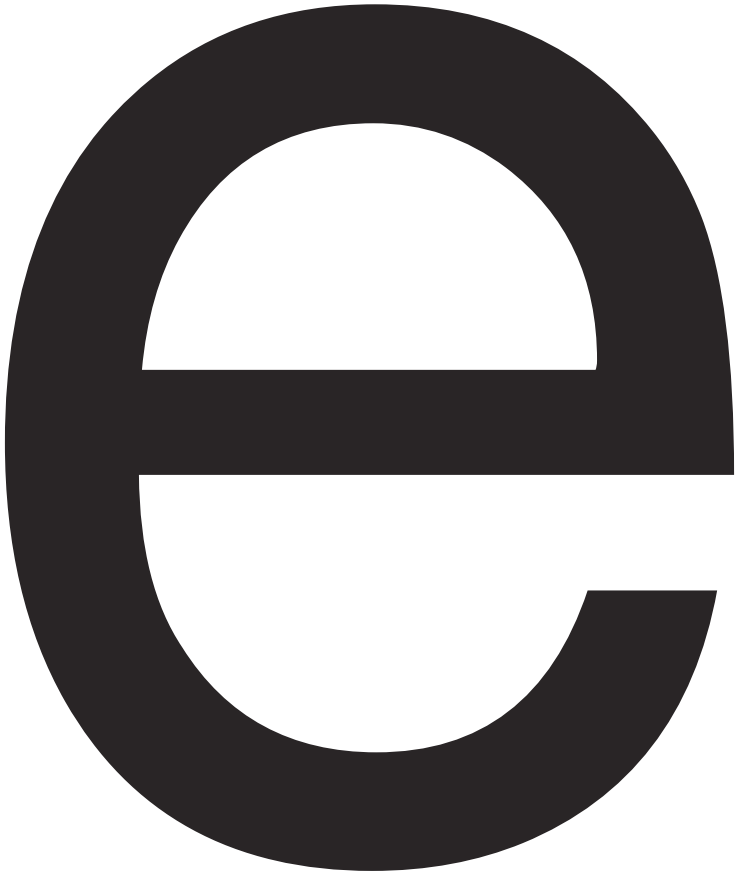


m

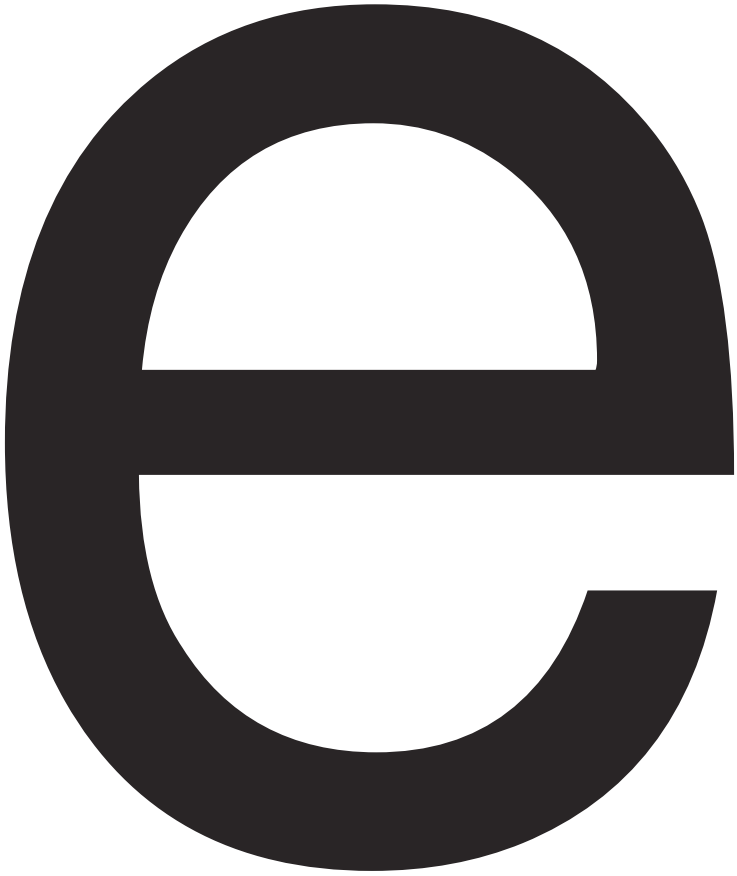




