

BEXs - #QuickFacts

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A BEXs CLIENT EDUCATION INITIATIVE

When does a person need a Curator or Administrator?

In the legal context, a curator and an administrator have specific functions, and is appointed, either in terms of Common Law or in terms of the Mental Health Care Act. These functions include looking after the affairs of a minors, persons incapable of managing their own affairs, such as persons with a mental illness, intellectual disabilities, minor children, and people with Alzheimer's or Dementia, to name a few. For the purposes of this article we will restrict our commentary to the two main types of curators and the role of an administrator: -



▶ **Curator ad litem** - This is the person, usually an attorney or advocate, charged with making an application to the High Court, on behalf of the patient, for a curator to be appointed.

▶ **Curator bonis** - The person appointed to protect and attend to the patient financial affairs.

▶ **Administrator** - The person appointed in terms of Section 60 of the Mental Health Care Act to administer the affairs of a mentally ill person or person with a severe or profound intellectual disability.

If the application, is made in terms of Mental Health Care Act, it can be made directly to Master of the High Court, without the need to approach the High Court, in all other cases, the application would need be made to the High Court. Important to note that, where an application is made in terms to the Mental Health Care Act, the Master has a number of requirements that would need to accompany this type of application, and either way we recommend that you seek assistance from either BEXs, and where necessary we will get one of our trusted partners to assist you.

For more information you can visit the Master of the High Courts website by clicking here: <http://www.justice.gov.za/master/cur-tut.html>

An important point to remember that if you have a Power of Attorney (PoA) in your favour, it is automatically and by legal implication revoked, if the person granting such PoA becomes Mentally incapacitated, insolvent or dies.