**Comment distinguer les différents régimes de protection ?**

La mesure de protection doit assurer dans les meilleures conditions affectives et matérielles possibles la protection de la personne et de son *patrimoine*.

# Le souci de personnalisation des mesures impose de se repérer parmi l'éventail des protections.

Au besoin de protection provisoire qu'assure la ***sauvegarde de justice*** répond la protection durable de la *curatelle*

et de la *tutelle*, cette dernière constituant un dernier recours à l'égard des

majeurs pour lesquels les effets des autres régimes s'avéreraient insuffisants.

# Le choix entre *curatelle* et *tutelle*

s'opère en fonction du besoin de protection révélé par

# l'état du majeur : celui d'être représenté d'une

manière continue ou celui d'être conseillé ou contrôlé

pour le majeur présentant un degré d'autonomi

e psychologique et physique suffisante

et ayant conservé les moyens et le désir d'intervenir

dans la gestion de ses affaires.

En outre, la *curatelle* est seule envisage

able

lorsque la protection résulte de

la prodigalité, l'intempér

ance ou l'oisiveté du majeur.

Même renforcée, une *curatelle*

# doit être préférée à une *tutelle*

organisée sous la

forme simplifiée de la

gérance, voire aména

gée,

car tout

oppose

un

système

fondé

sur la représentation

où il apparti ent à

# autrui de penser

et d'agir aux lieu et place

du majeur, et un

système fondé sur

l'assistance où les

*actes*

les plus

graves

sont simplement

contrôl
és par
le

curate
ur

De plus, la *cur*

*atelle*

ne

prive

pas le majeur

# protégé de ses

# droits civiques et

favori

se

son

évolut

ion

positi

ve en

envis

agea

nt sa

partici
patio

n aux

actes

impor

tants.

Tout efois,

si les

*acte*

s op

érés

par

le

maje
ur en

*tut*

*elle*

agis

sant

seul

sero

nt

auto

mati

que

ment

ann

ulés,

ceux

acco
mpli

s

par

le

maje

ur

en

# curatelle

sans

l'ass

istan

ce

du *cura*

*teur*

ou

l'aut

oris

atio
n du

juge

ne

pour

ront

faire

l'obj

et

que

d'un

e

de
ma

annulat

ion

pen

dan
t

# cinq

ans

au

juge

qui
app

réci

era.

an

les

act

qu

ma

jeu

en

ate

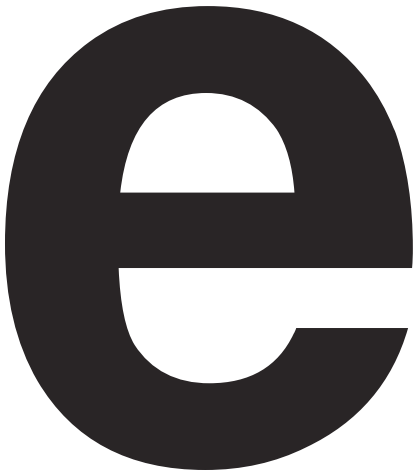
ut

CO

uv

ent

fair



l'o

bje

t

d'u

ne

act

ion

en

res

cis

ion

ou

réd

uct

ion

S'il

nt

qui

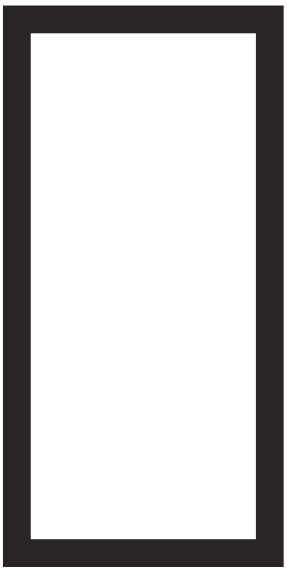
ou

dér

on

na

ble



Le

ch

# oix

de

la

for

de

la t

dé

CO

de

sit

uat

fa

ale

du

ma

jeu

r et

de

por

tan

ce

de

pat

rim

oin

e.

et,

l'ex

ist

en

ce

d'u

en

on

ne

nt

fa

ial,

nat

ure

de

S

se

nts

de

S

res

de

cet

ent

our

e à

l'é

gar

d

du

jeu

r ,

leu

rs

apt

itu

de

S

téri

es

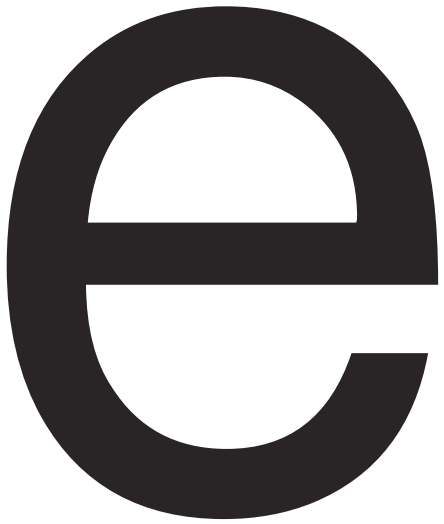
et

ral

es

pre

ndr

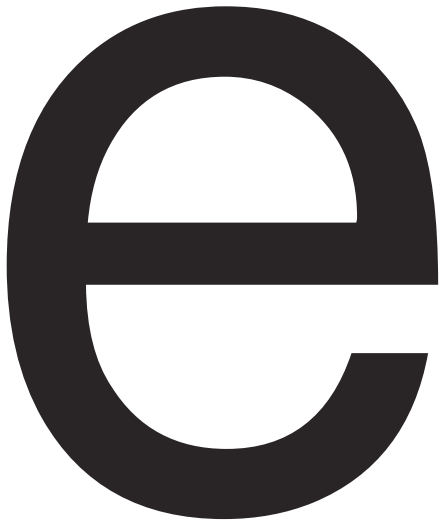


soi

de

sa

per



et

de

se

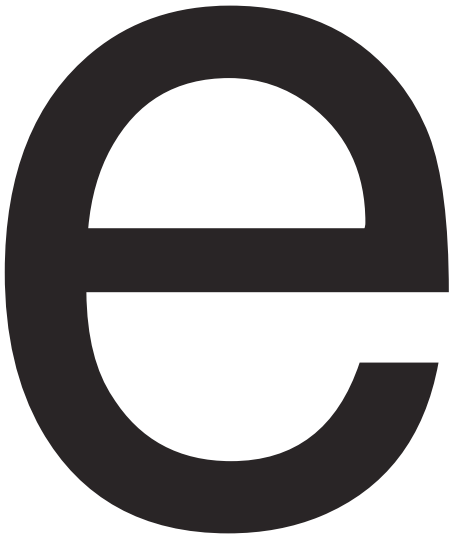
s
b

ont

sur

le

typ



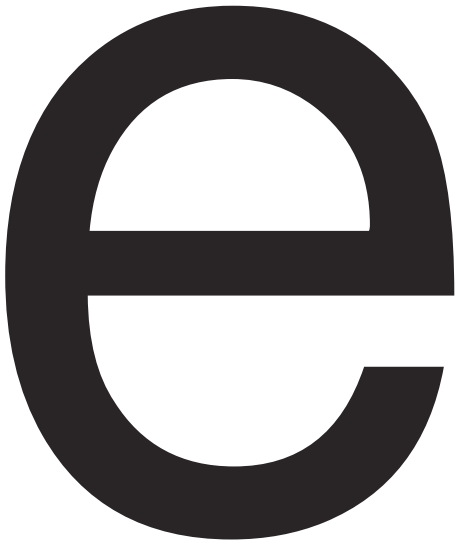
de

pr

ote

on

ttr



en

oe

e.

ort

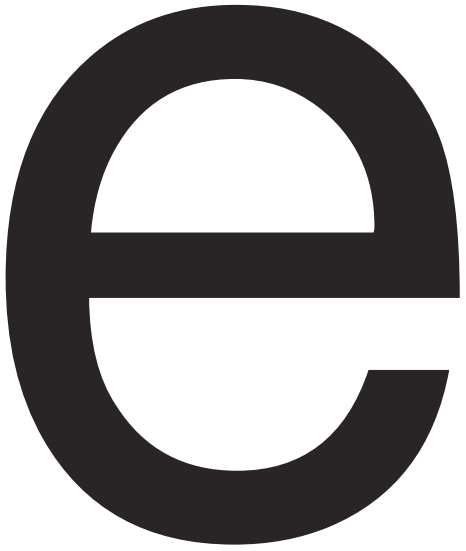
an

ce

et

nat

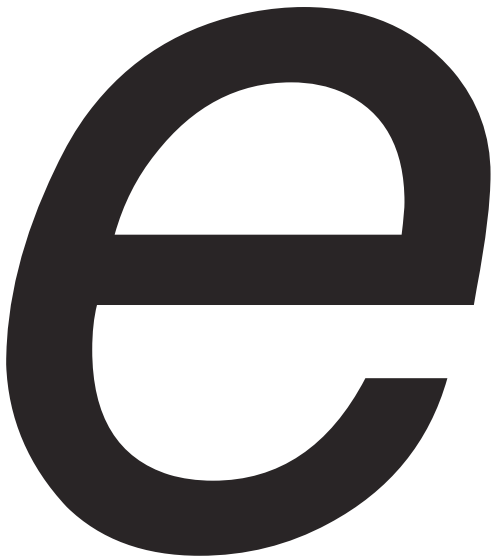
ur



du

pat

oin



CO

nst

itu

en

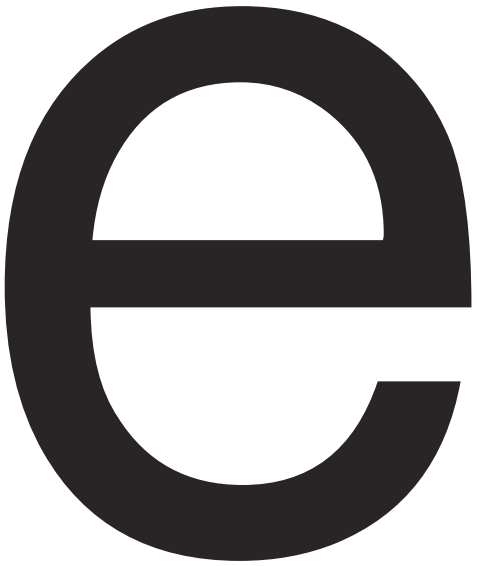
t

un

au

tre

crit



de

dé

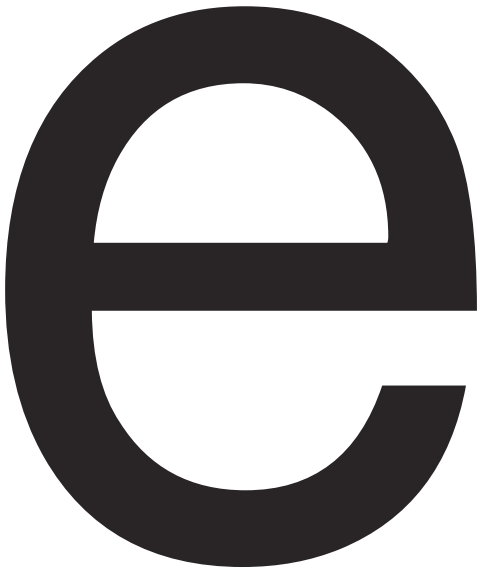
ter

na

tio

du

typ



de

e

de

pr

ot

ect

ion

# l'or

ga

nis

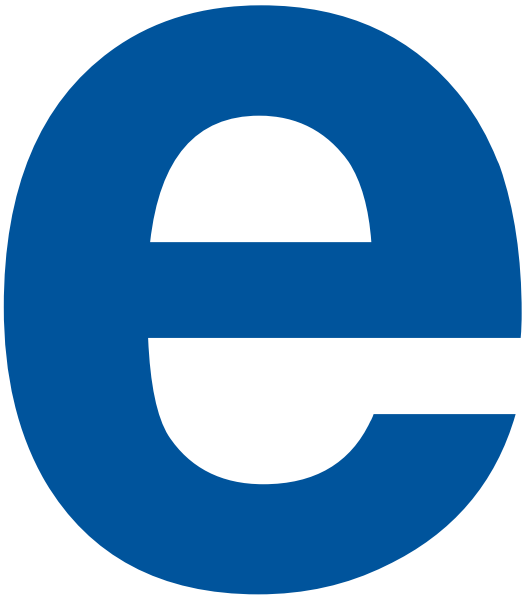
on

d'u

ne

tut

CO



es

t

re

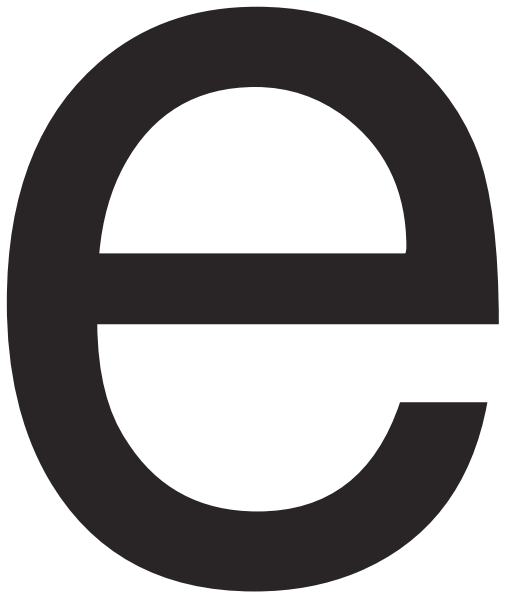
nd

né

ce

SS

air



pa

r

l'a

en

ce

d'

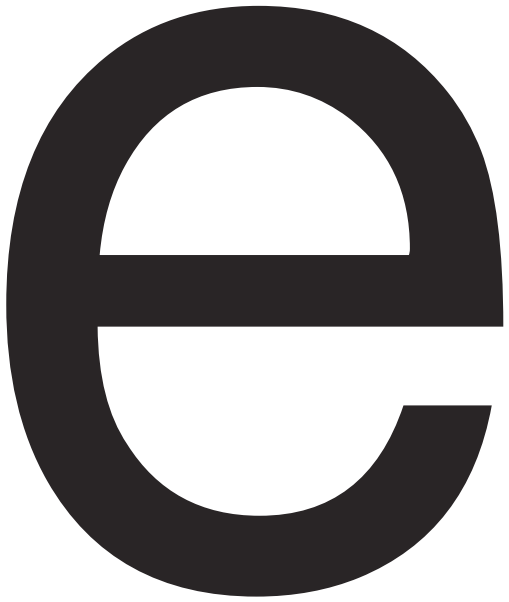
un

pa

re

su

SC



de

re

pli

dé

en

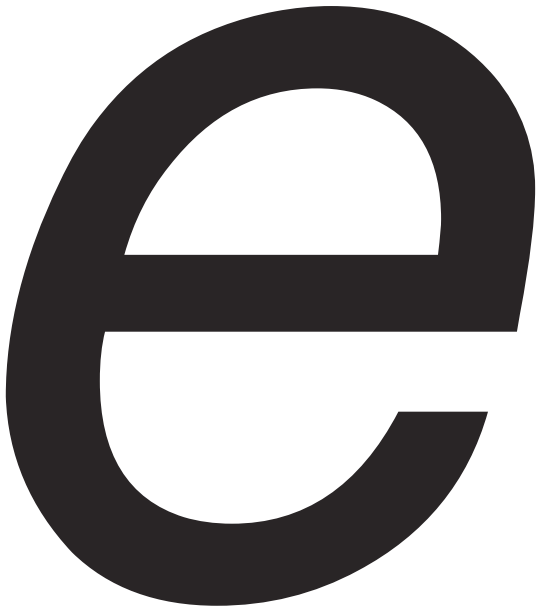
t

et

CO

pé

nc



ch

ar

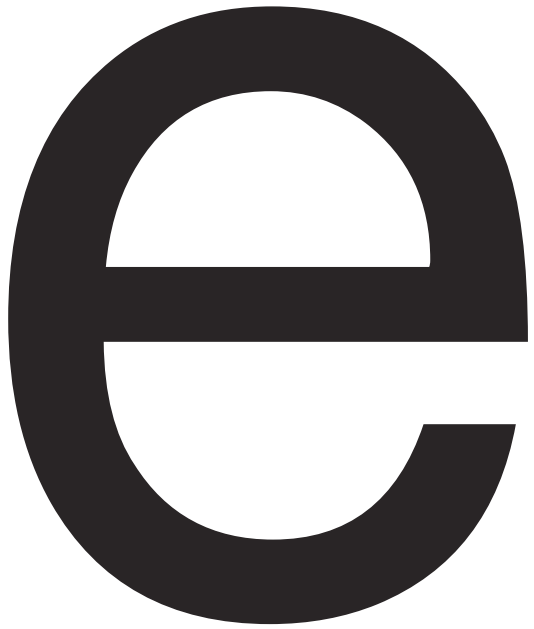
d'

ni

str

at

nc



de

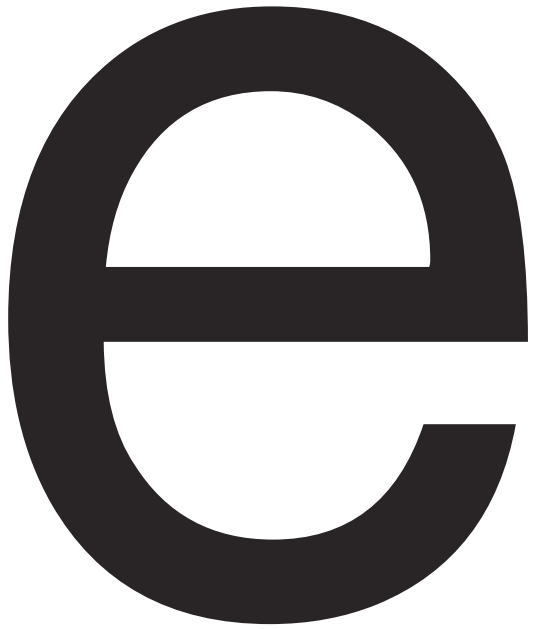
CO

nfl

its

rta

nc



ou

CO

ns

ist

ce

du

tri

oi

gé

re

# 10

de

de

SO

or

ga

sa

tio

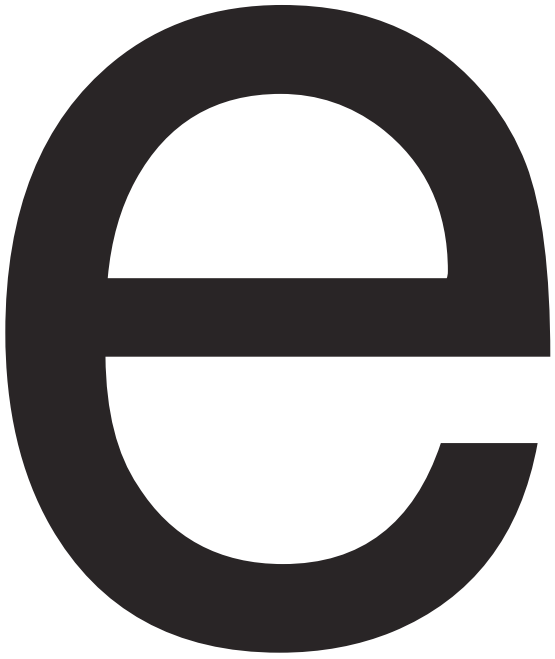
et

de

SO

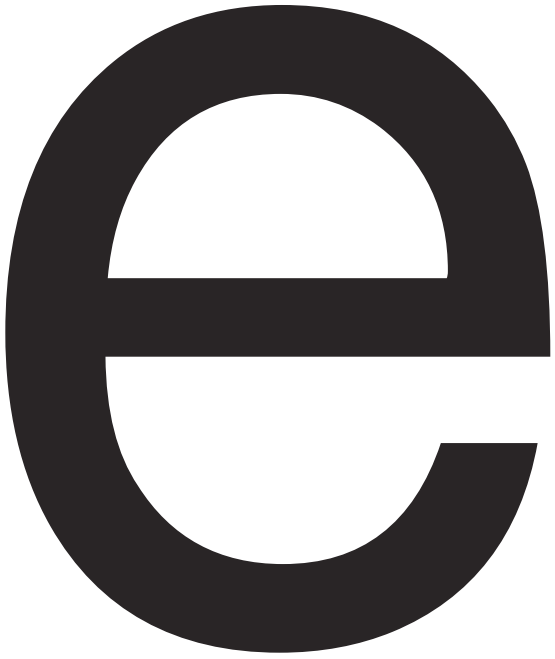
nc

tio

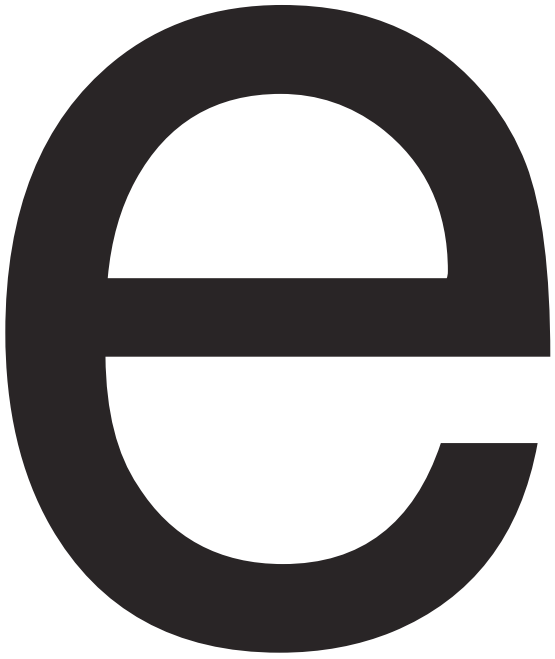


t

se



SO



au

ca

S

de

eu

qu

to

ay

an

t

S

de

CO

ou

de

pa

re

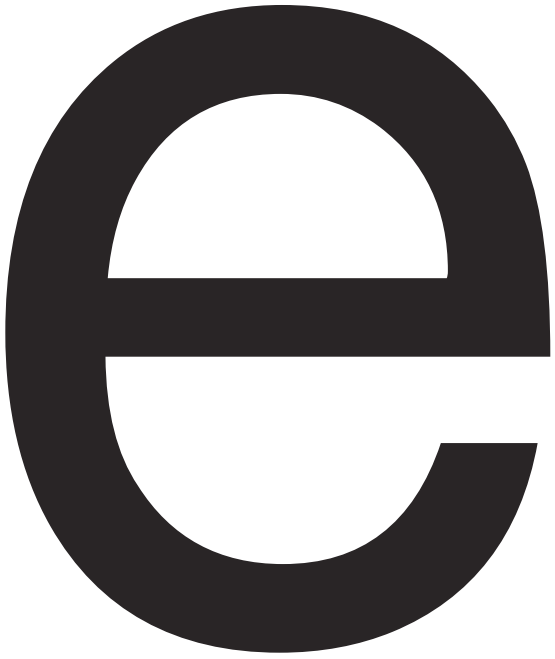
su

SC

tib

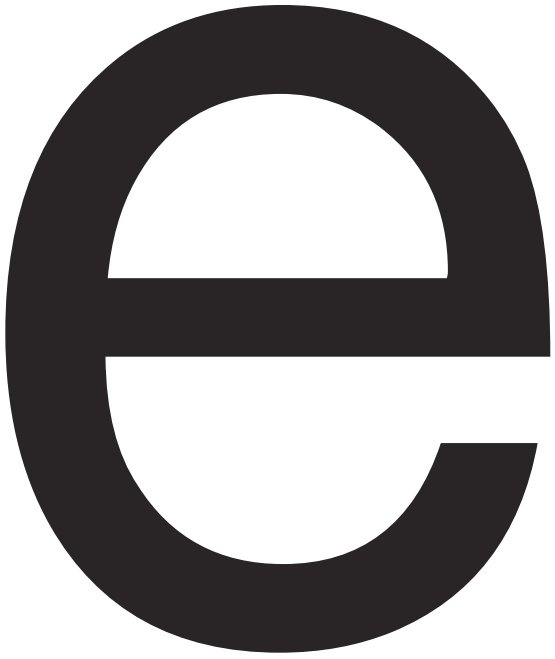
d'