r

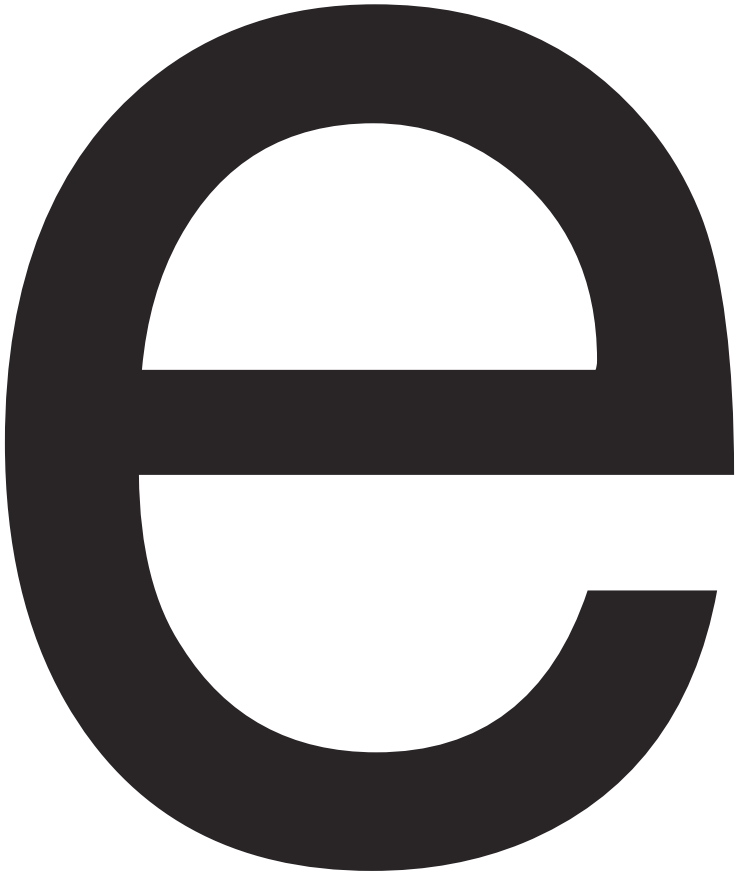


X

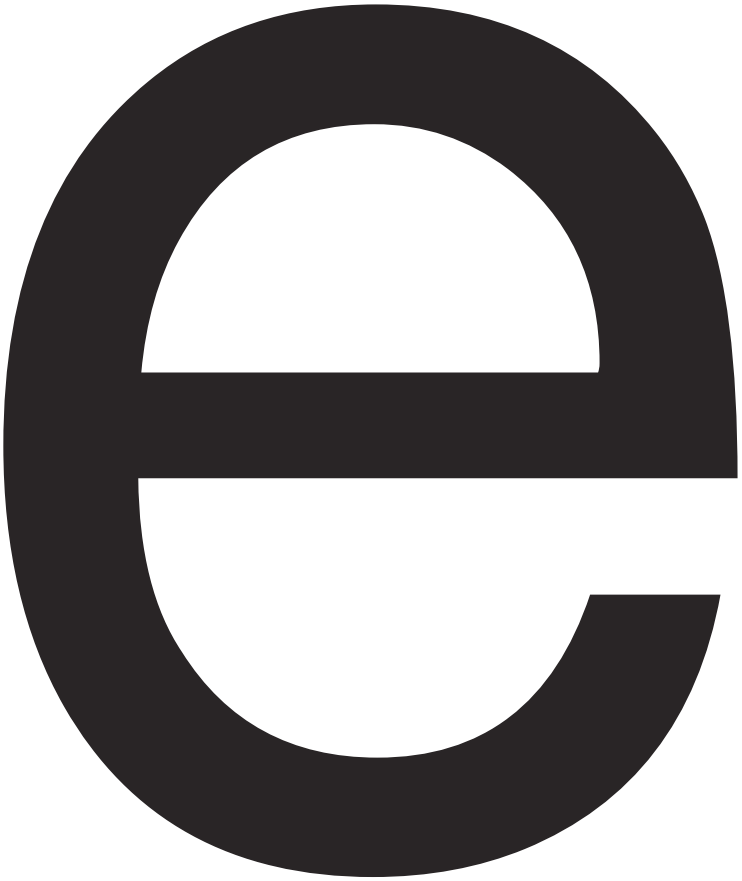


