P15: A narrative review comparing guardianship procedures for people with mental disabilities of countries from six continents

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Introduction: Throughout the course of the dementia, patients generally need a guardian to protect their rights due to the severity of their mental disabilities. The laws and procedures for guardianship for people with disabilities have been updated in several countries based on the UN Convention on the Rights of Persons with Disabilities promulgated in 2006.

Objectives: To compare the law and procedures for guardianship for people with mental disabilities of twelve countries from six continents.

Methods: Narrative review searching for civil codes/guardianship procedures, date of promulgation, scope of the guardian authority, preferred guardian, duration of the guardianship.

Results: Most countries predominantly promulgated their laws after the year 2000, being half of them updated after 2006. Most countries have two types of guardianship scopes: one concerning financial affairs and the other concerning personal affairs (such as welfare and medical care). Generally, guardianship concerning financial matters is the first to be established. In addition, most countries maintain the ward's right to vote. In five out of twelve countries, there is an order of preference for choosing the guardian, being the spouses and adult children the preferred guardians. All these countries have the possibility of temporary guardianship. Three countries have a maximum period for guardianship with the possibility of renewal, while all others have indefinite time for guardianship duration. Only France explicitly grants the right to the ward to make medical decisions within guardianship procedures. Brazil's Civil Code restricts guardianship to financial matters, whereas the Civil Procedure Code requires judges to define the scope of guardianship's authority for each of the activities of the civil life. Since both codes hold equal authority, judges typically determine the extent of guardianship on a case-by-case basis.

Conclusions: Half of the nations have updated their laws after the promulgation of the UN Convention on the Rights of Persons with Disabilities.

Dementia is expected to increase worldwide and further Discussion concerning the rights of people with dementia is still needed. Although there is no ideal legal framework, the comparison of procedures from different countries may lead to valuable insights for further Discussions andassessments.

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