êtr



dé

CO



at

OS

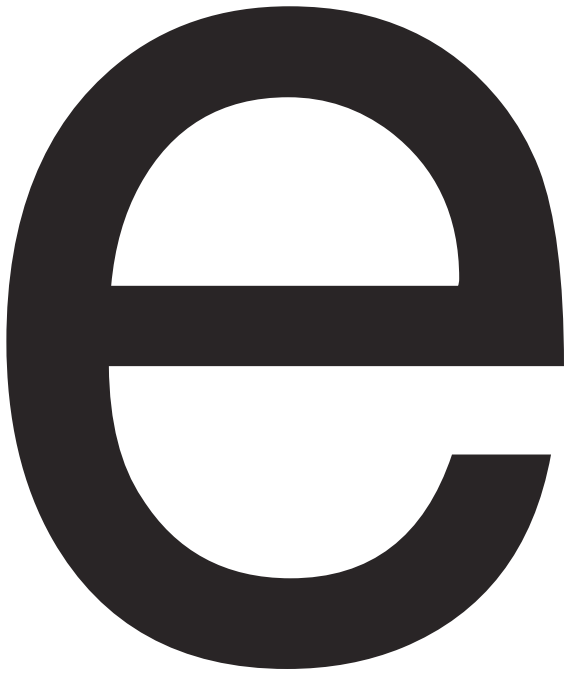
t

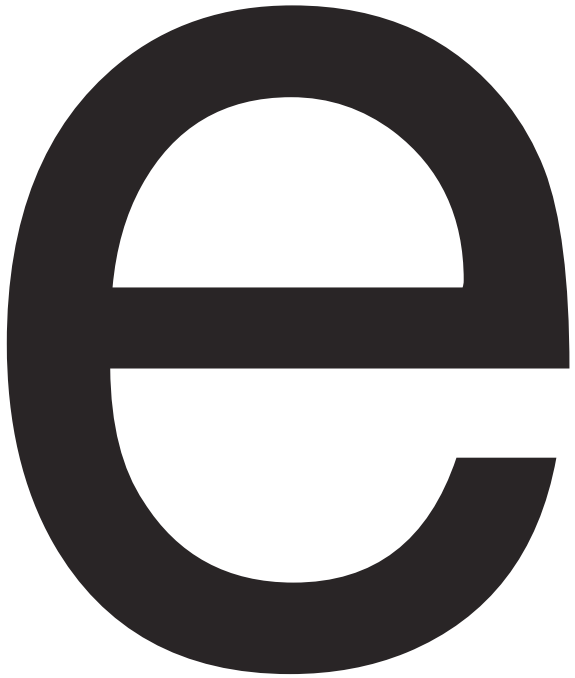
d'

un

en

to





de

CO

ns

tit

un

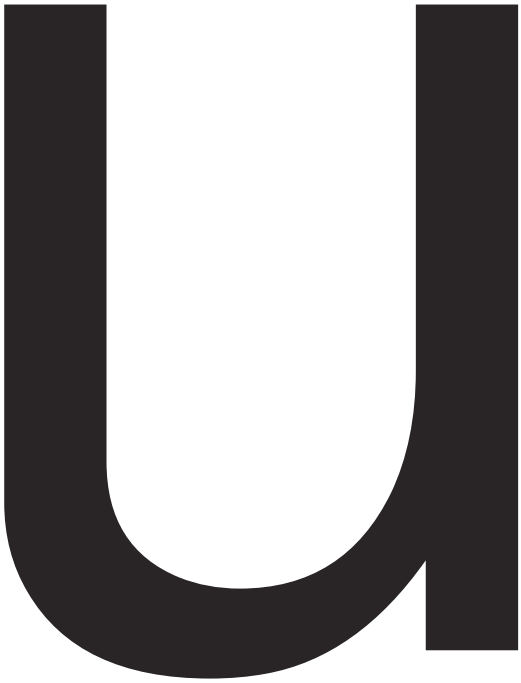
CO

fa

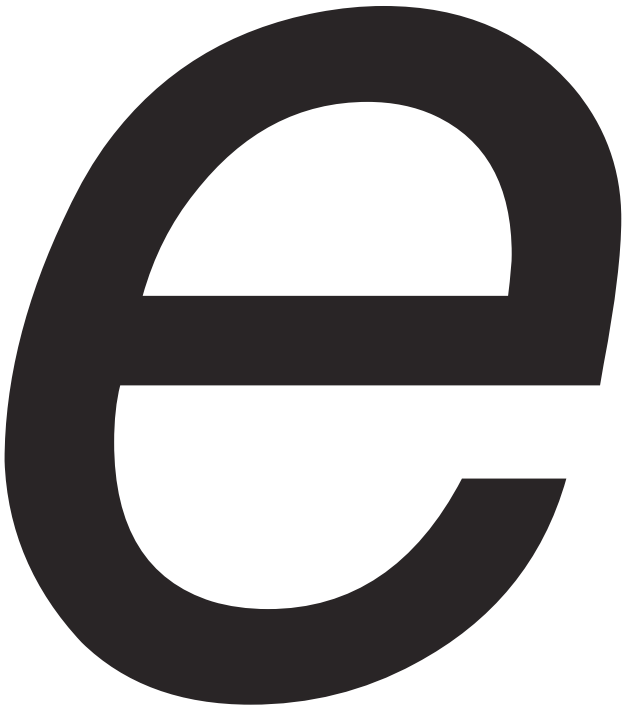
CO

ex

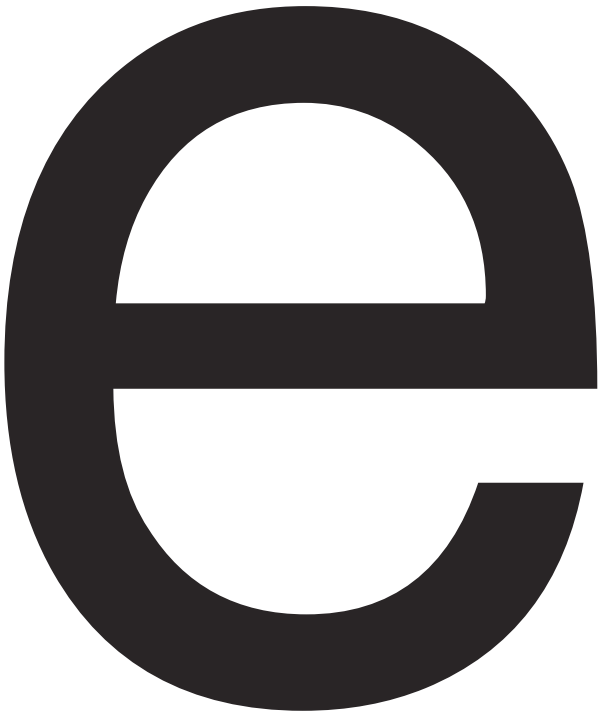
d

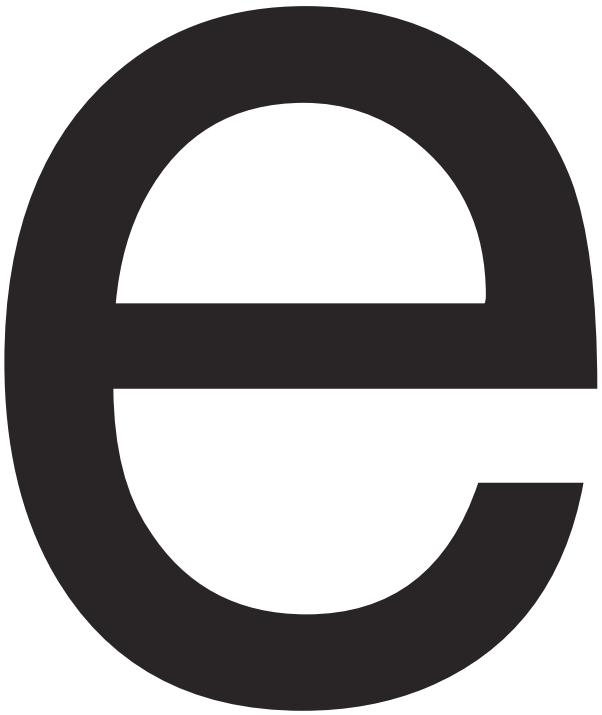


at



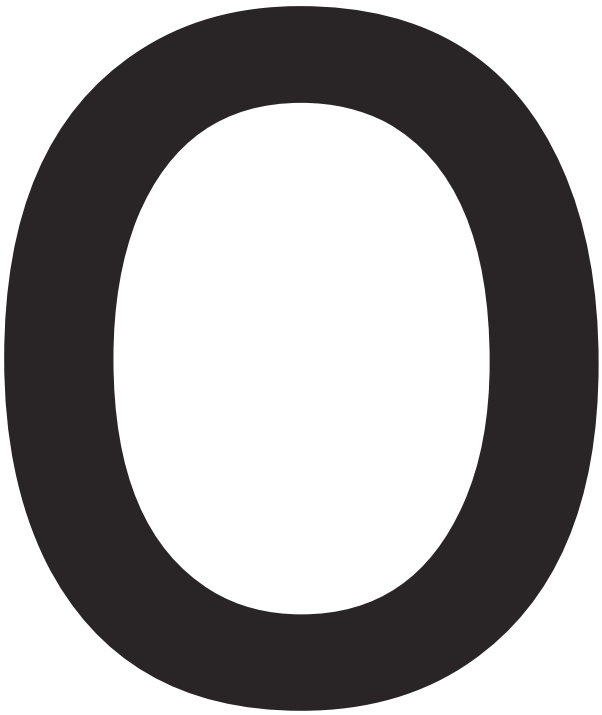
p

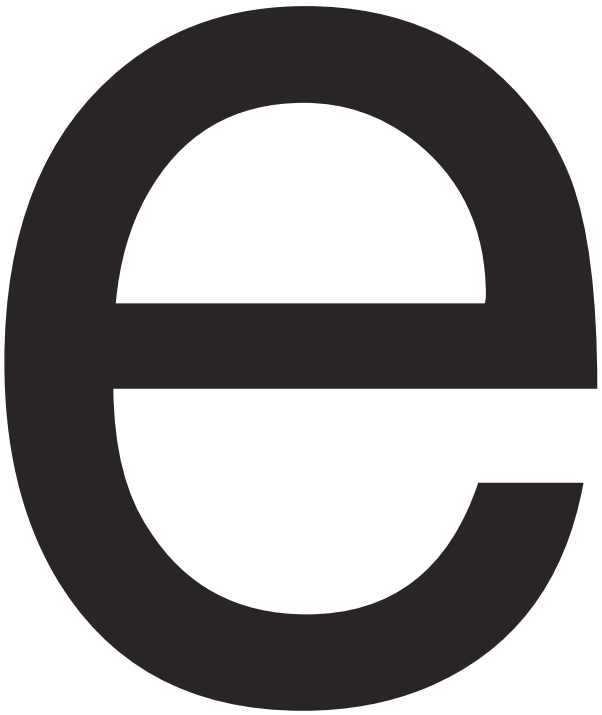


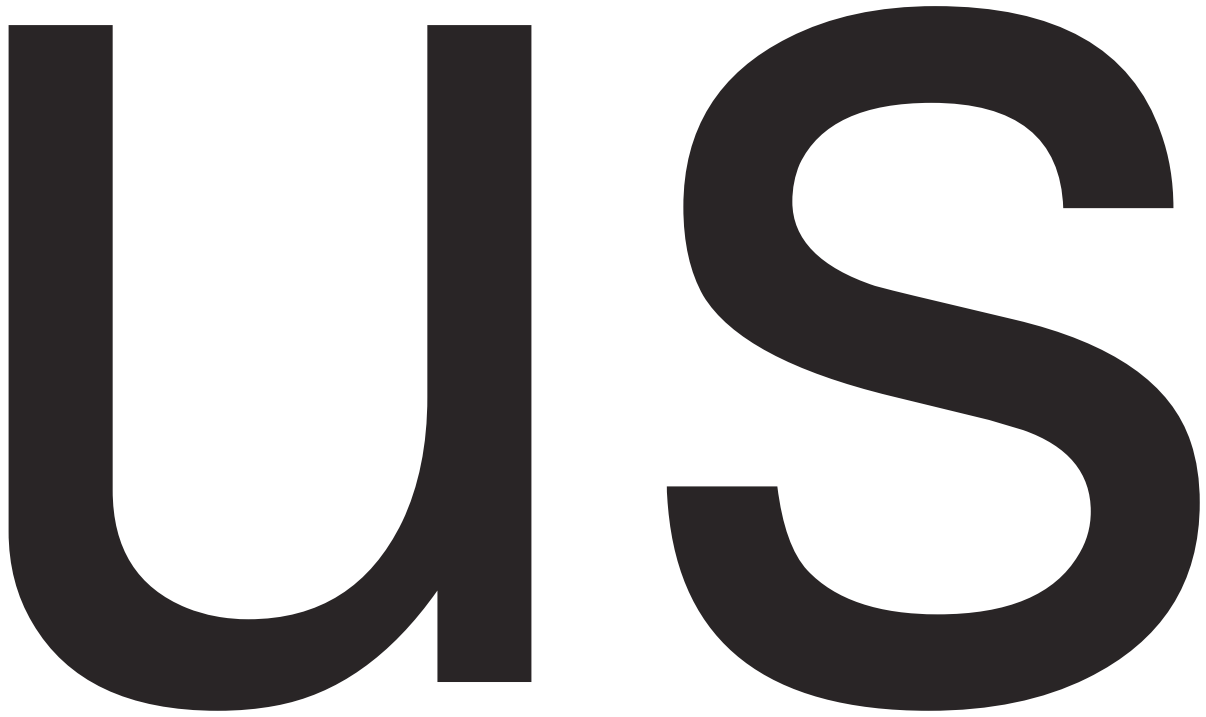


ra

d



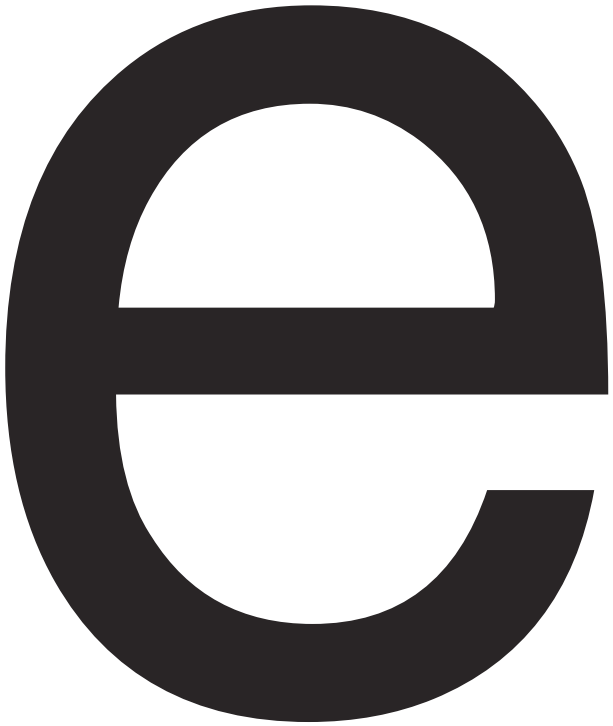




S

tu

te

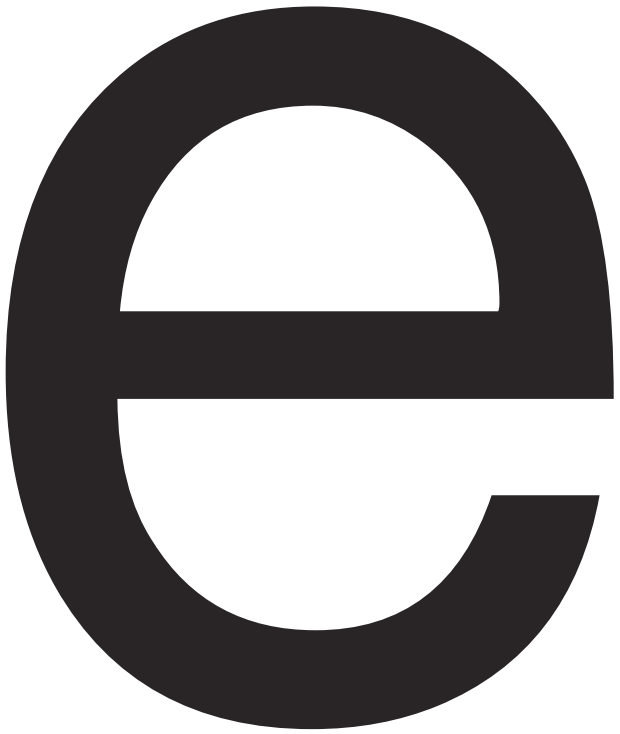


sti

nt

se

# 10

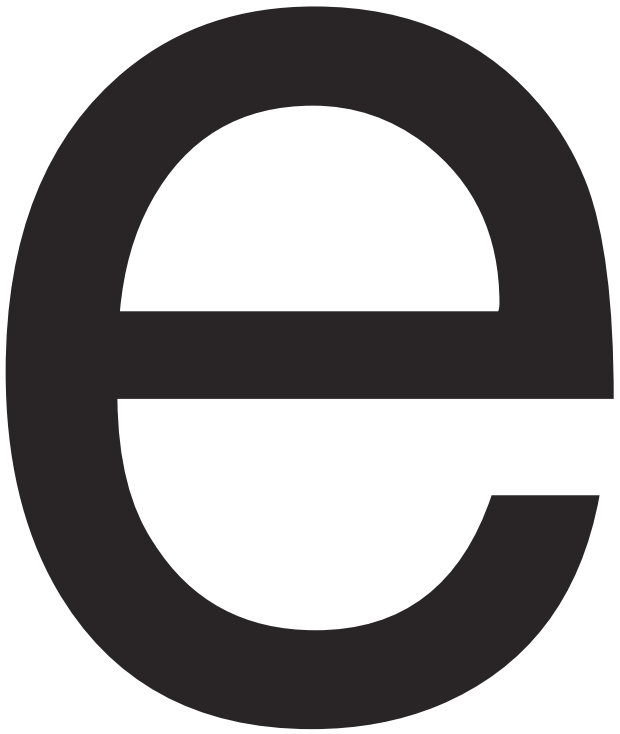


S'