e,

fa



ct



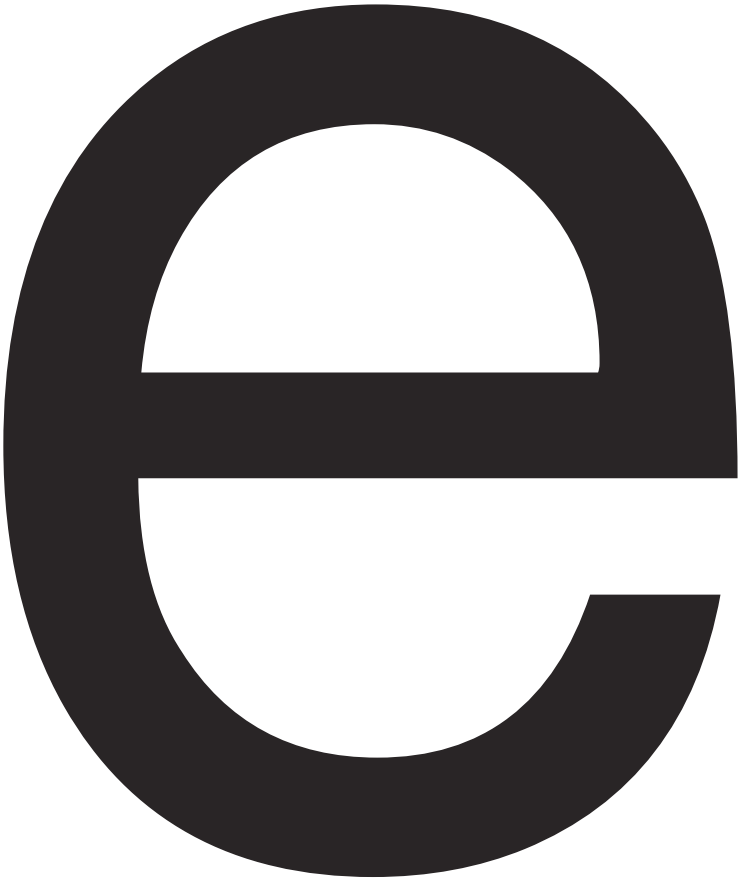
r

C

O

m