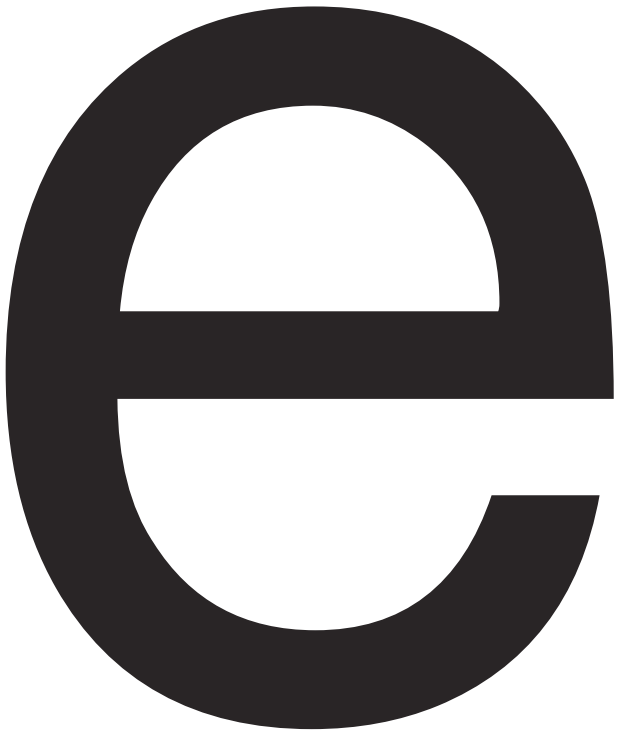
at

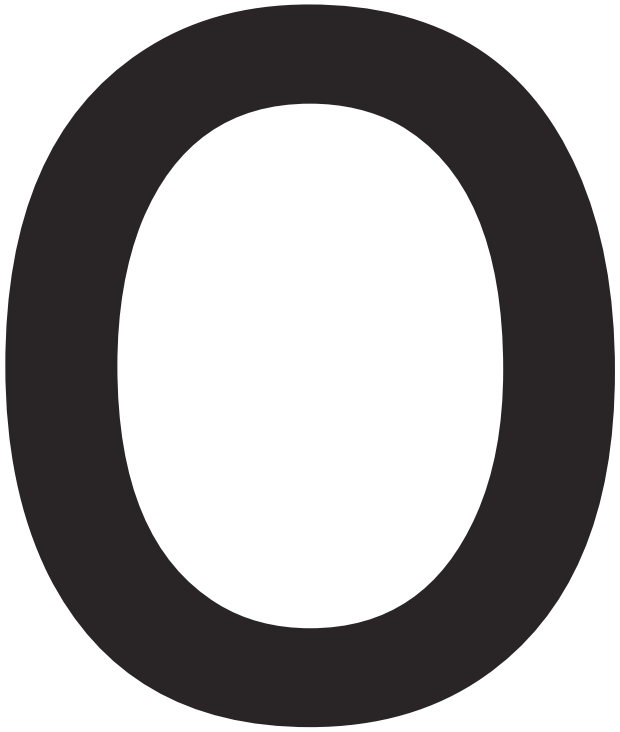
ta

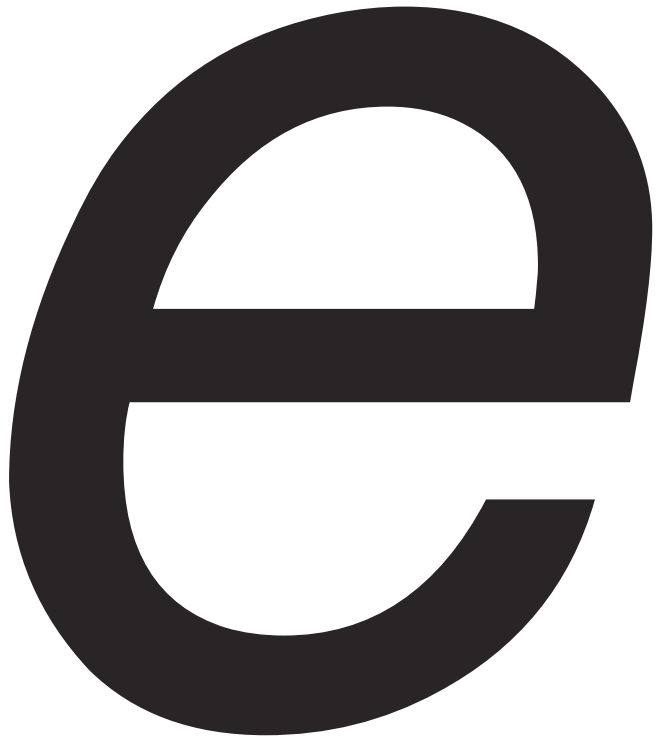
ch



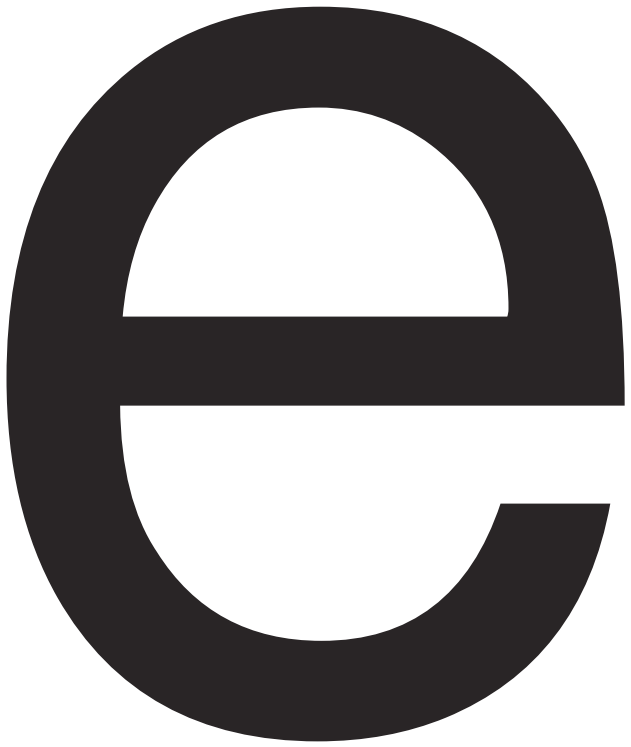
SO





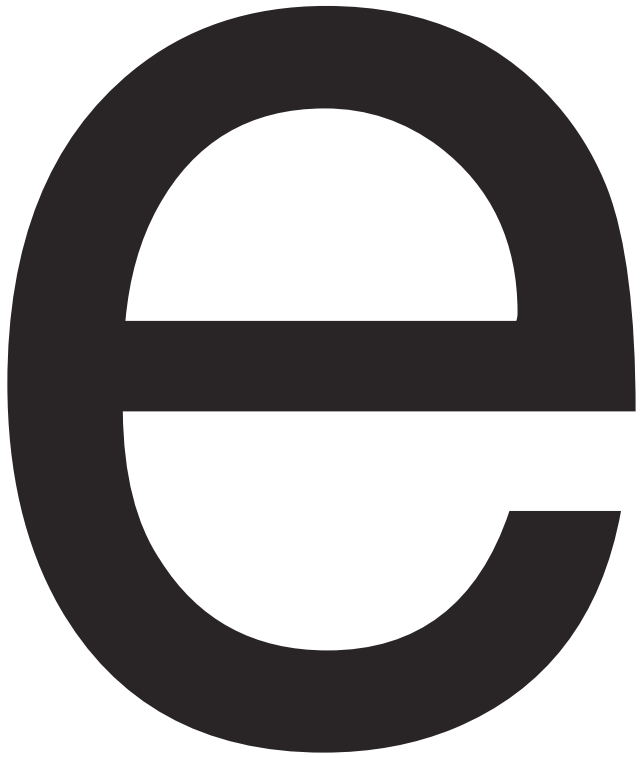


d



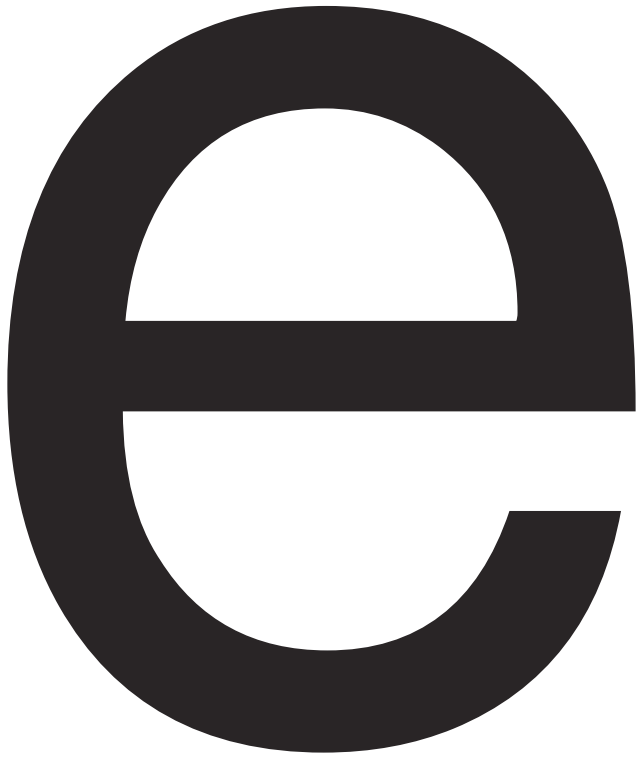
ot

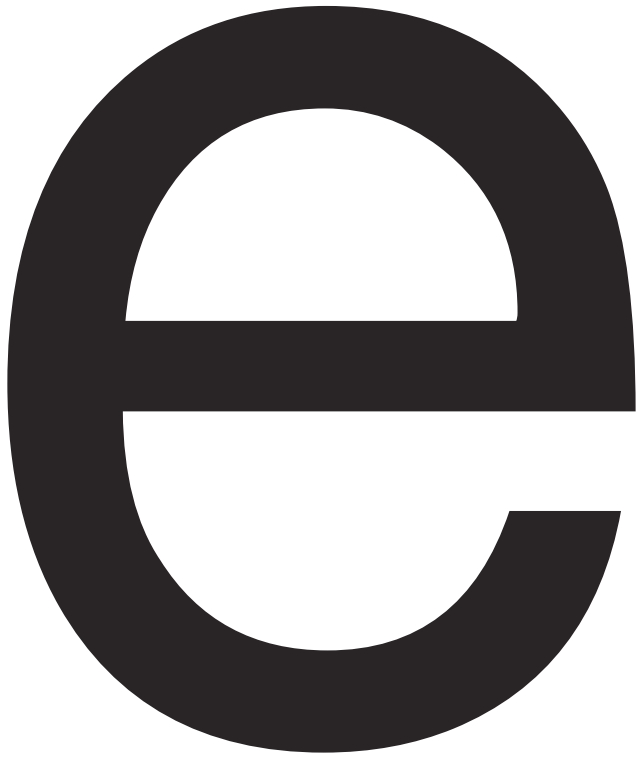
cit



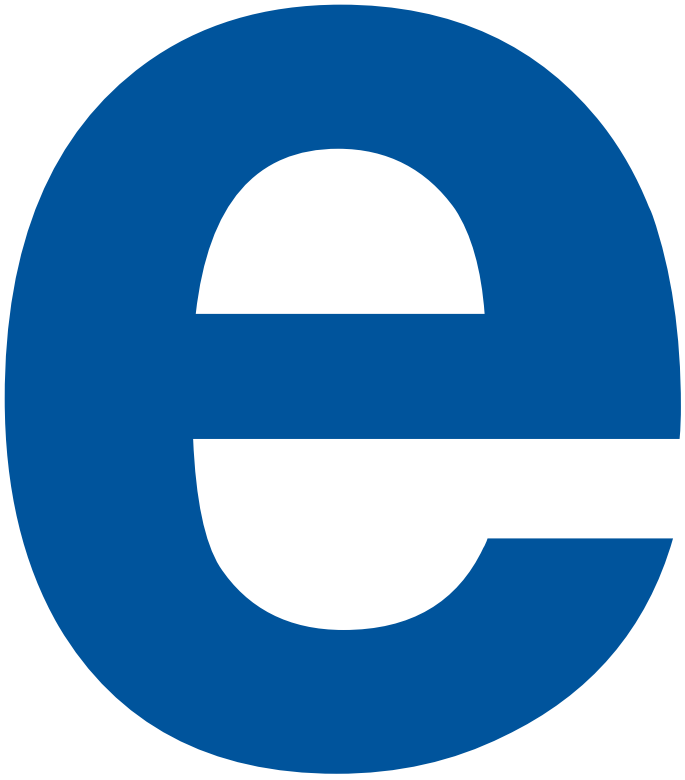
Ci

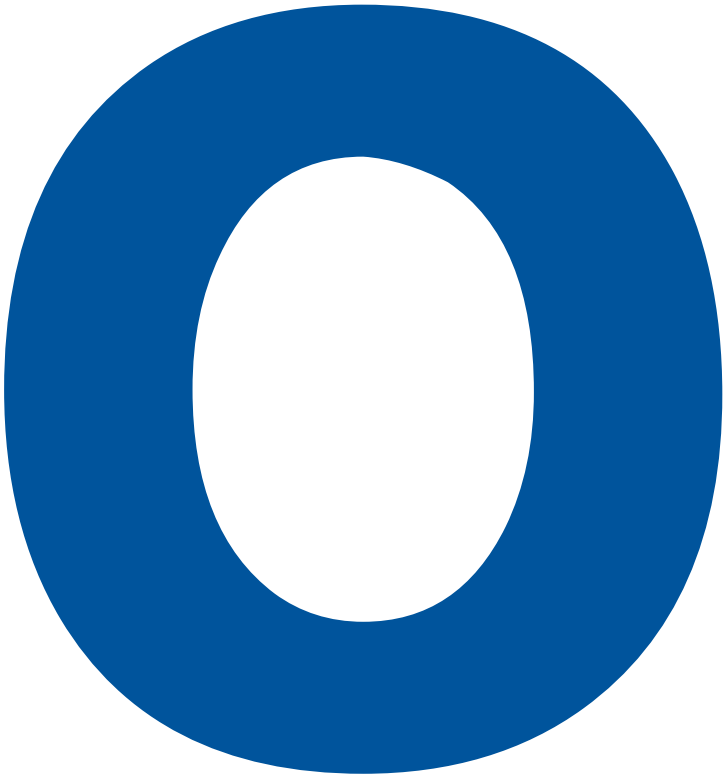
C

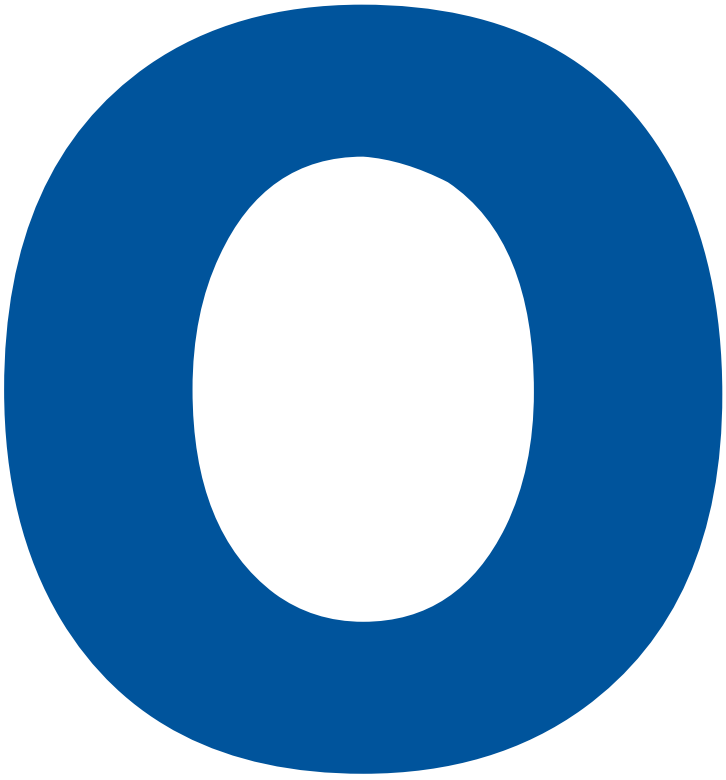


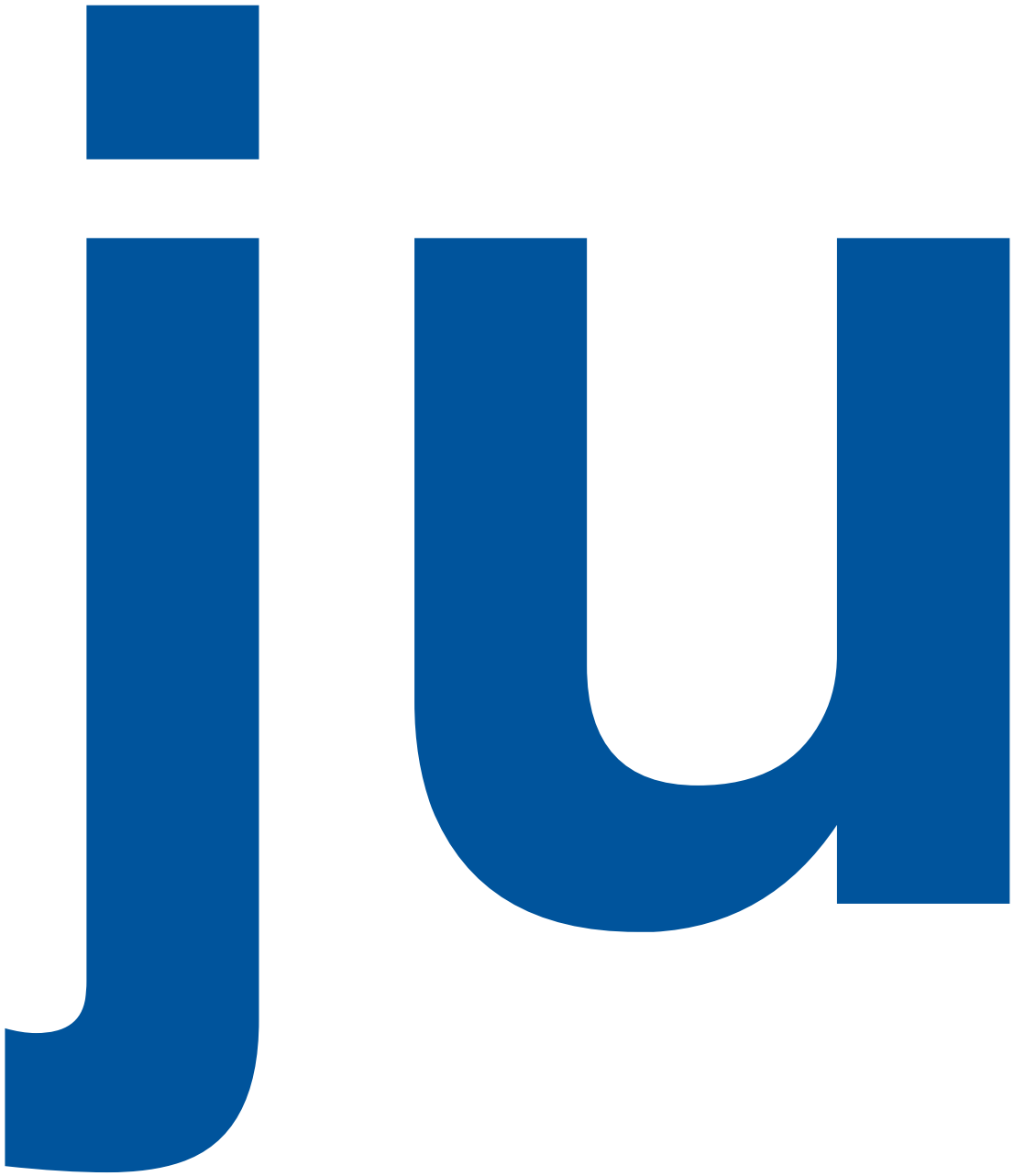


l'a

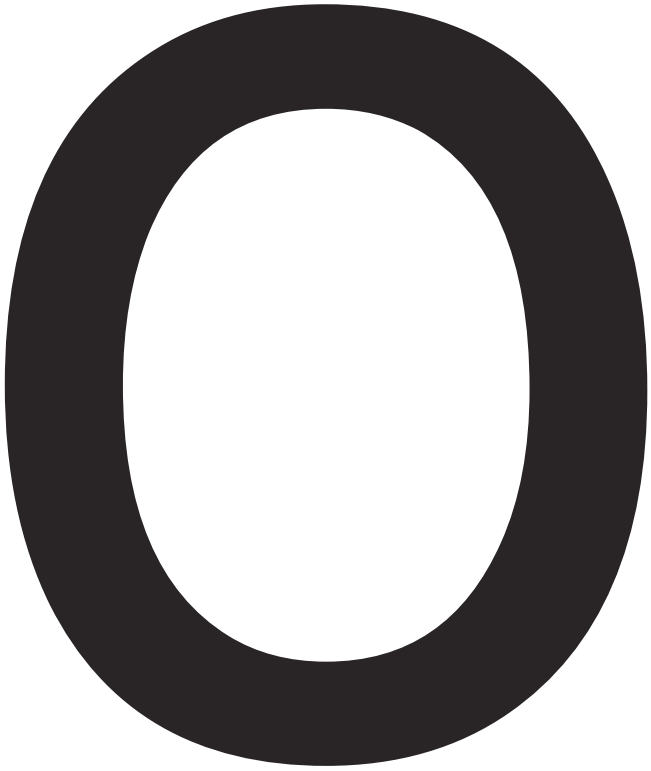


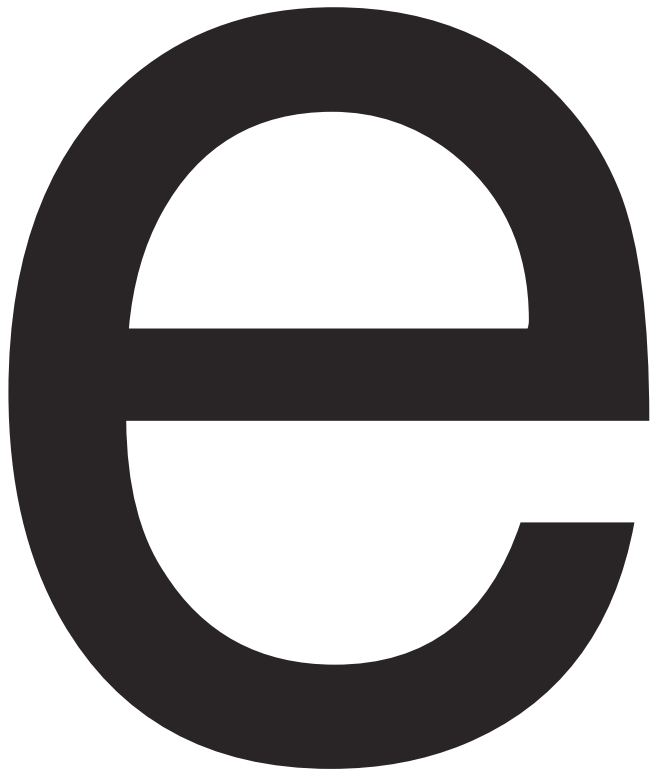






re

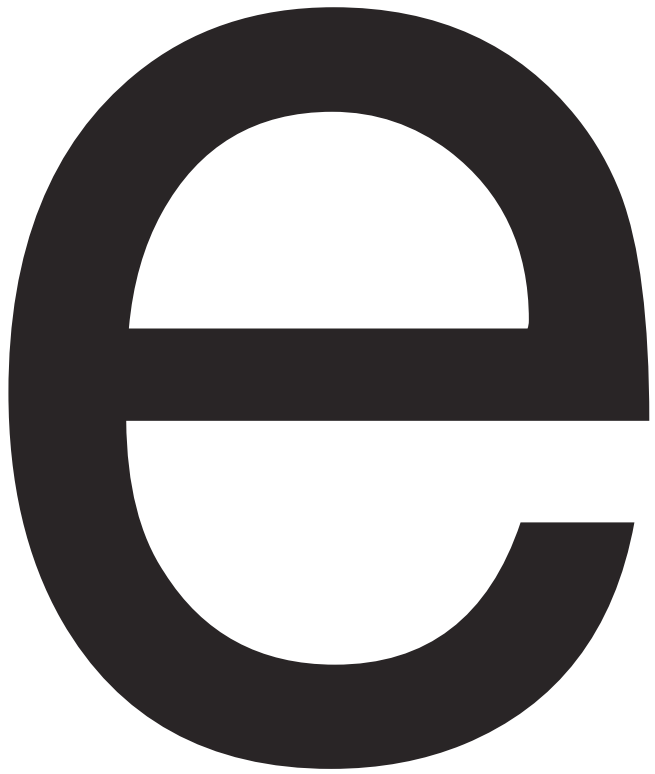


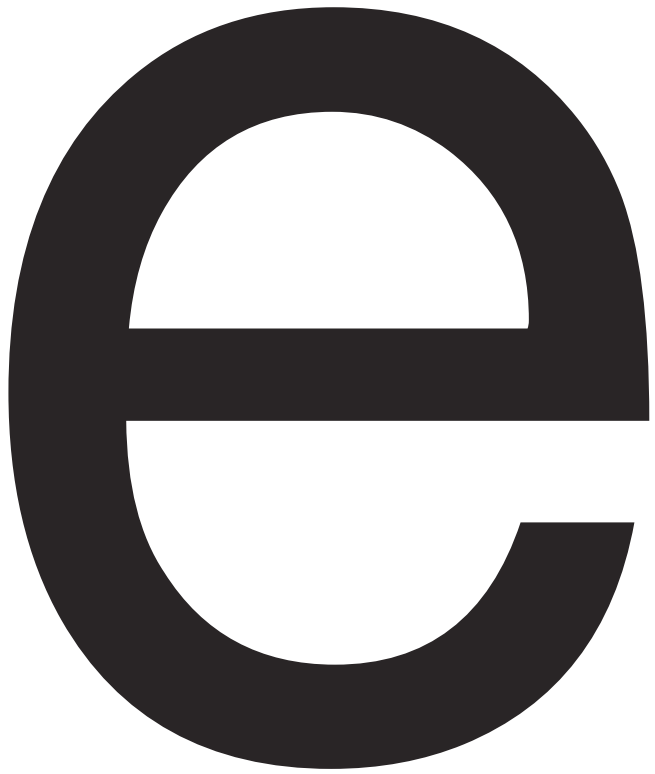


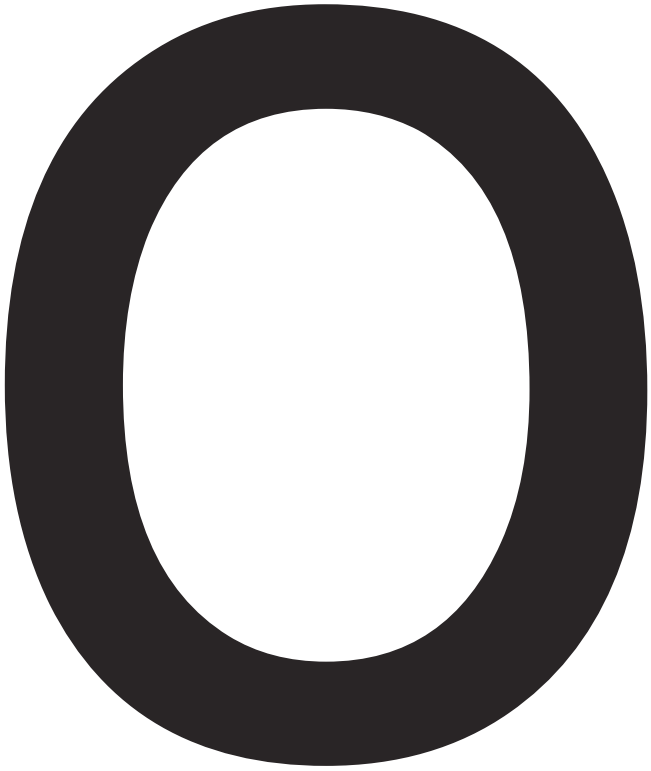
fa

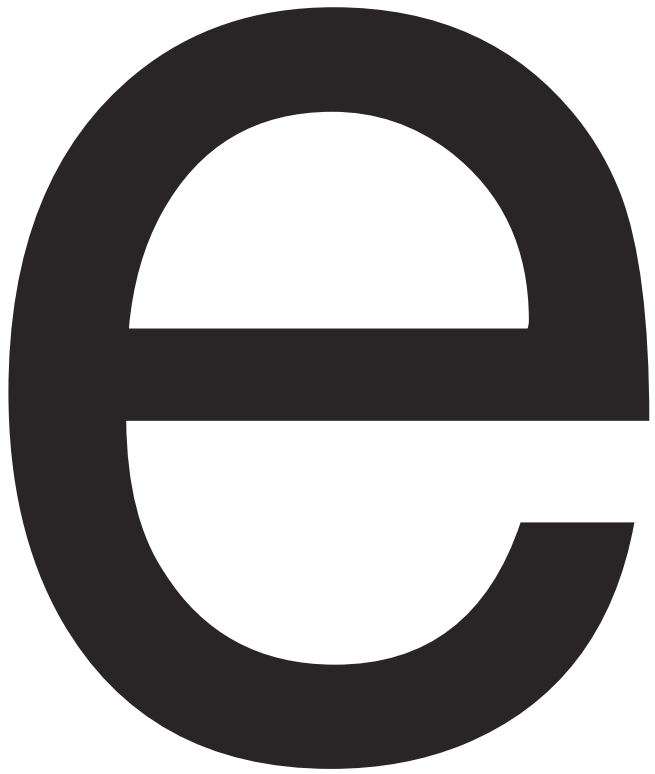
# V

or

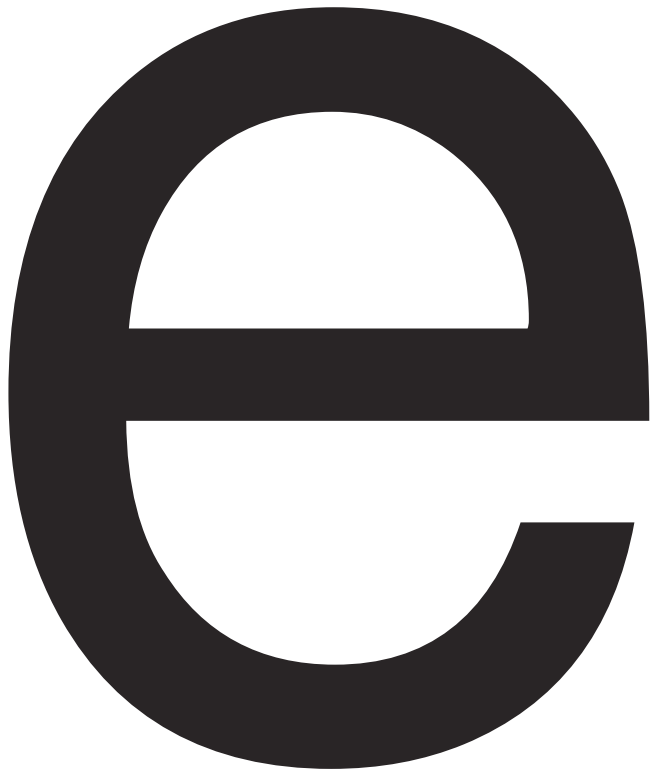


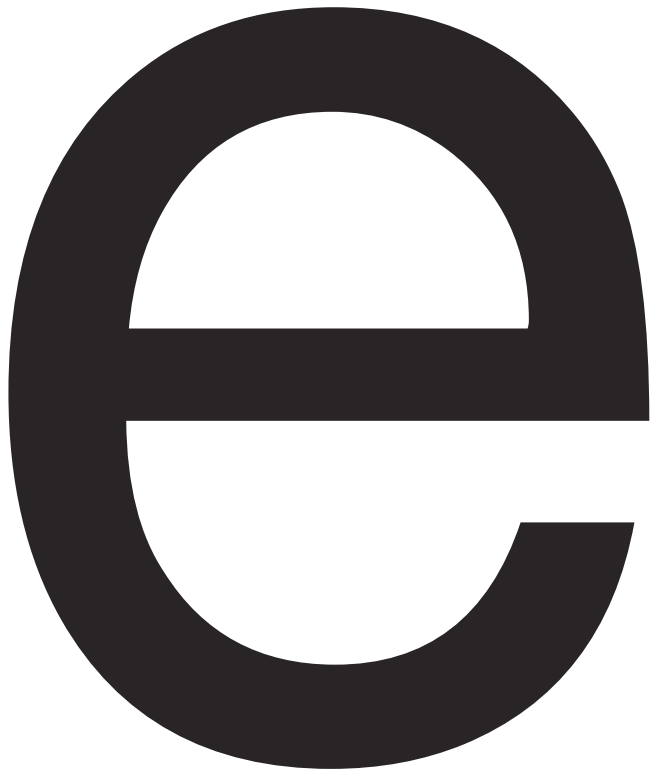


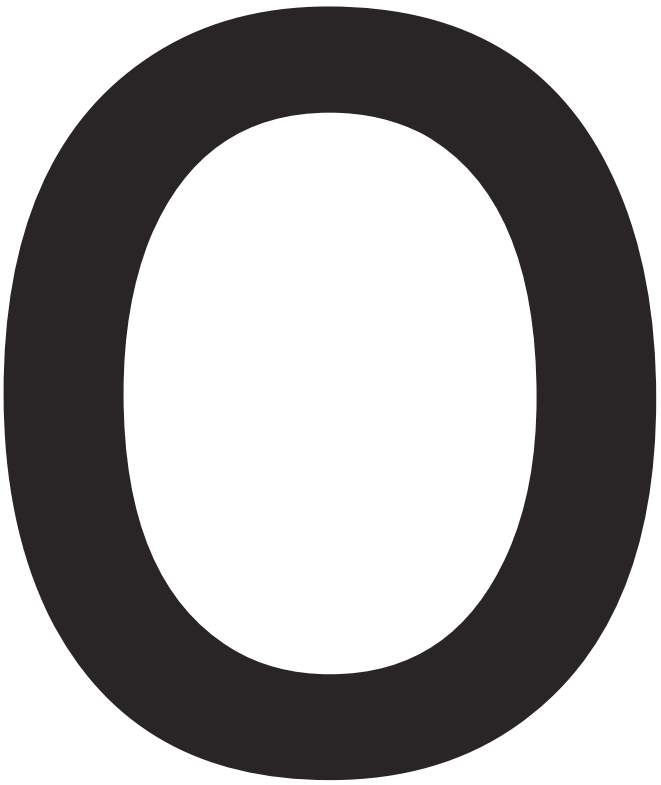


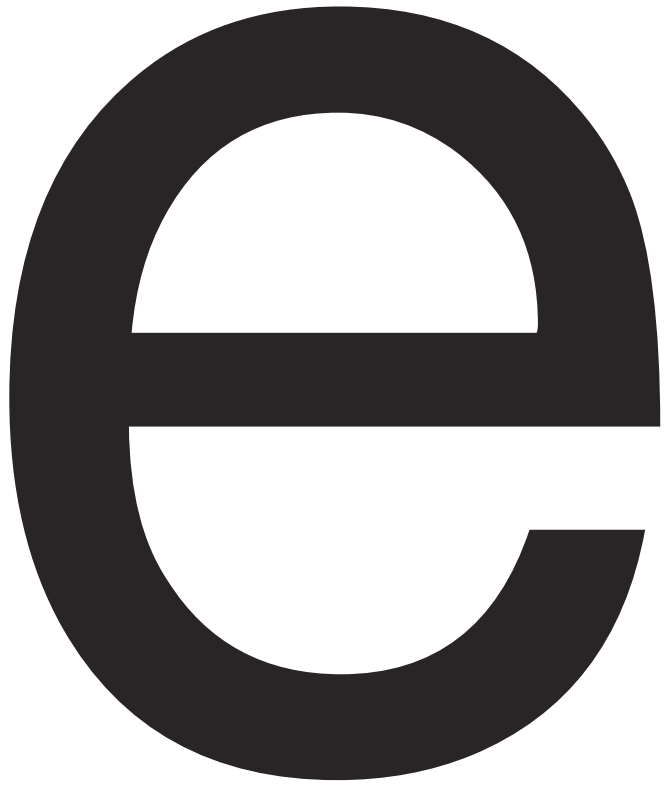


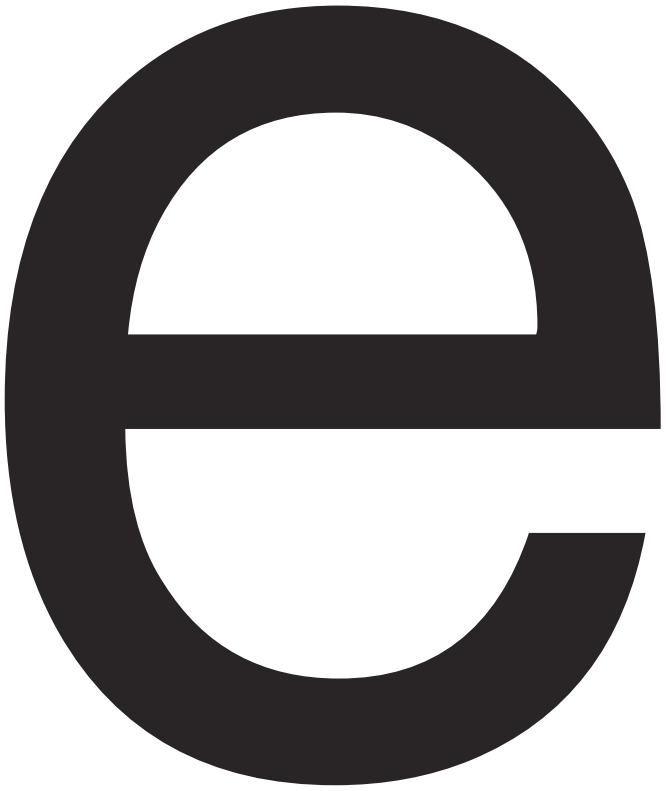
e

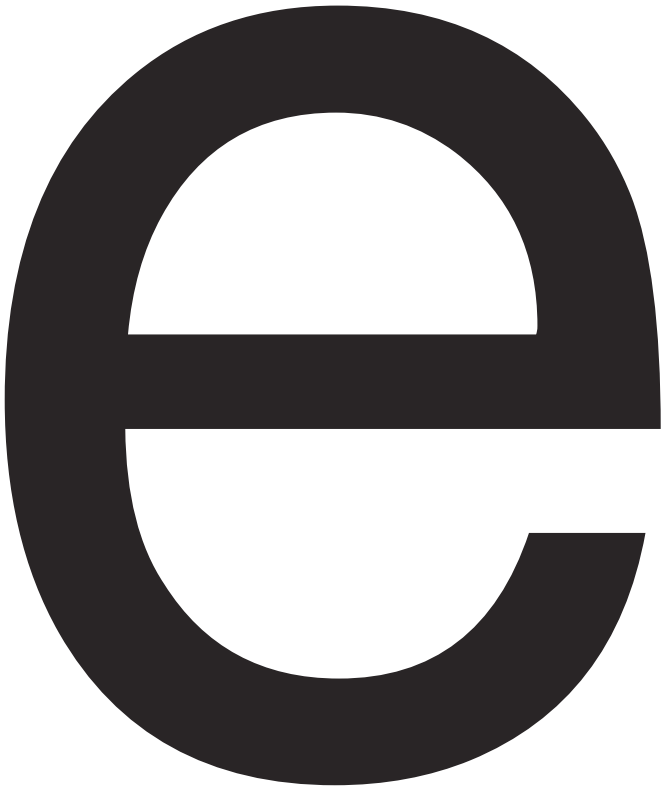






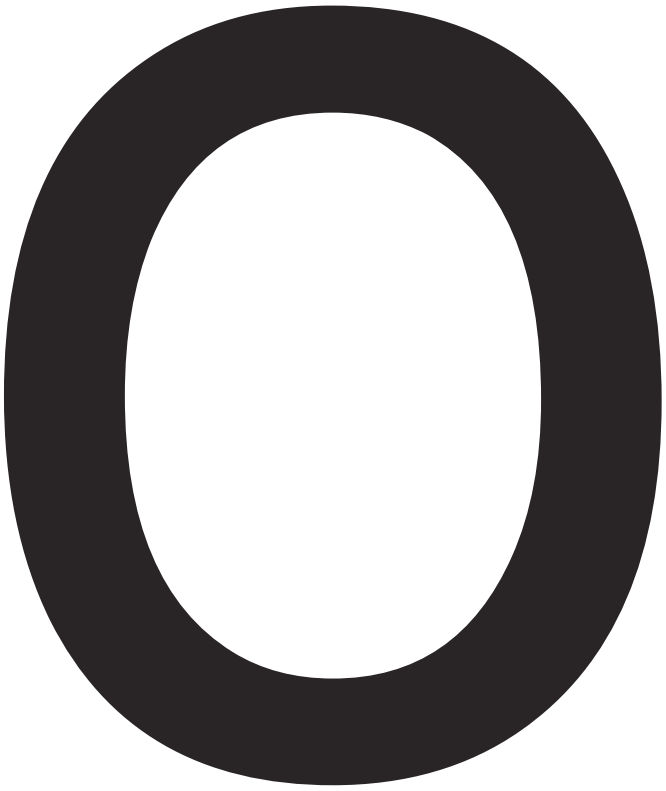


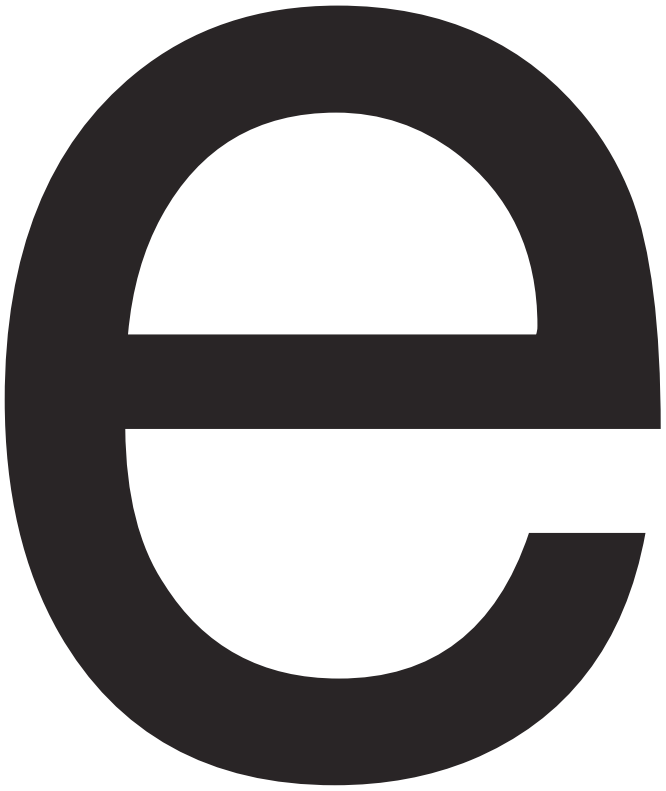




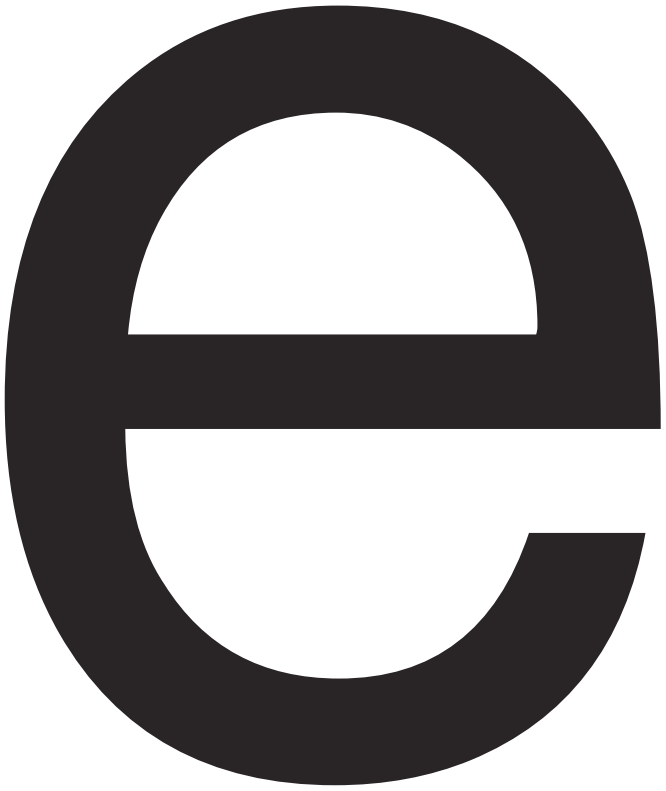
pr