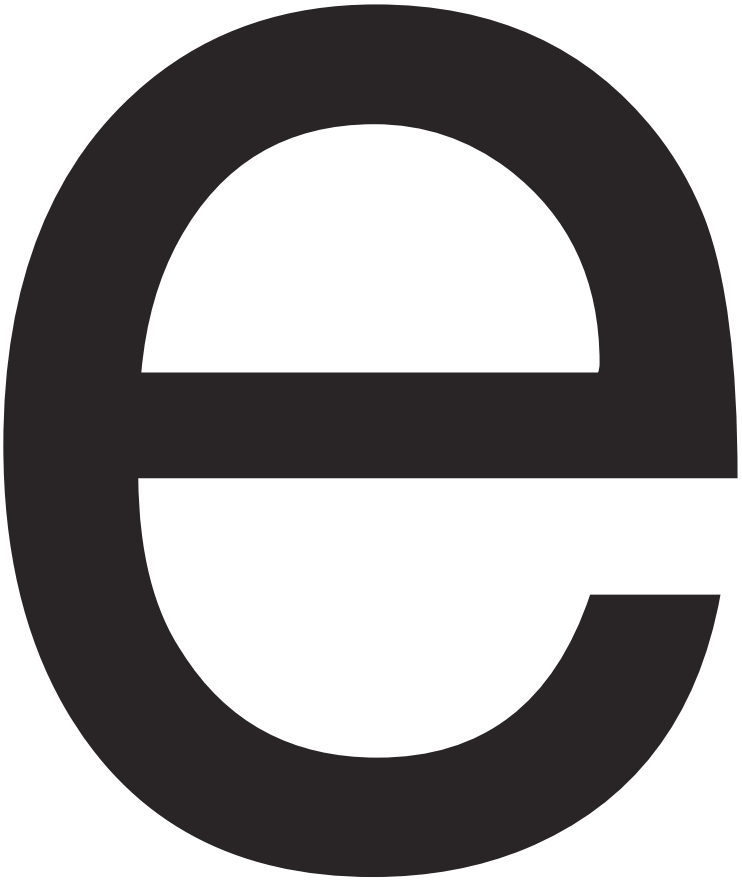
pt



b

C

r

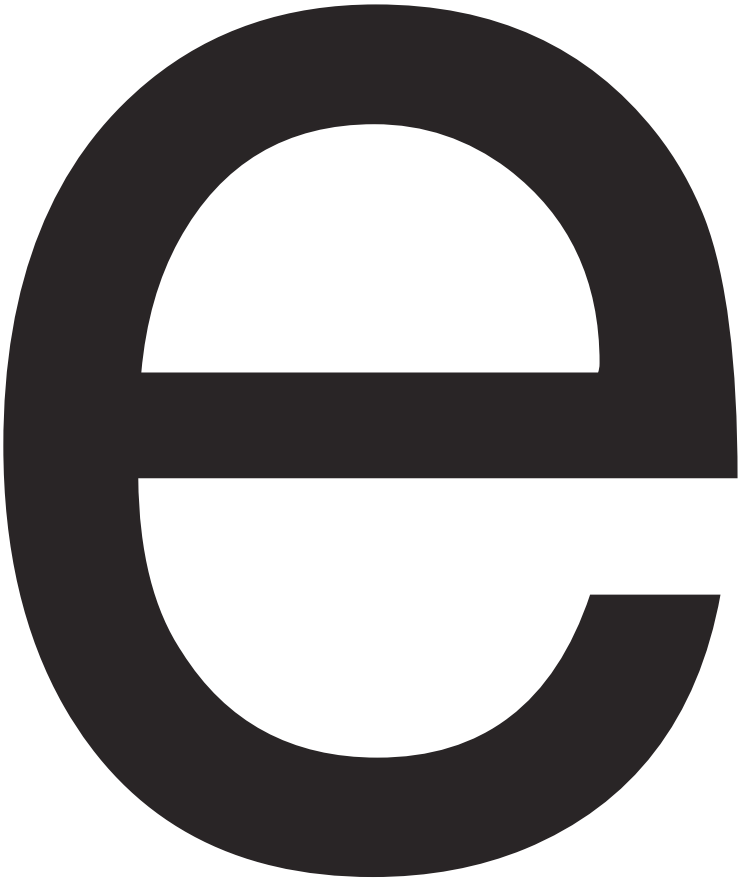


)