re

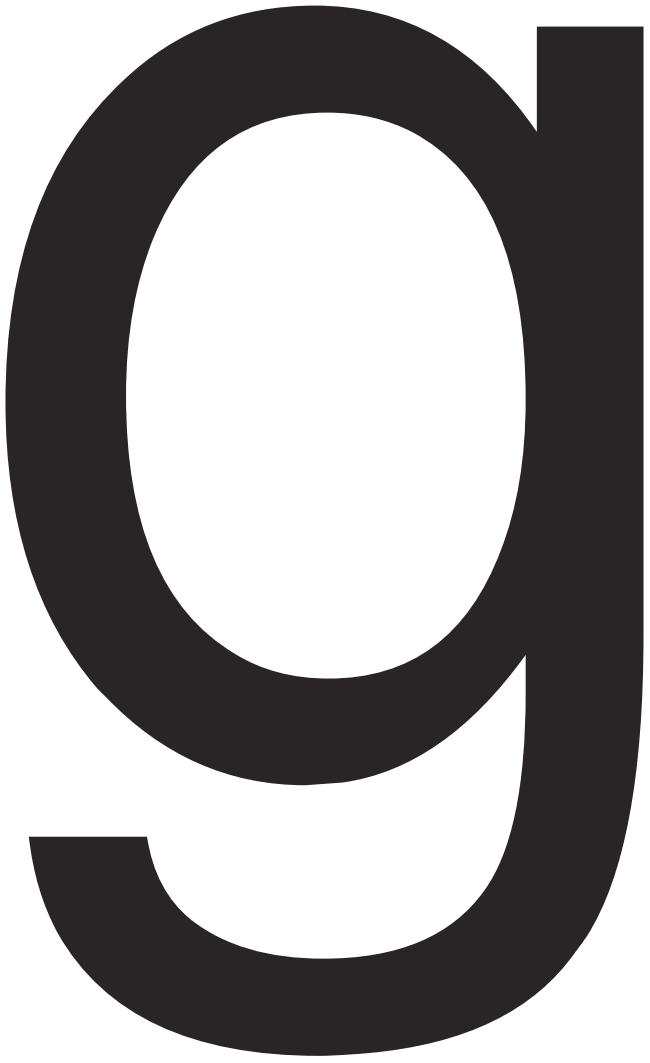




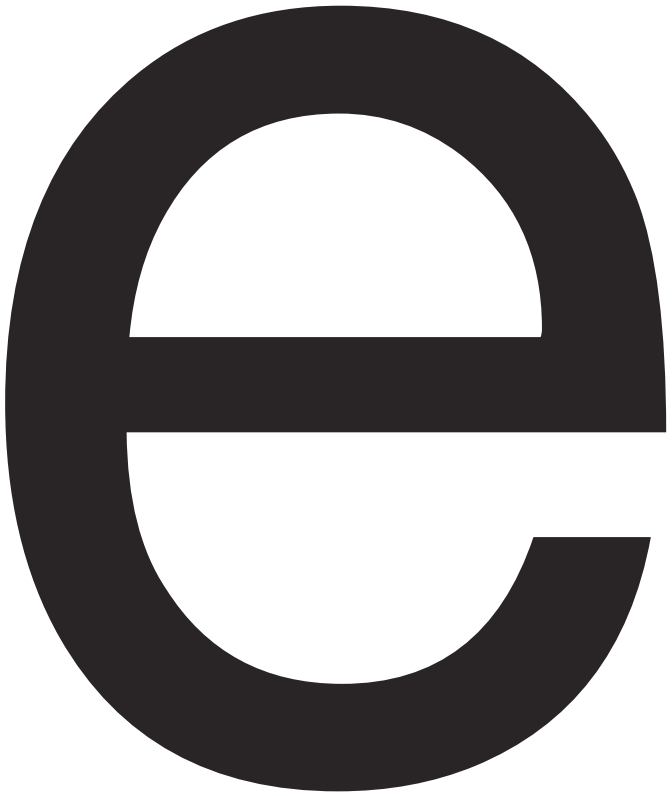
fa

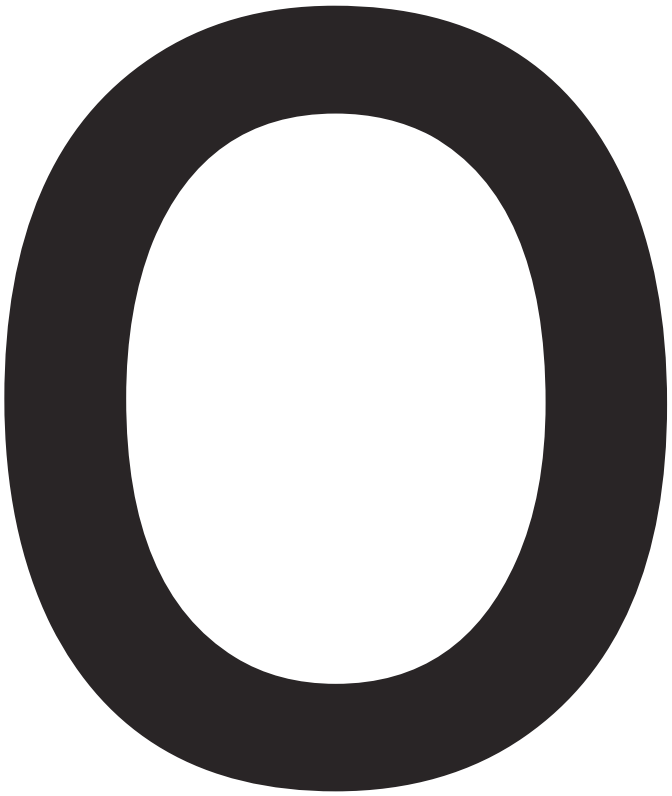


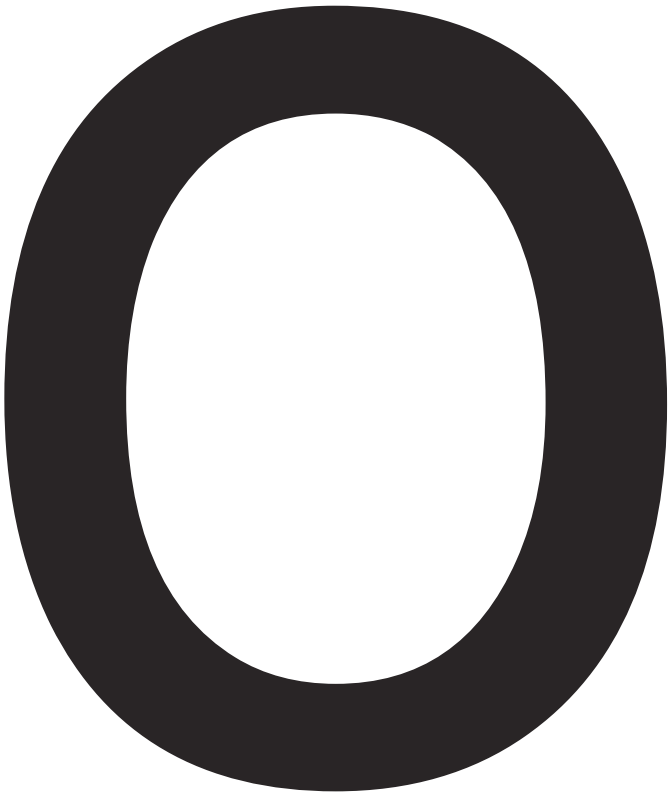
fa

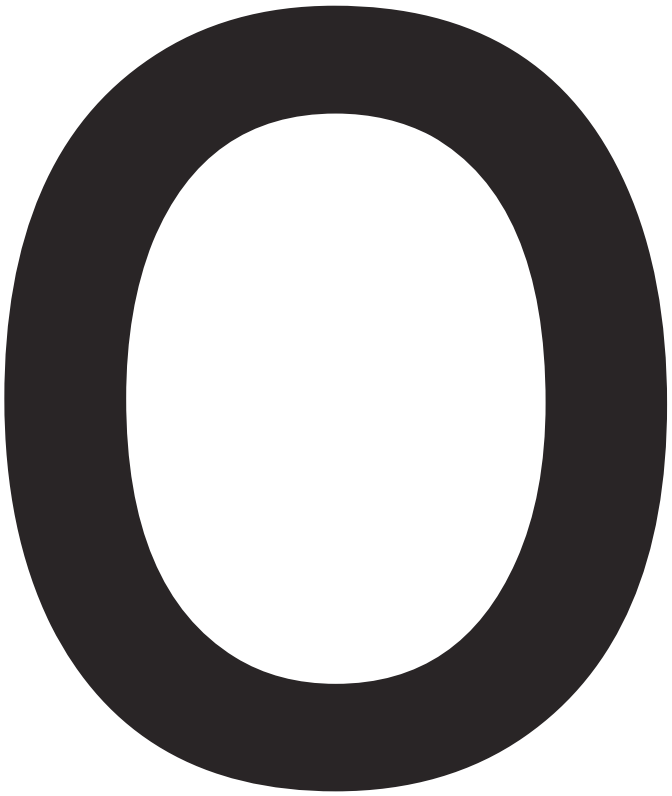


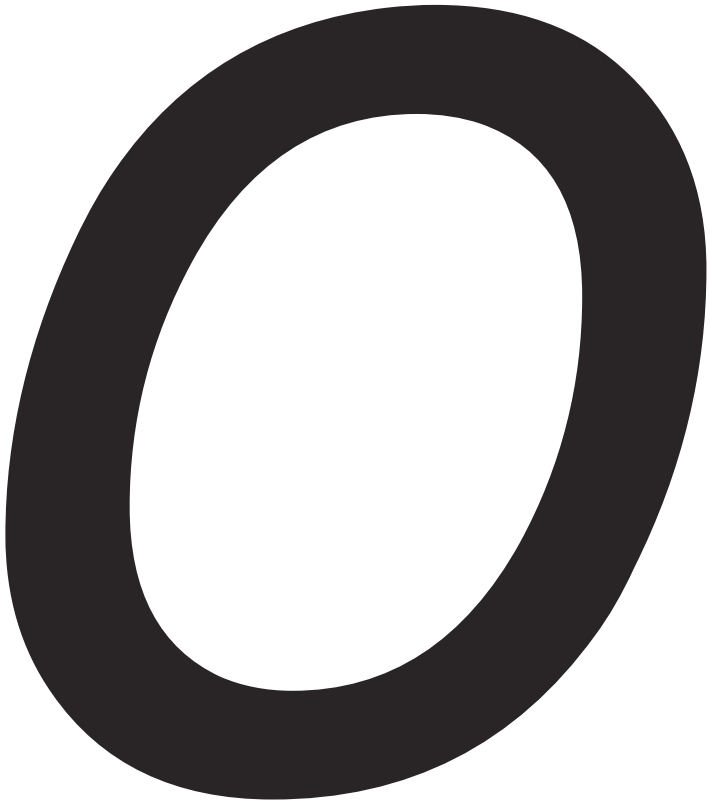
or

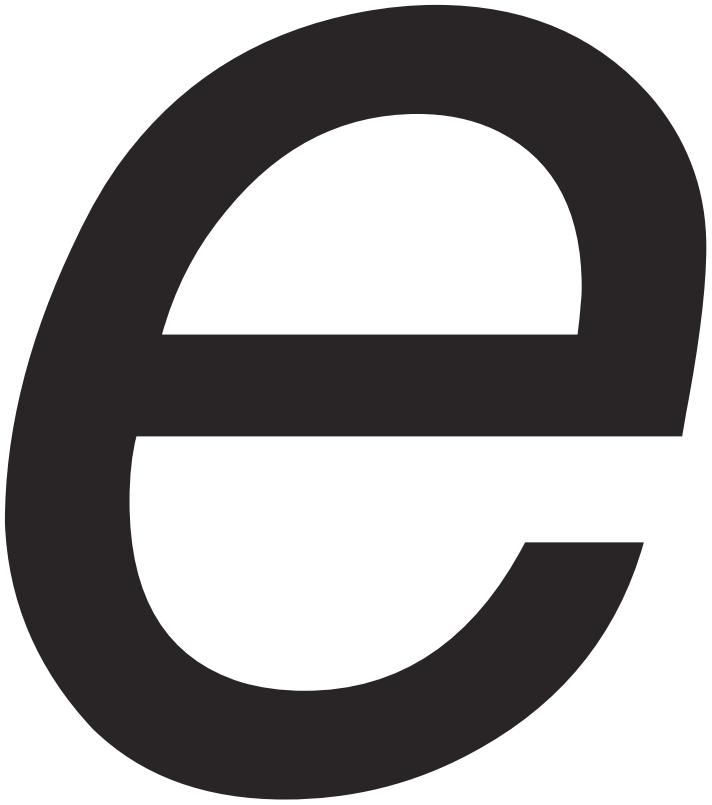




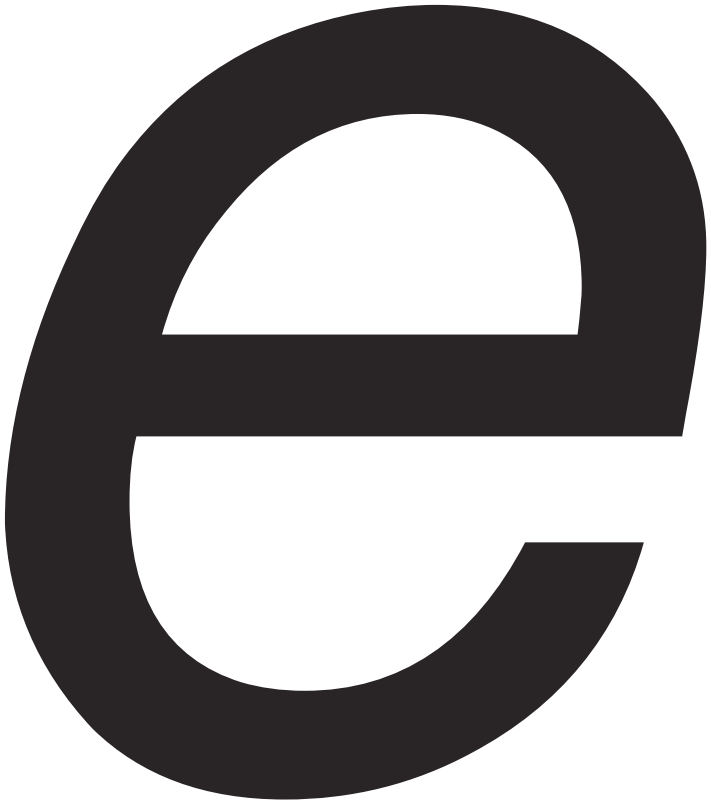


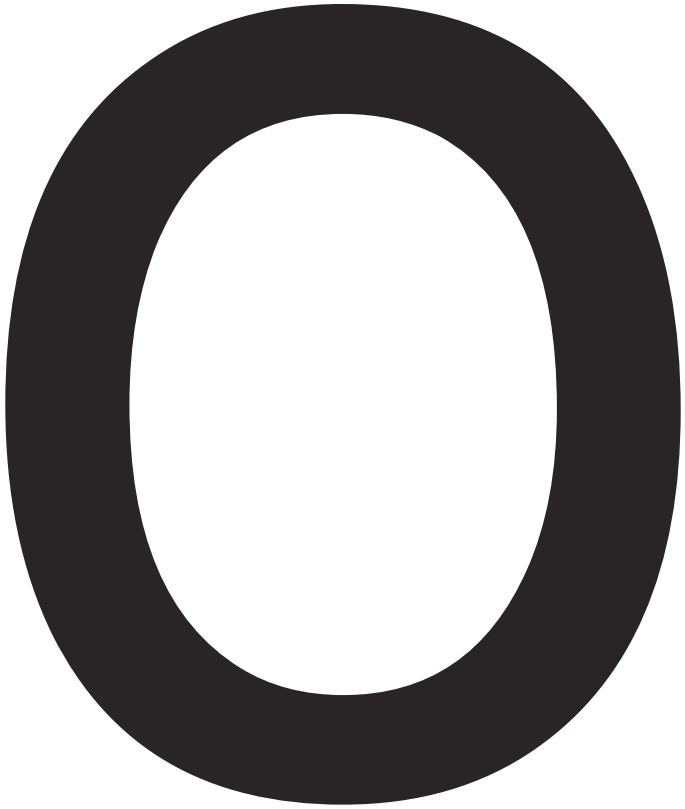






fa

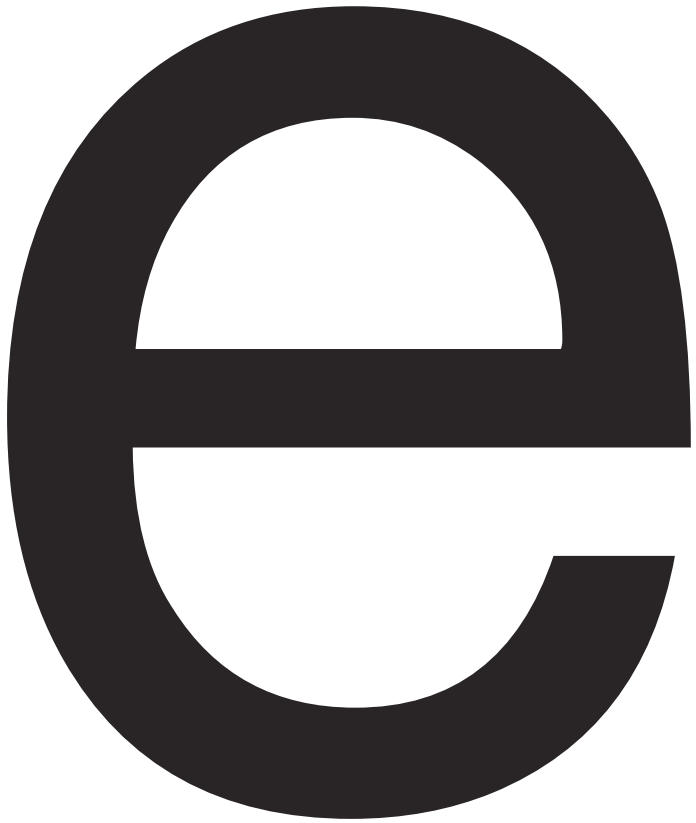


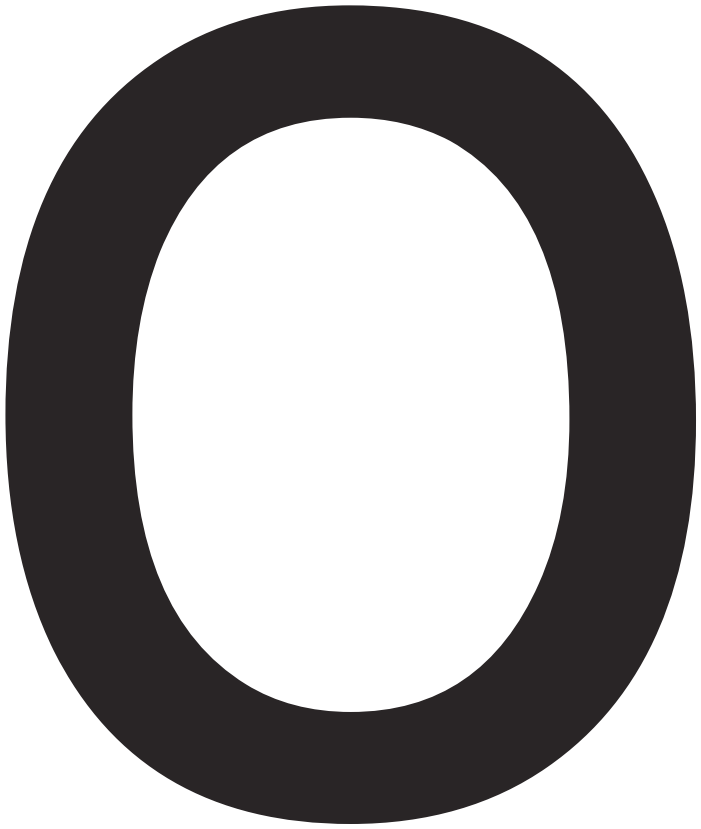


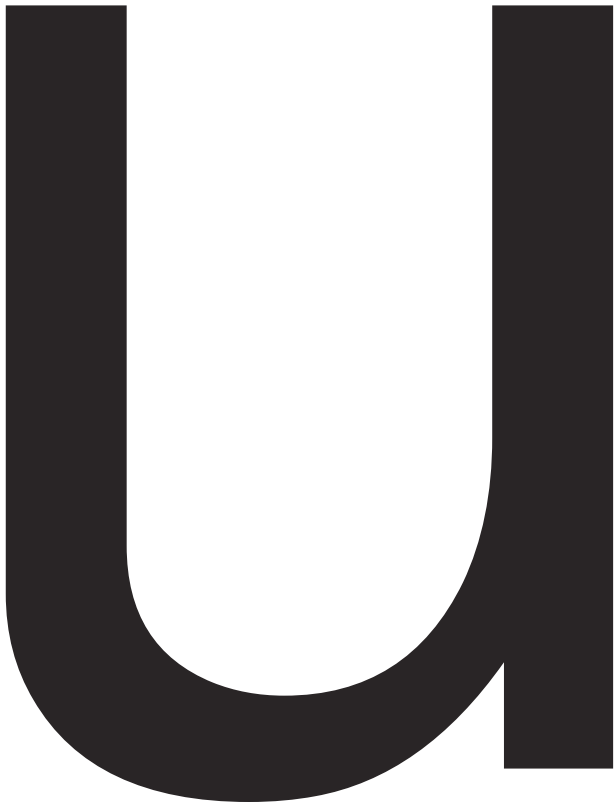
at

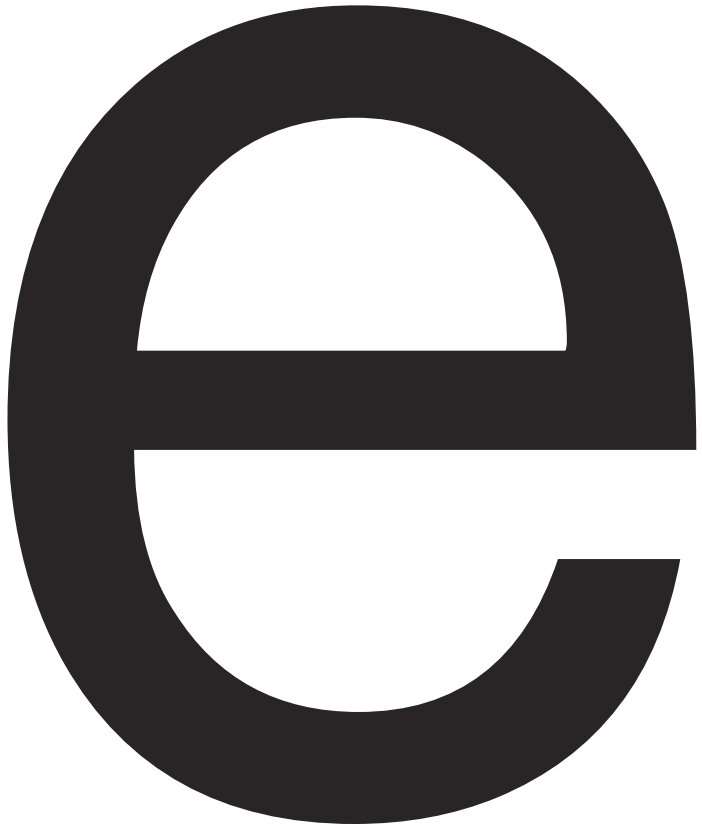
tu

S'

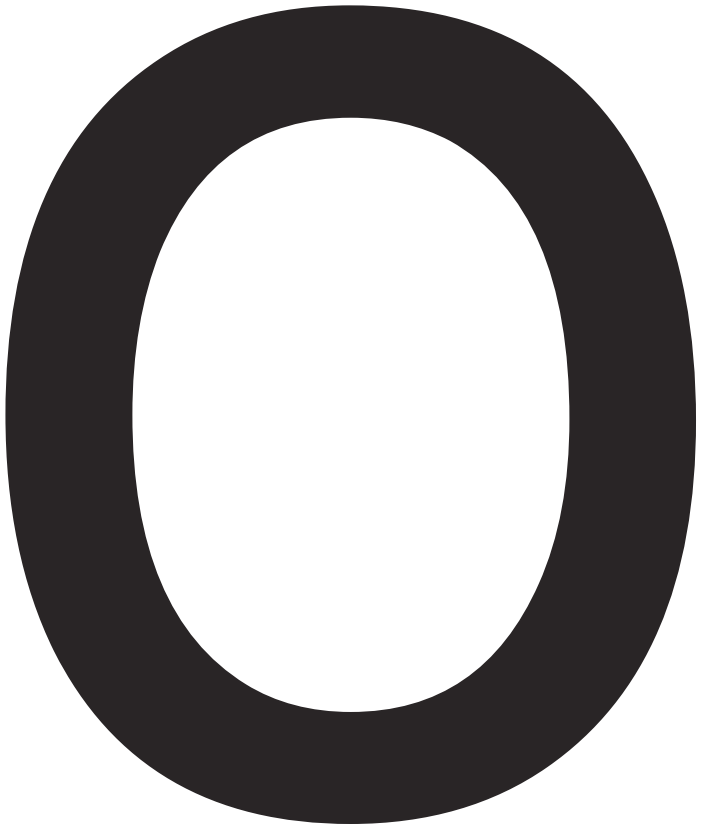




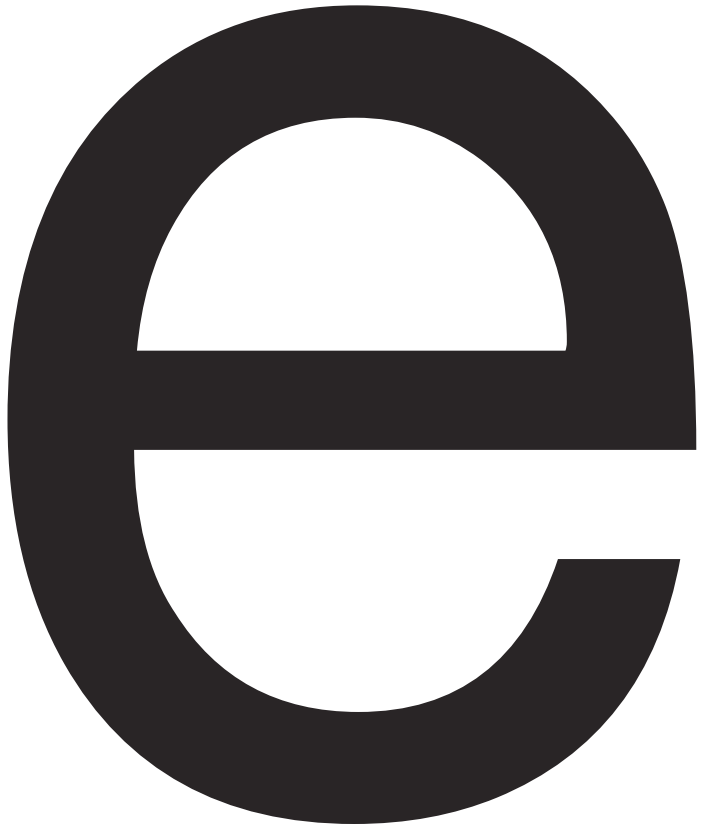


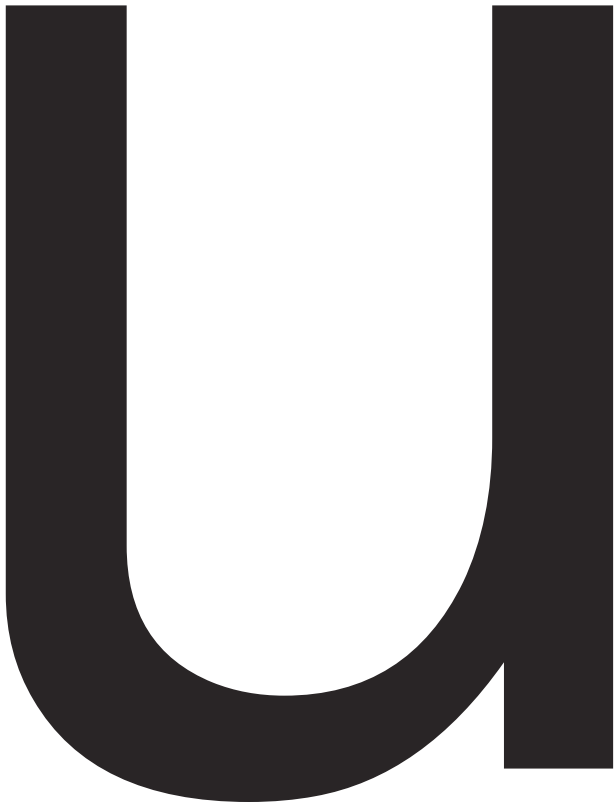


C



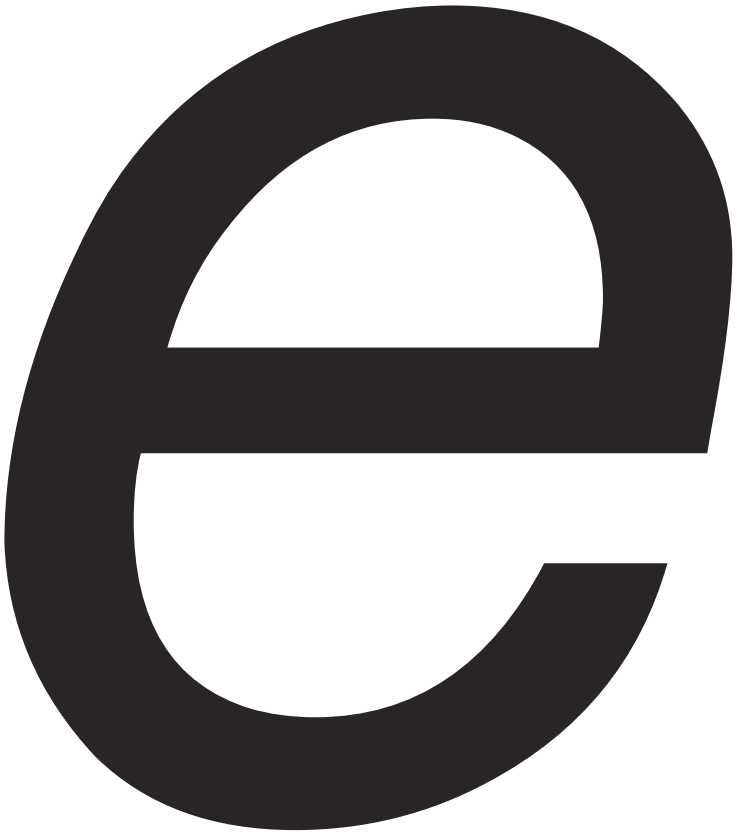
st



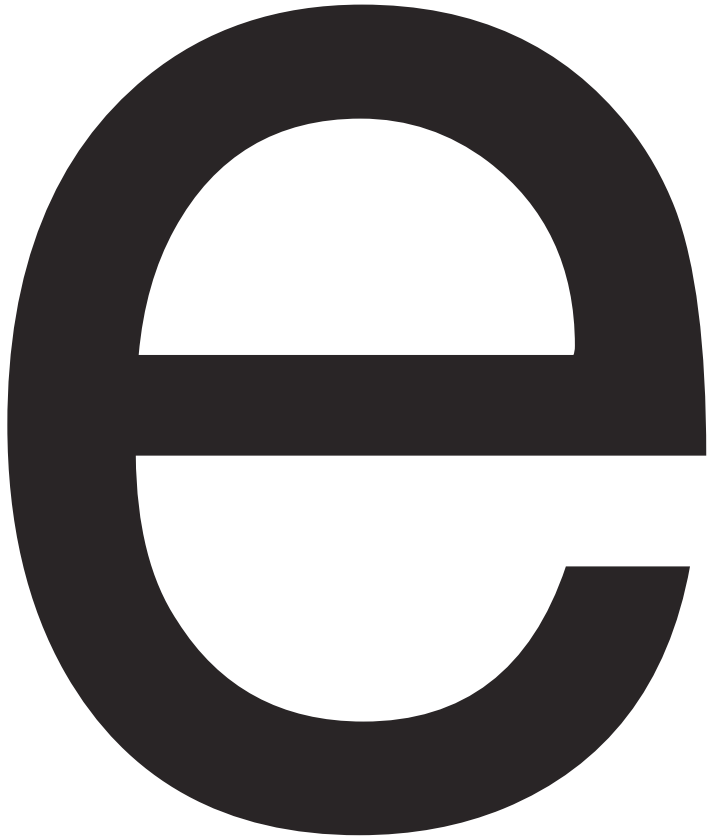


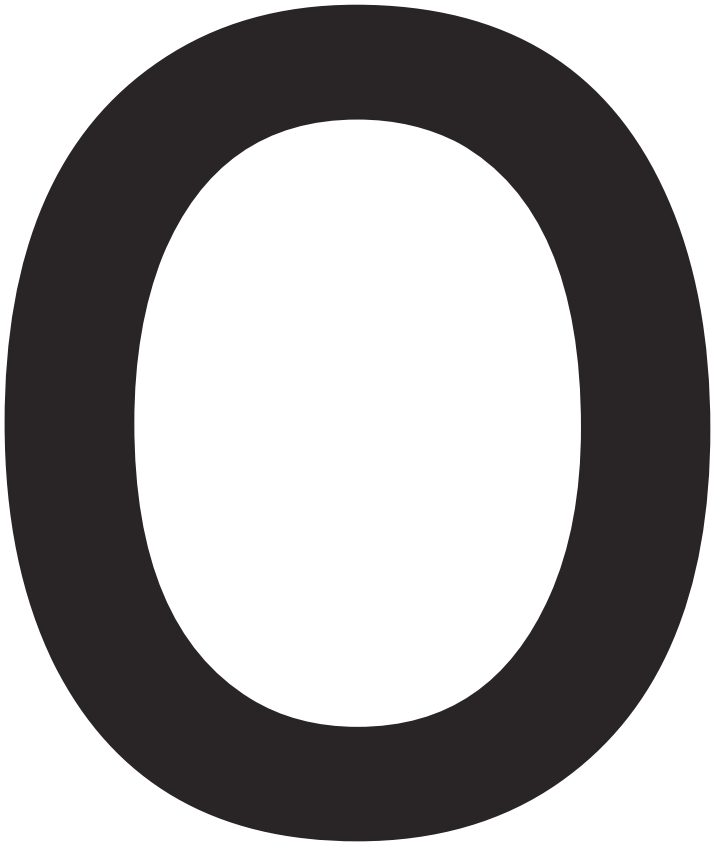
at

oi

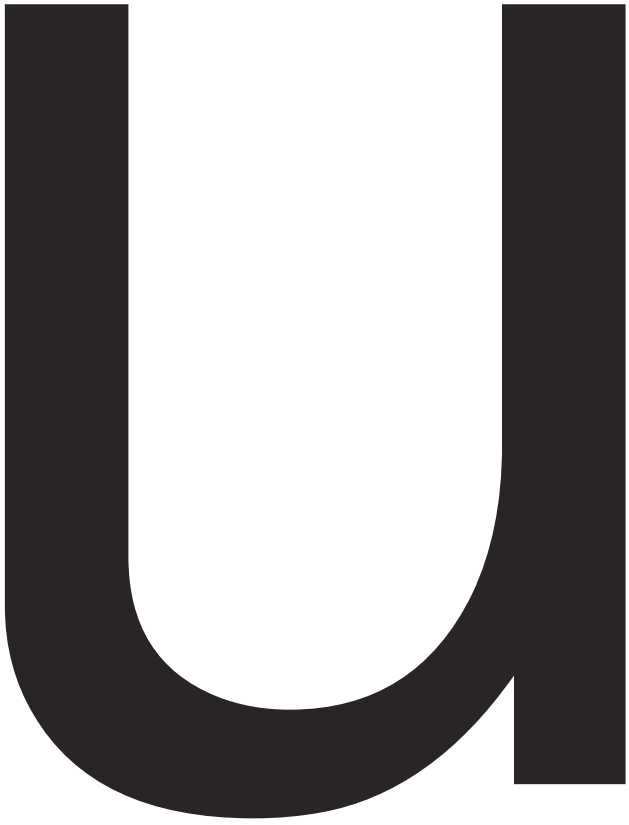


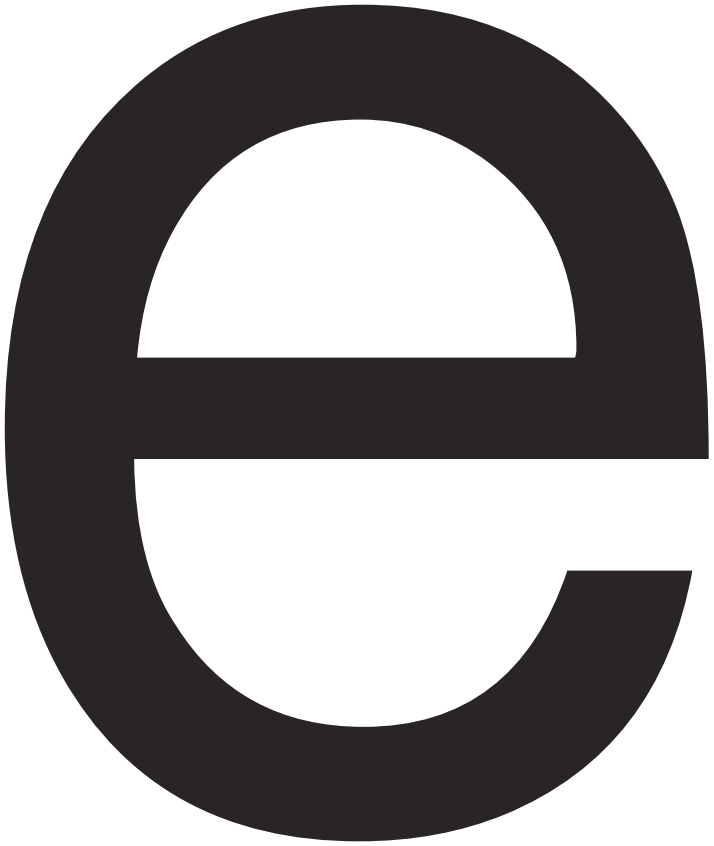
re



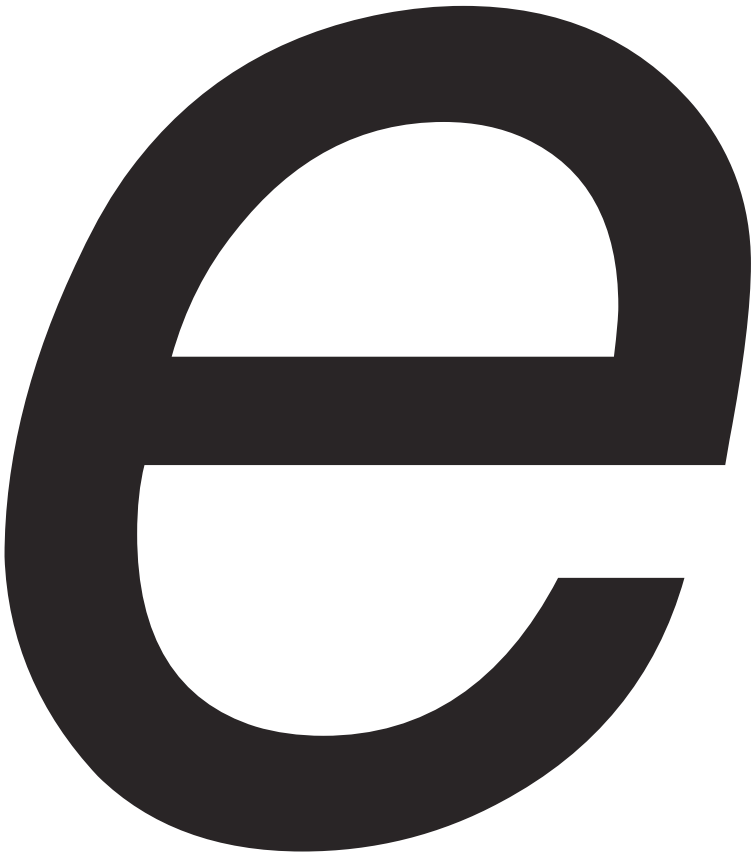


st

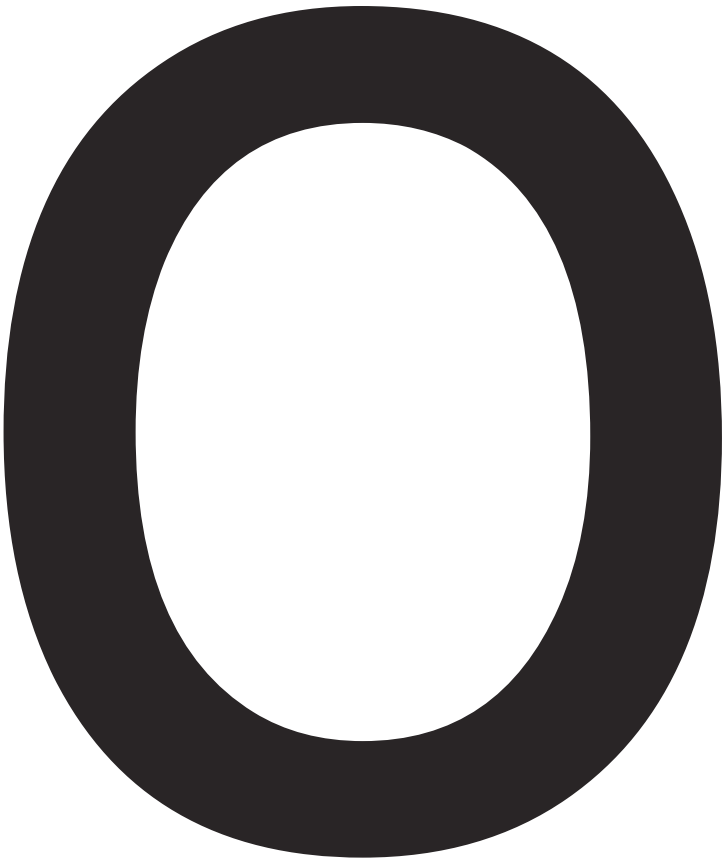




tu

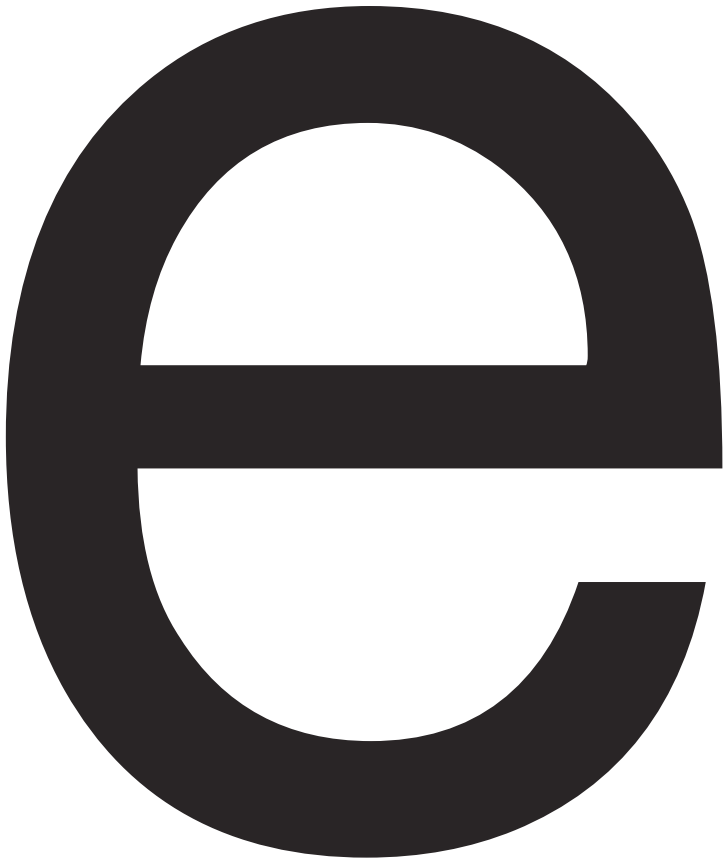


C

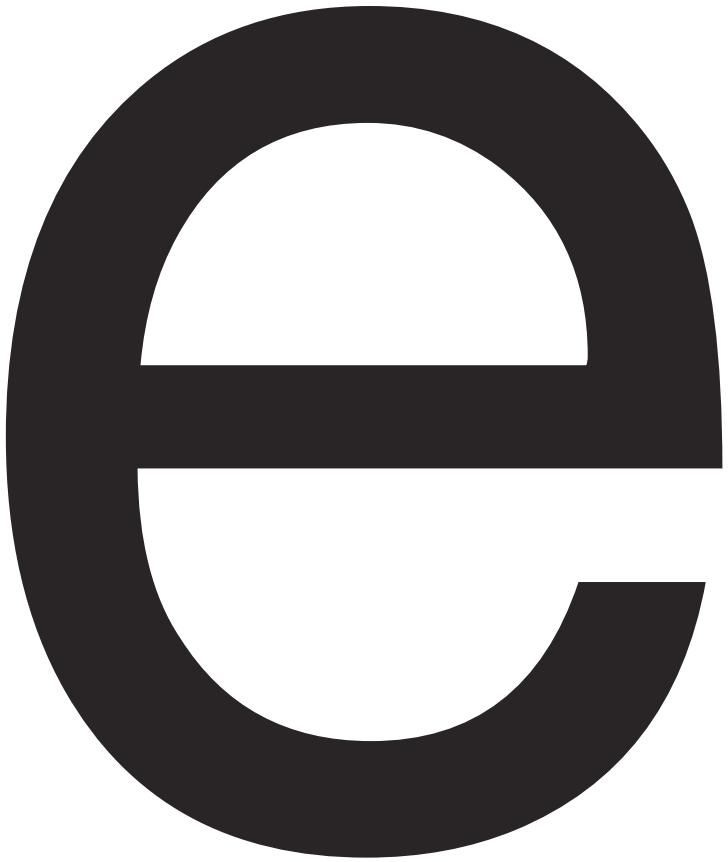


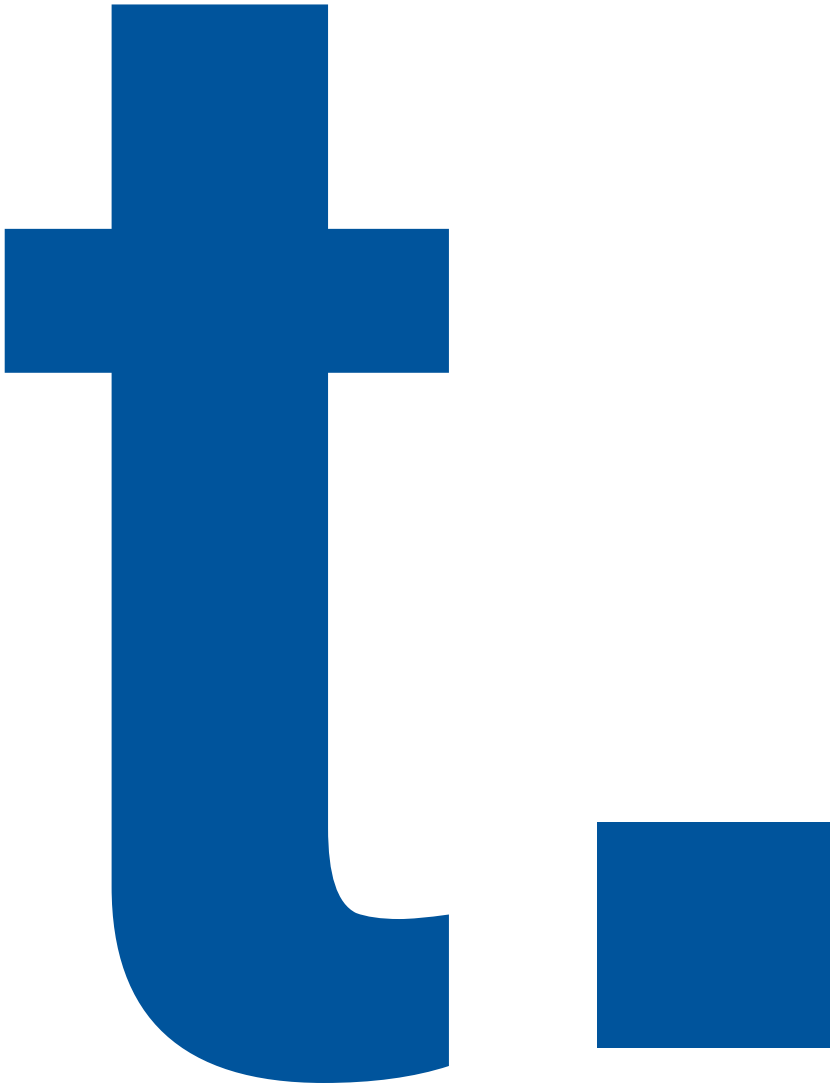
ét

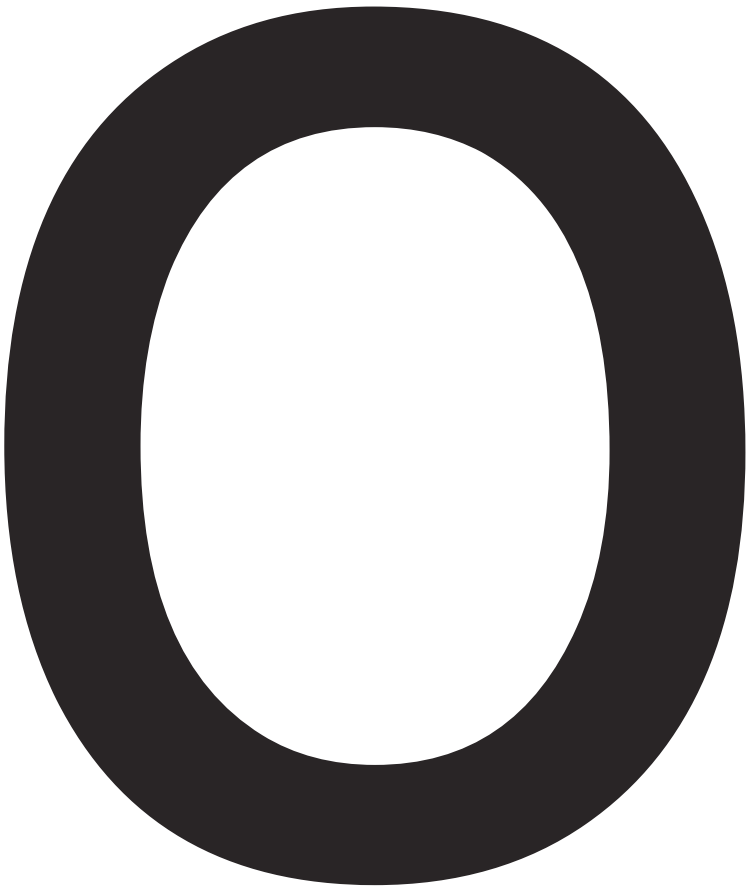
e,