S

t

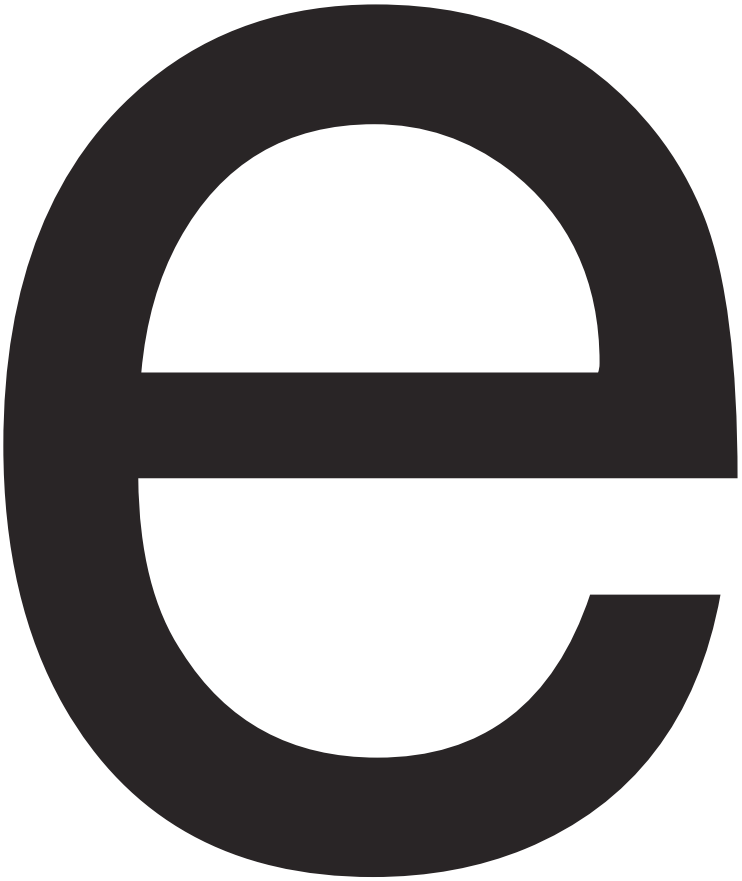
S



S

t

V



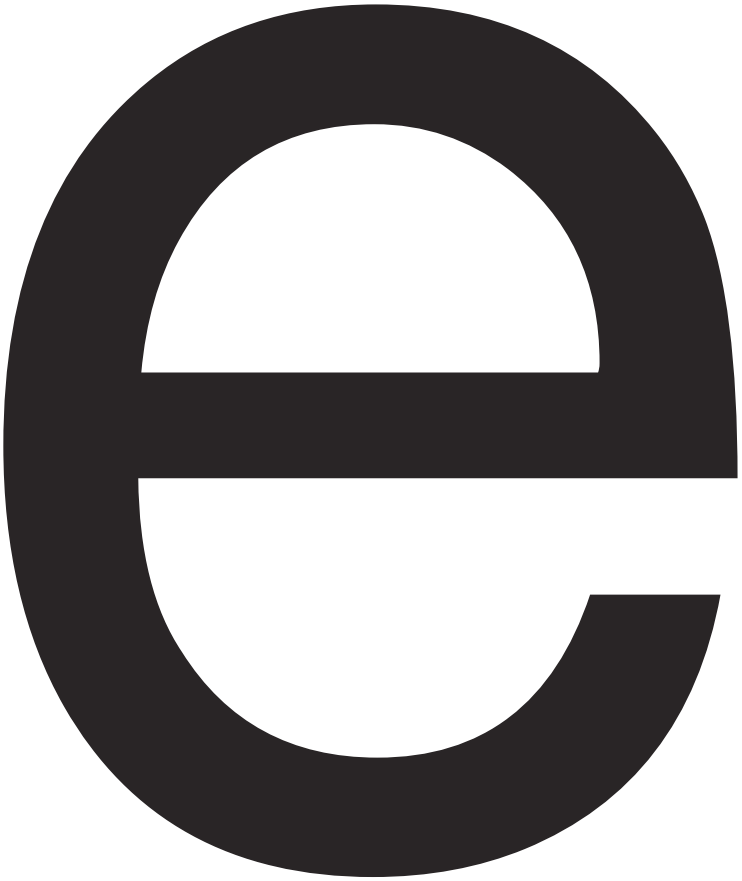
C

S

si

st

C



d

tu

te