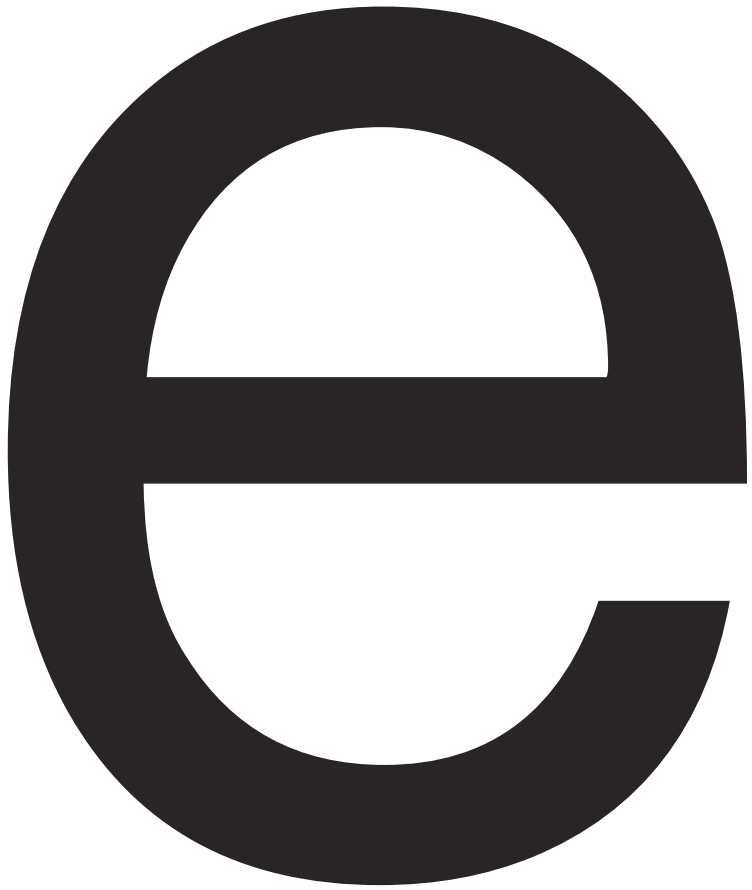


p

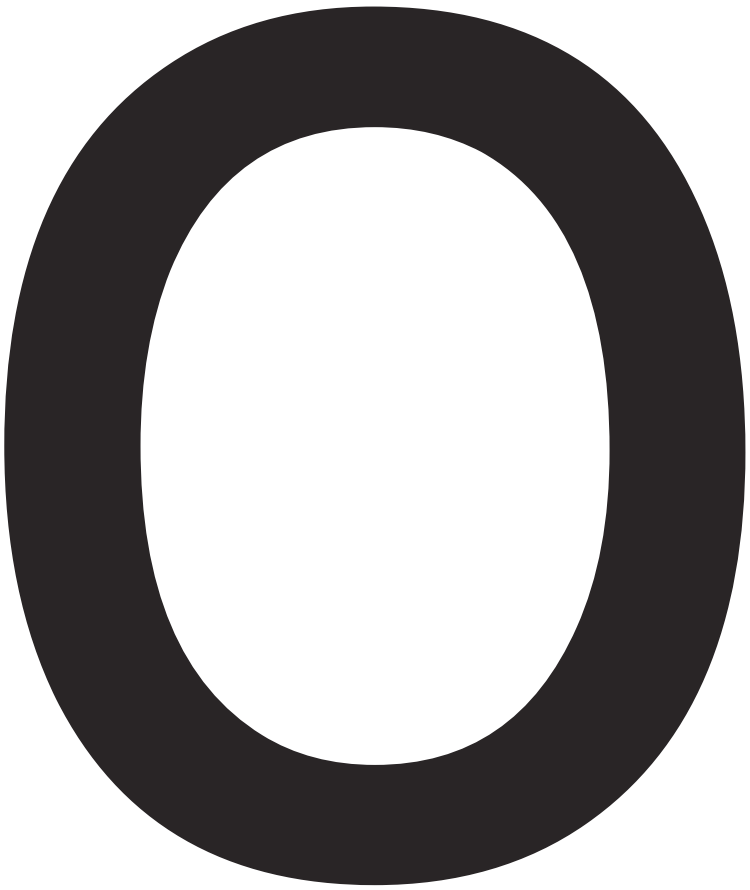




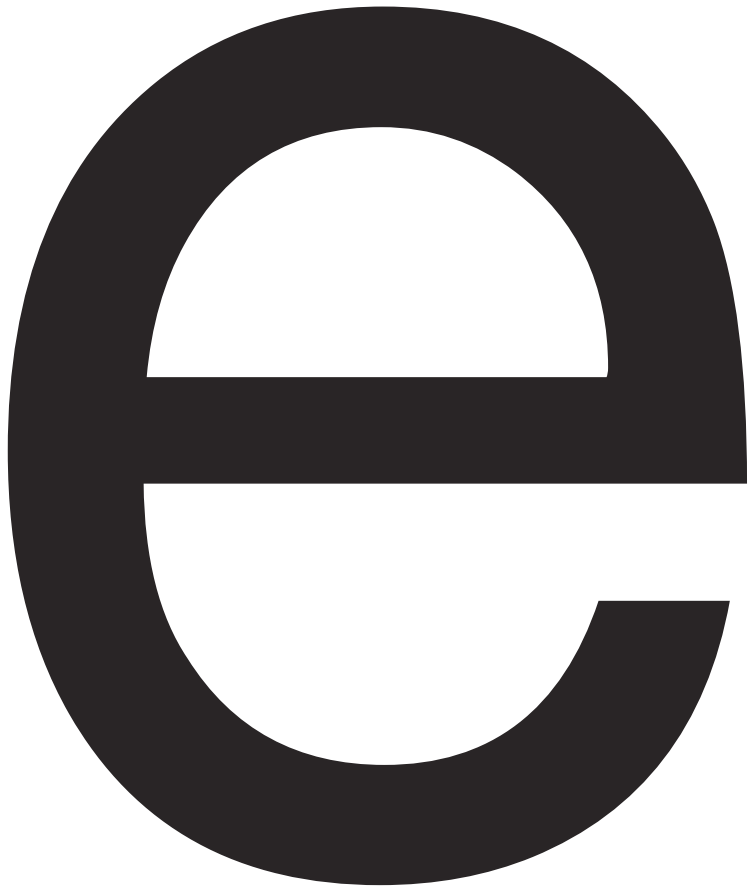


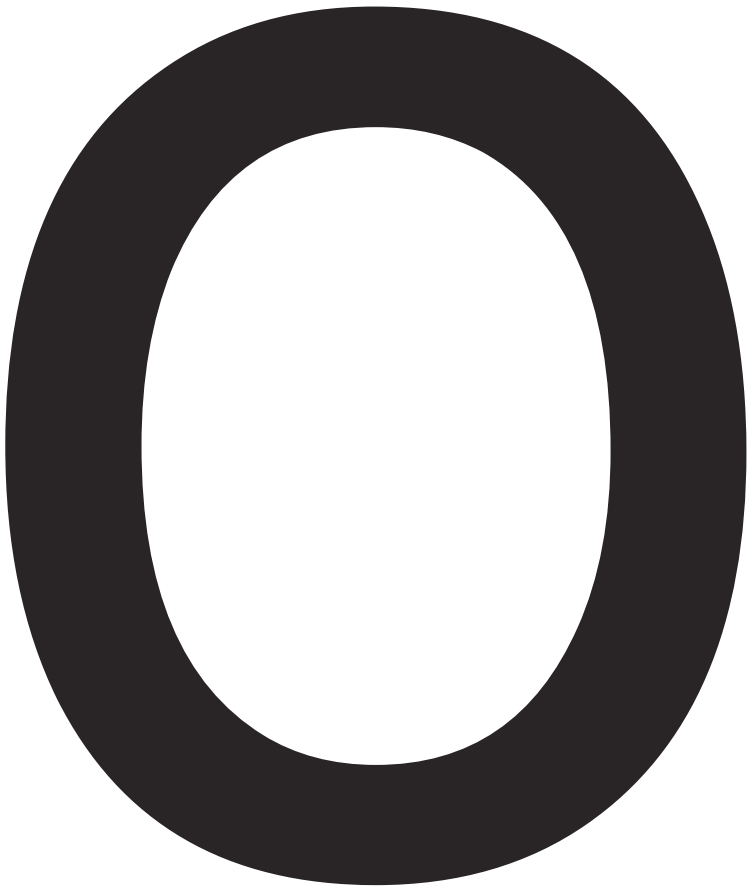


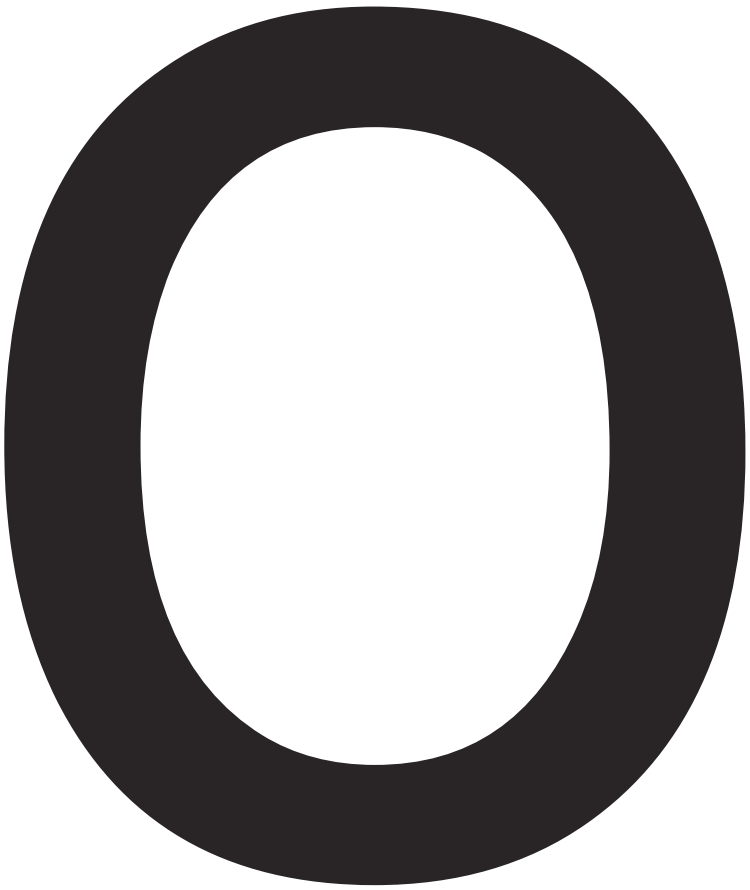
st

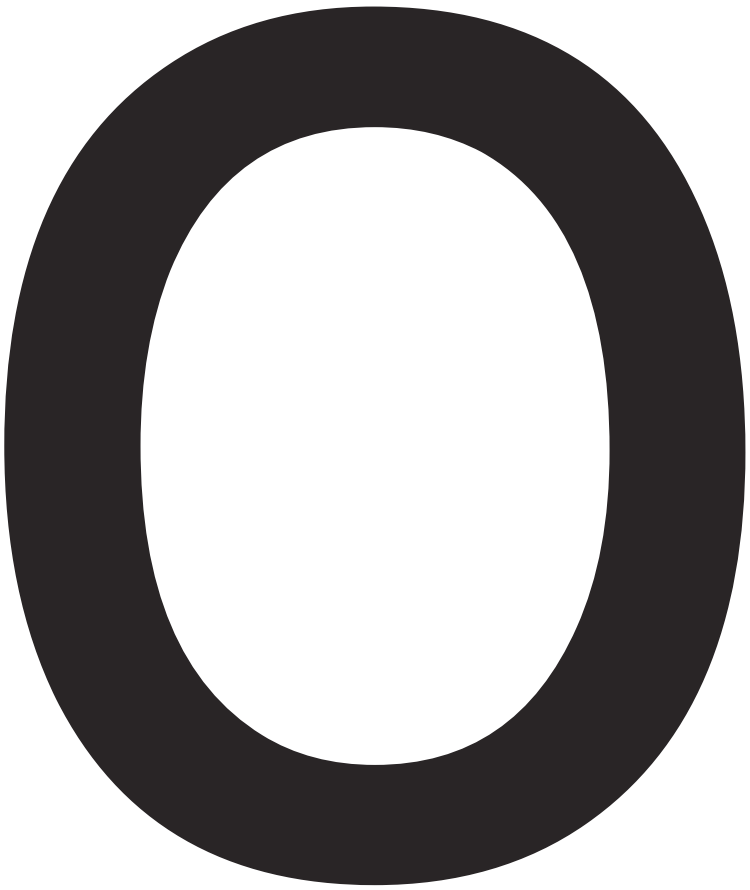


S

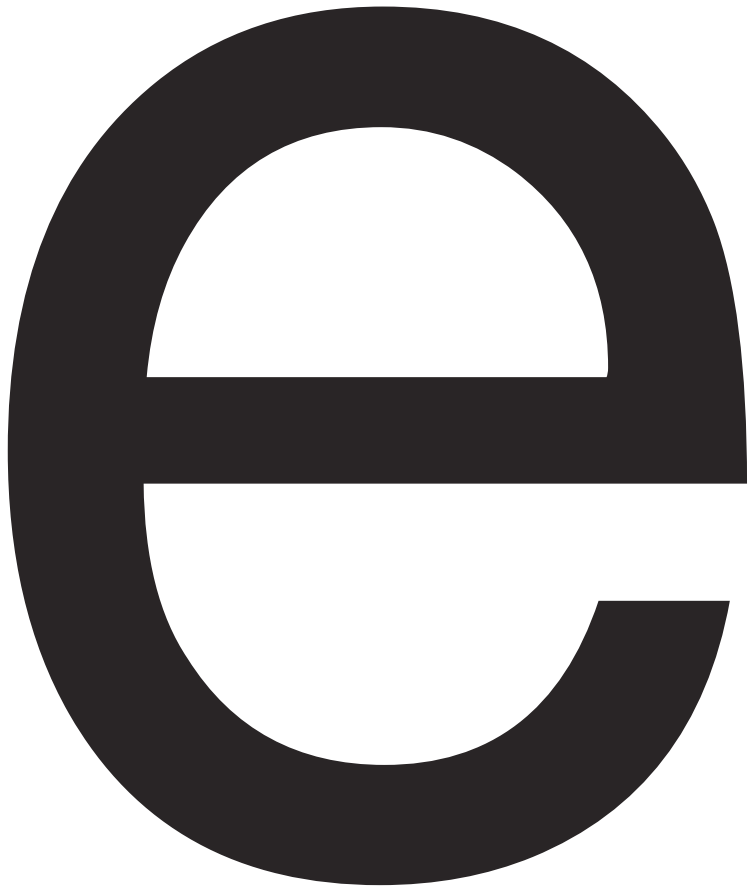




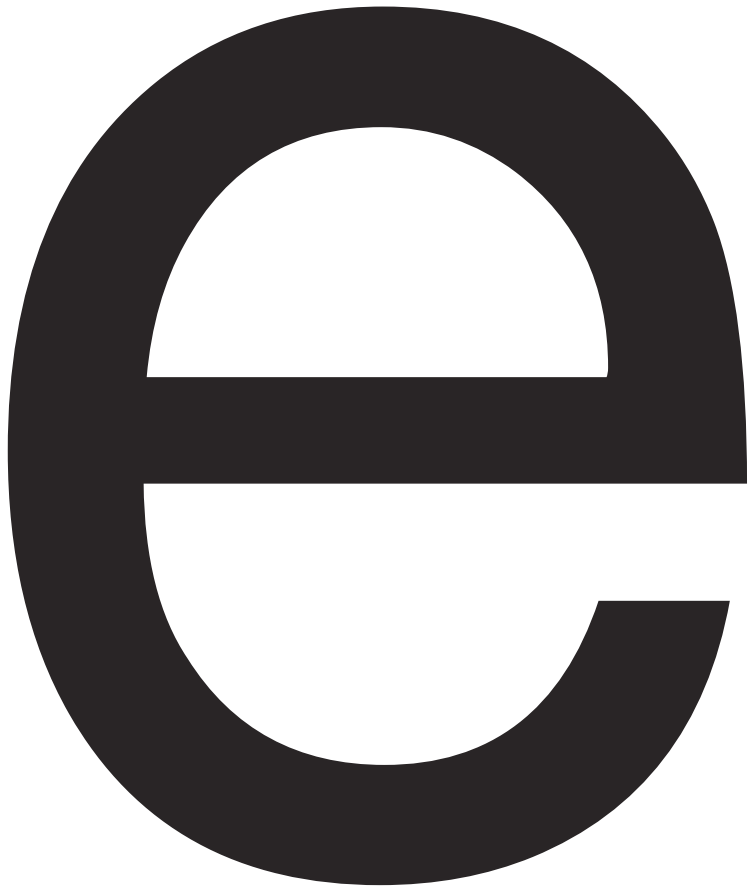




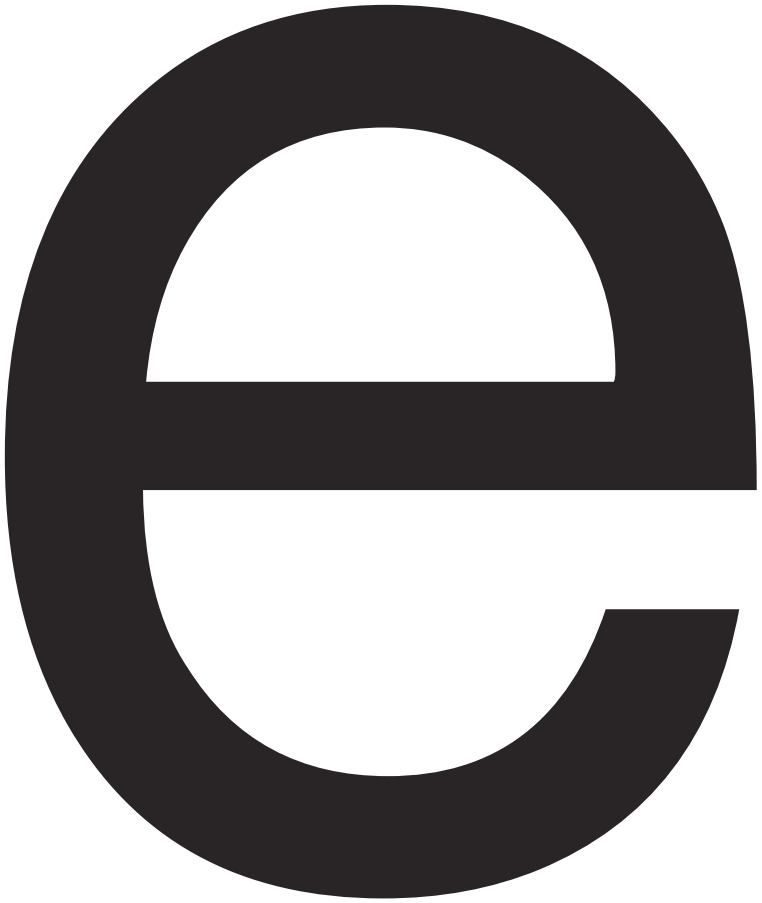
d



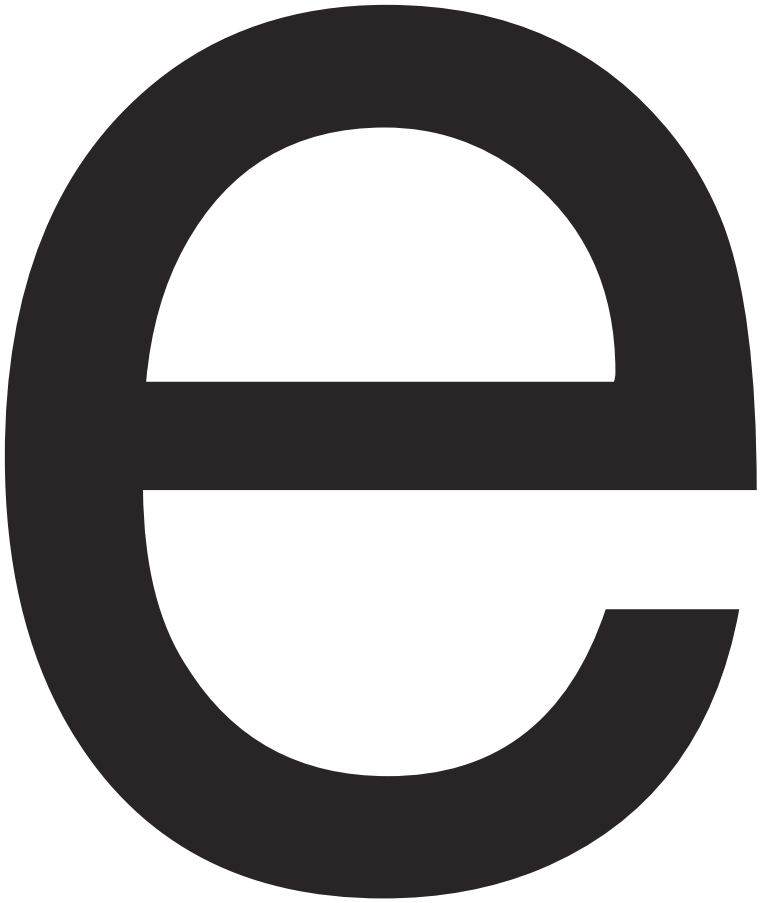
fa

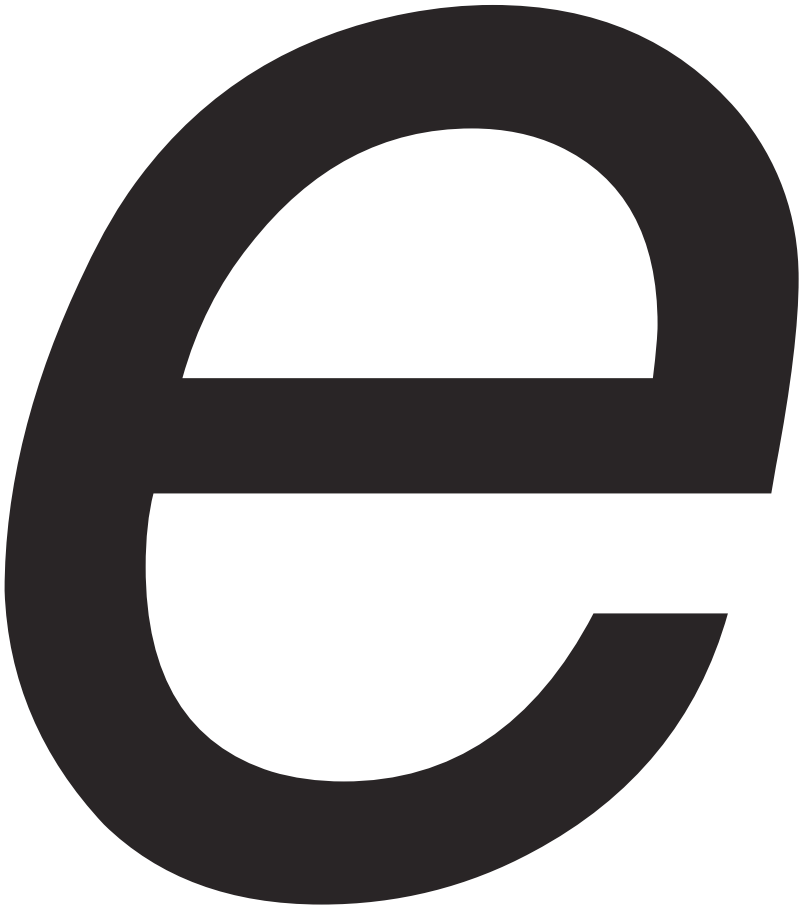


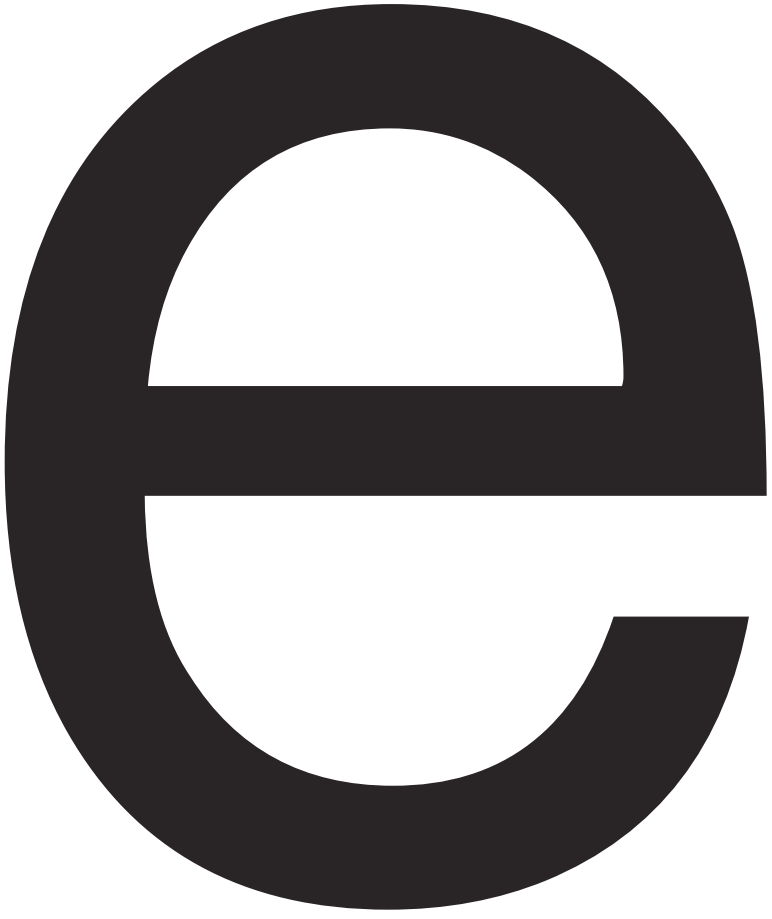
fa

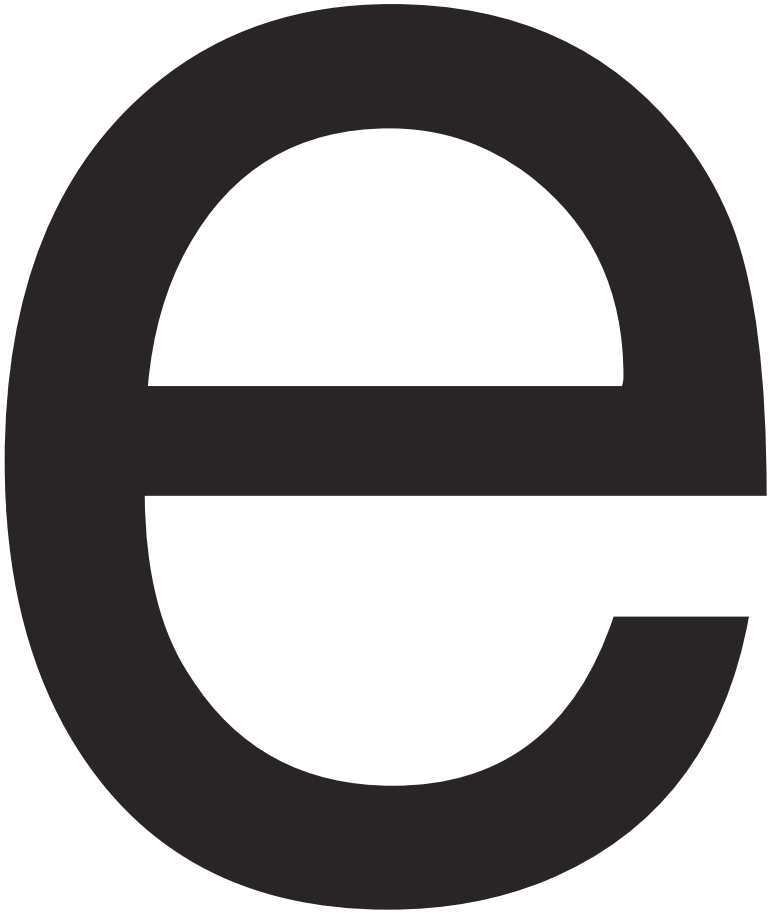


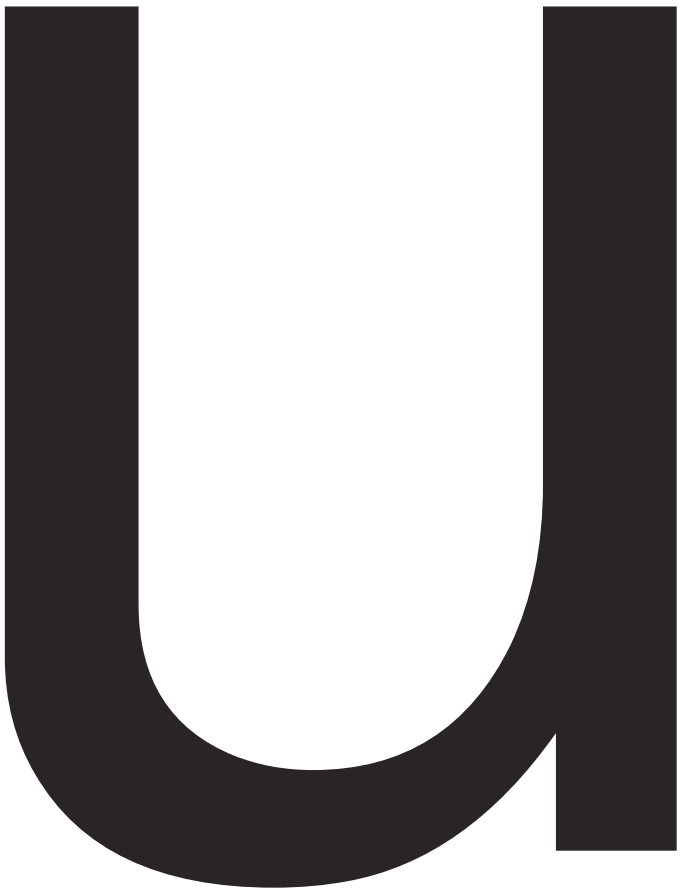
et

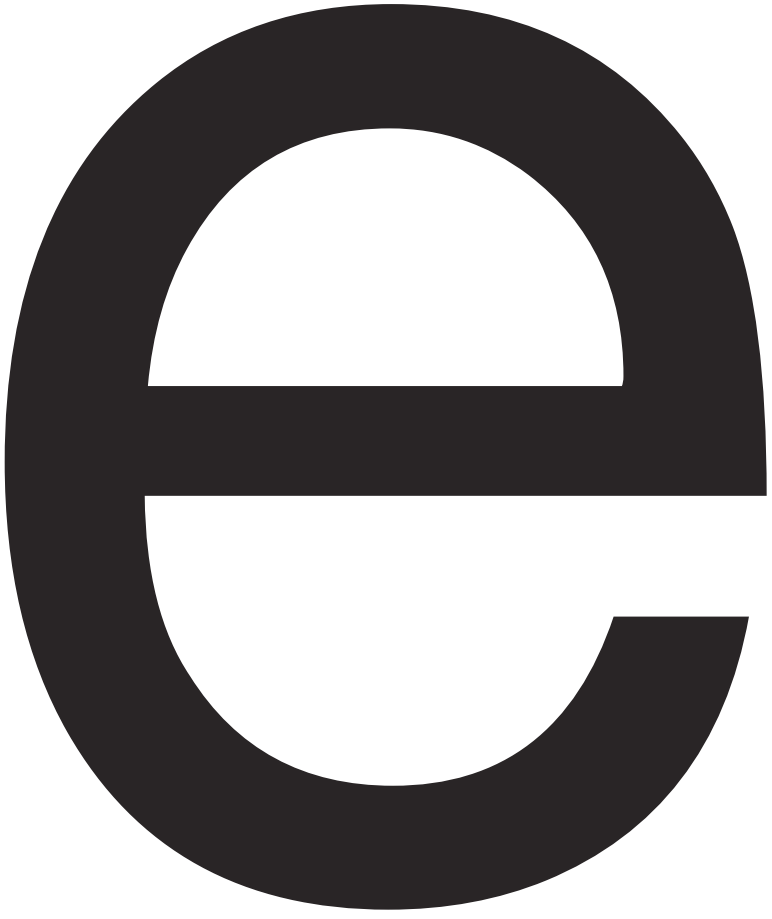


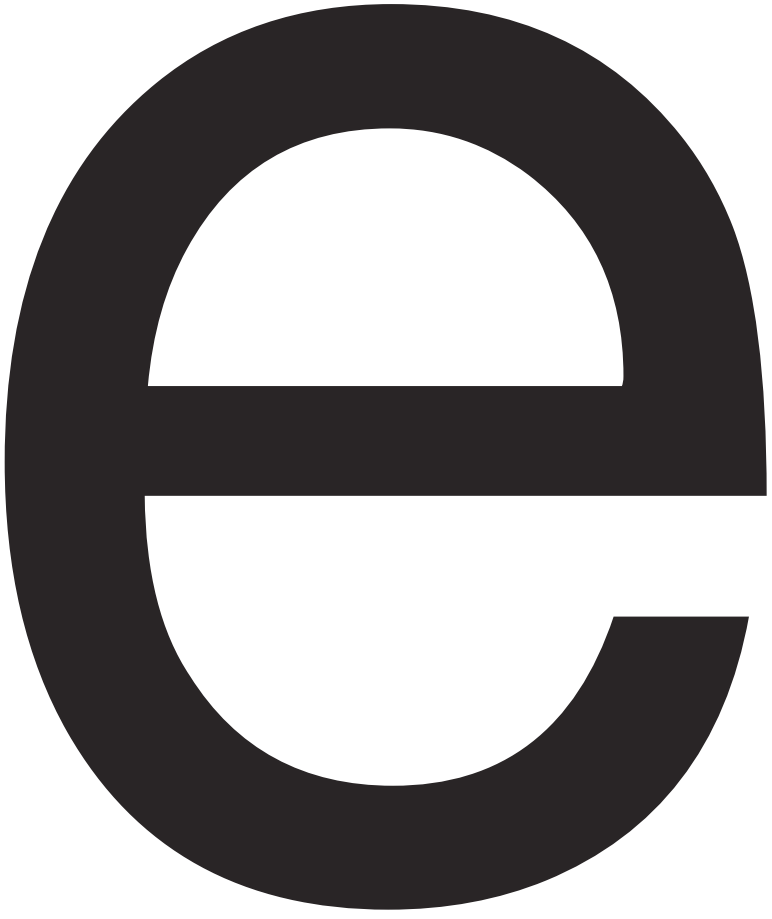




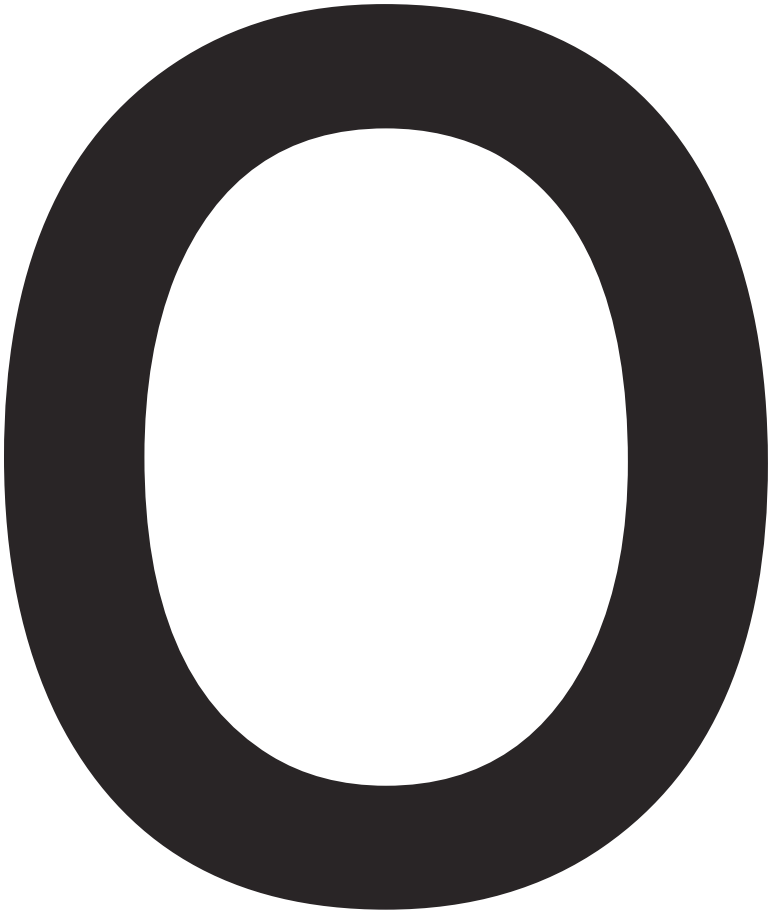


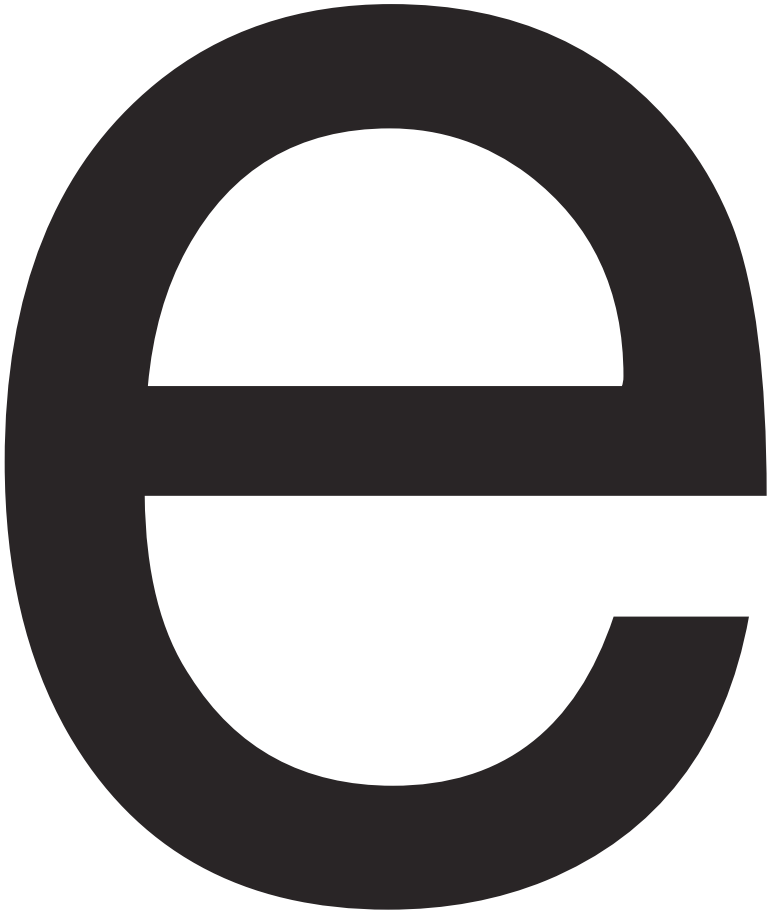


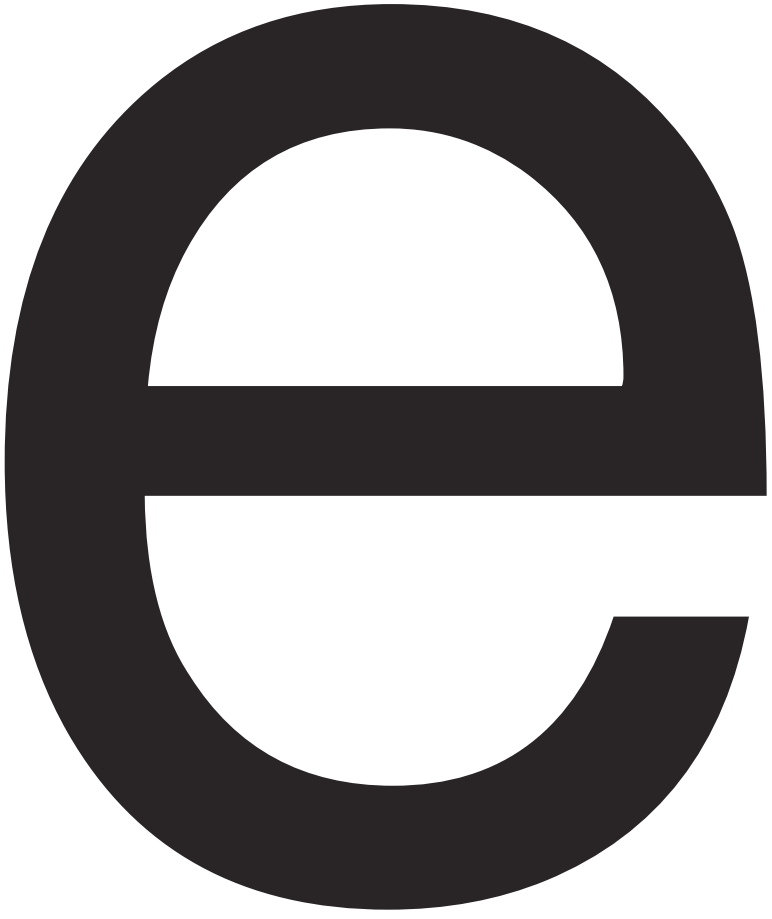




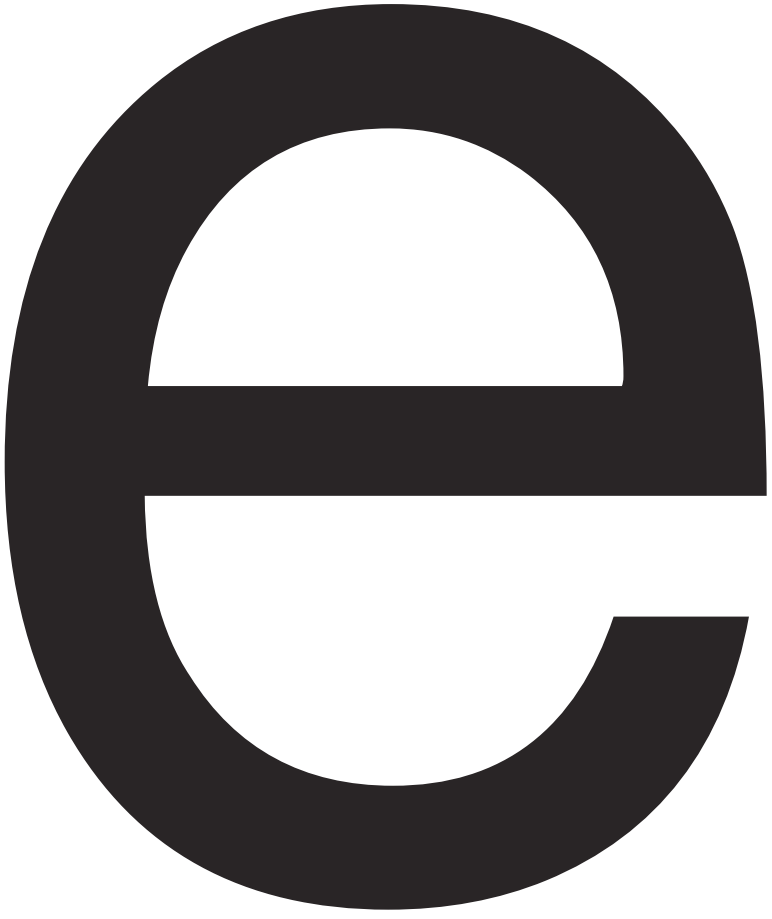
st





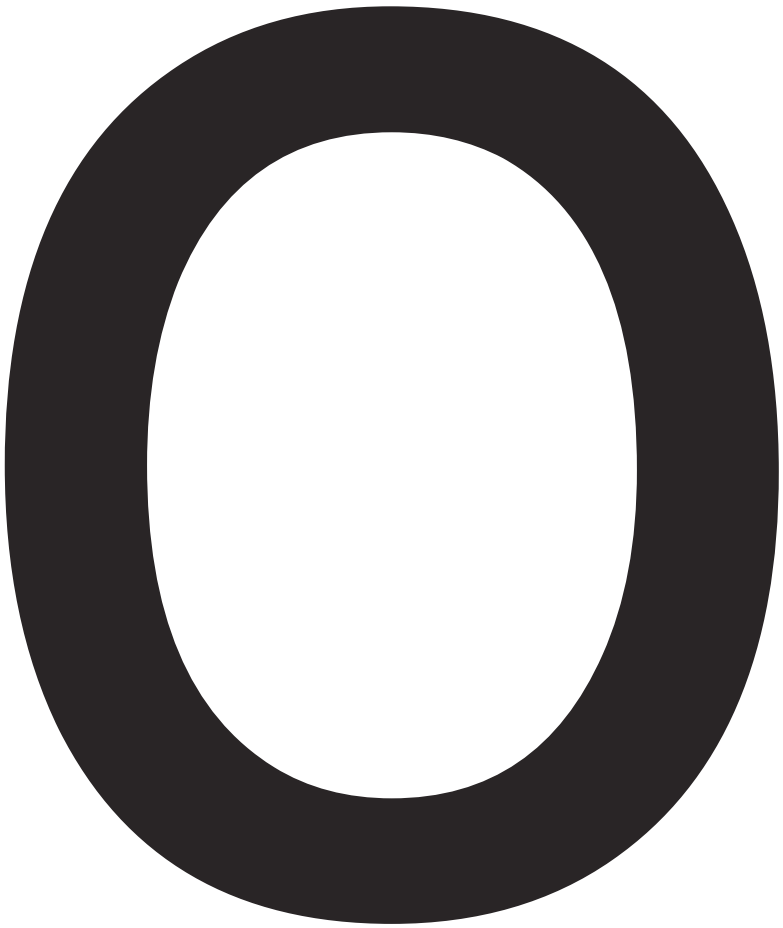


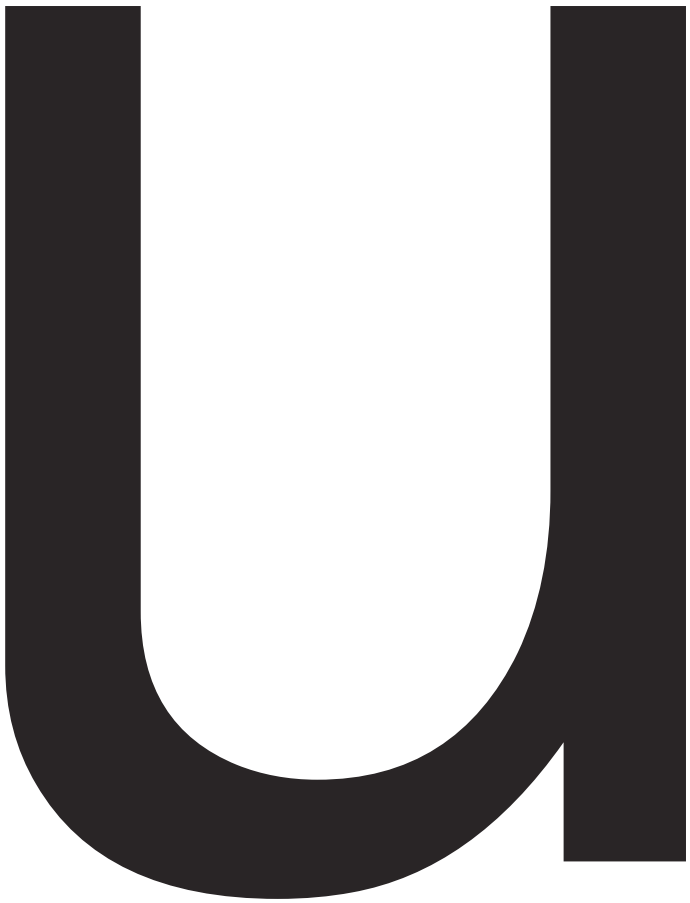
lé



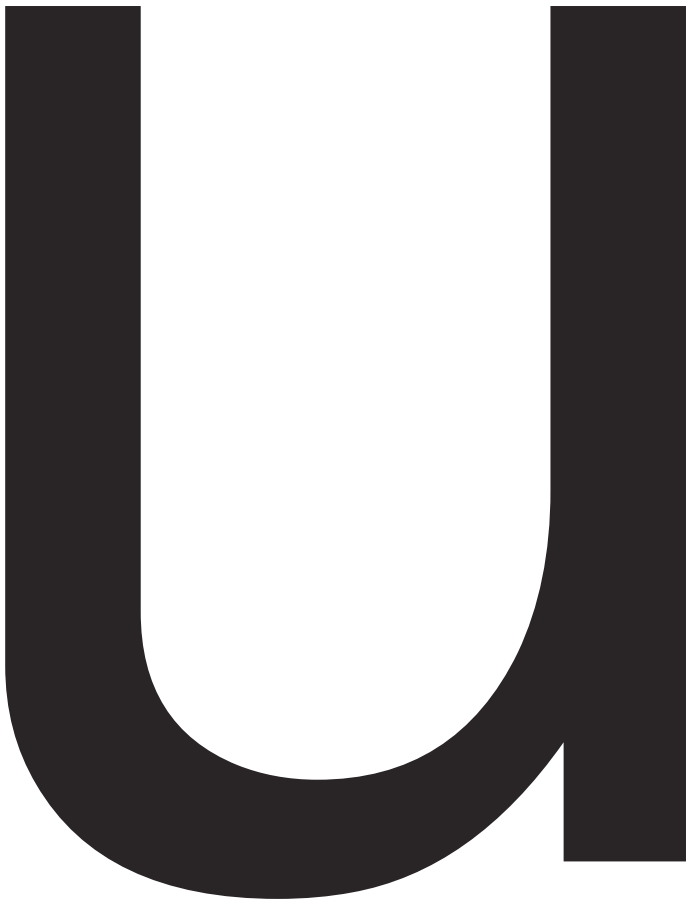
at

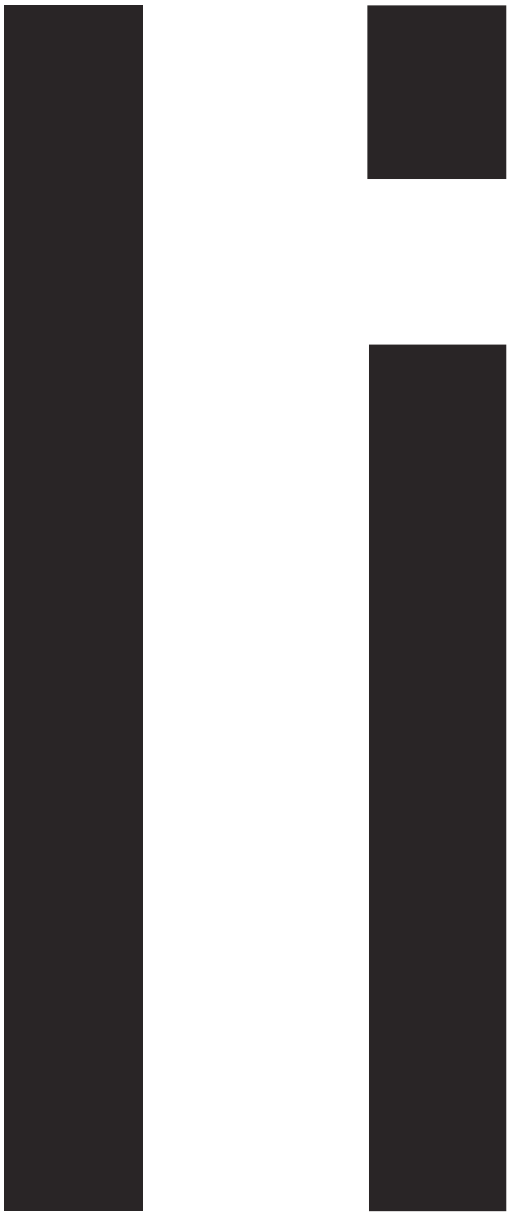
d'



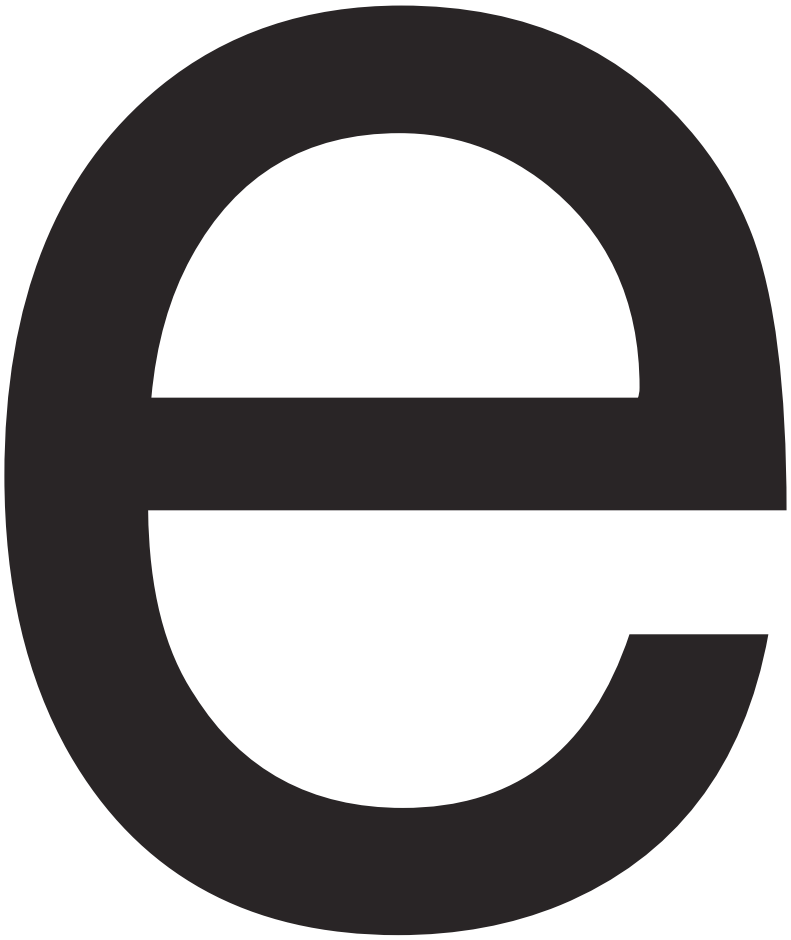


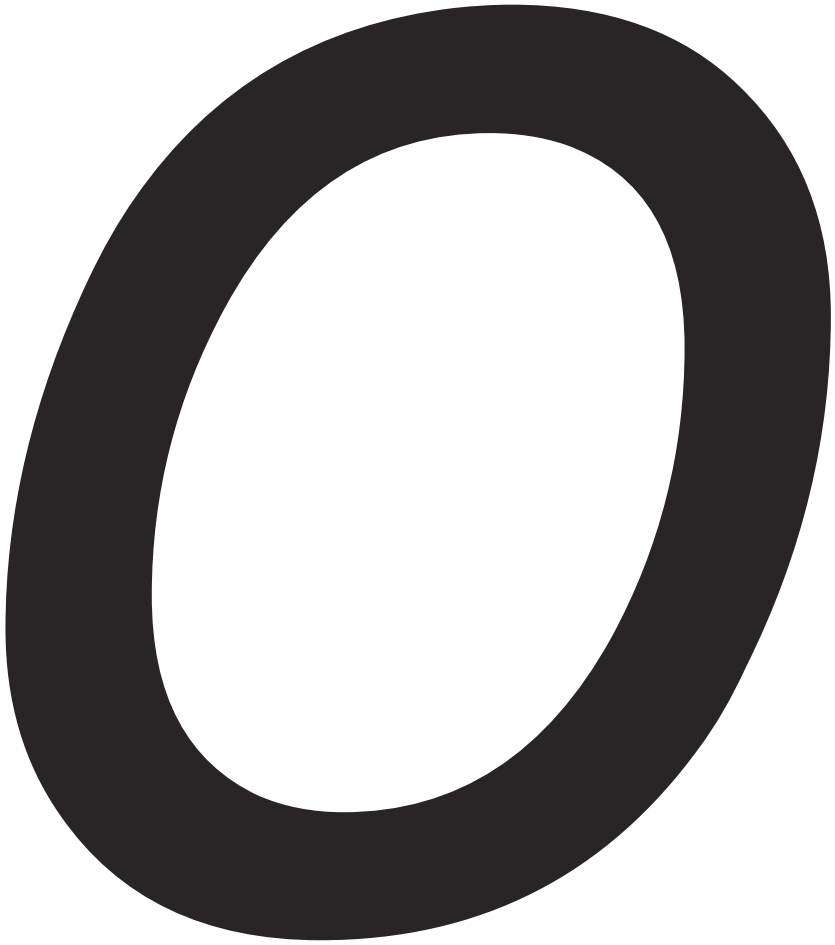
d'

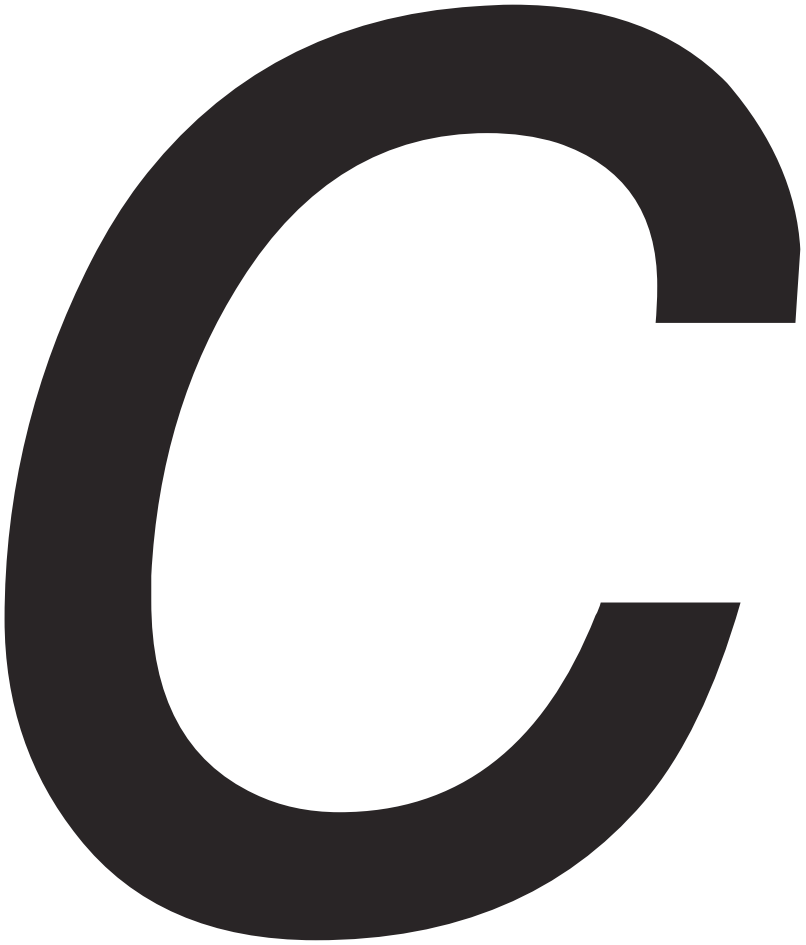


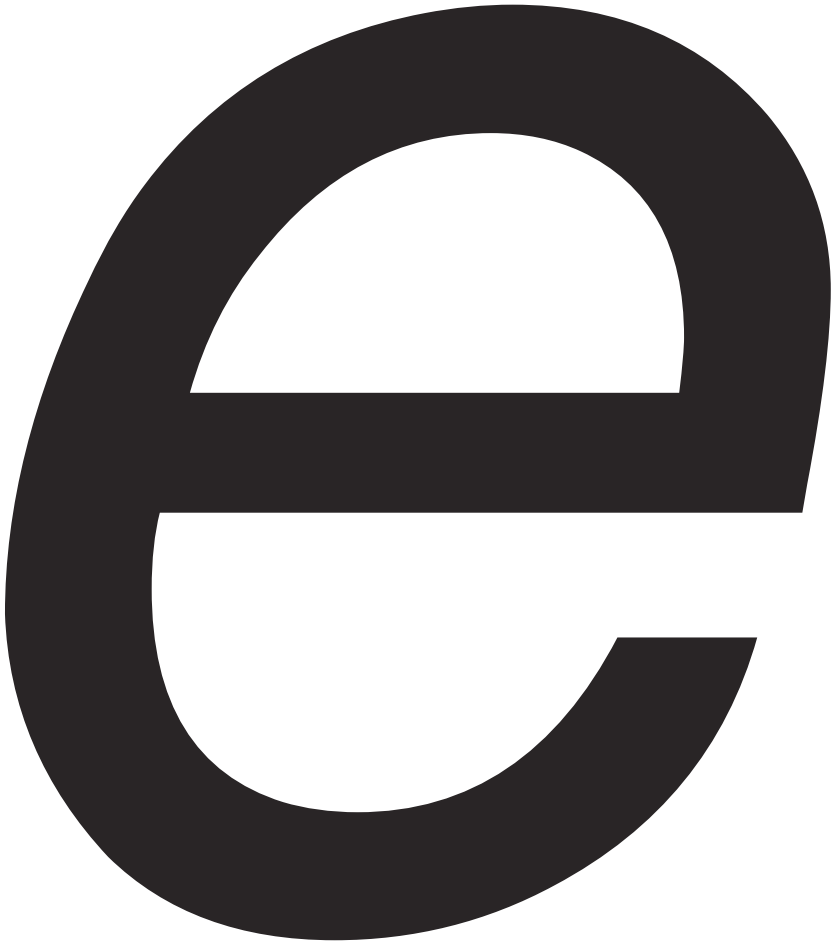


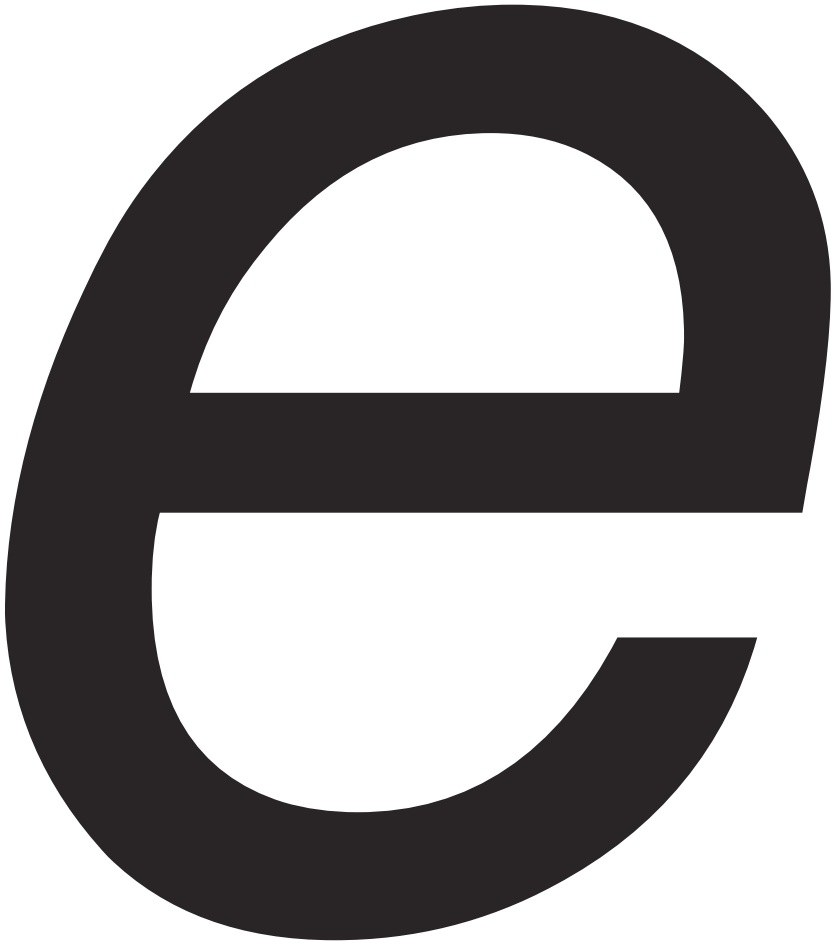
st

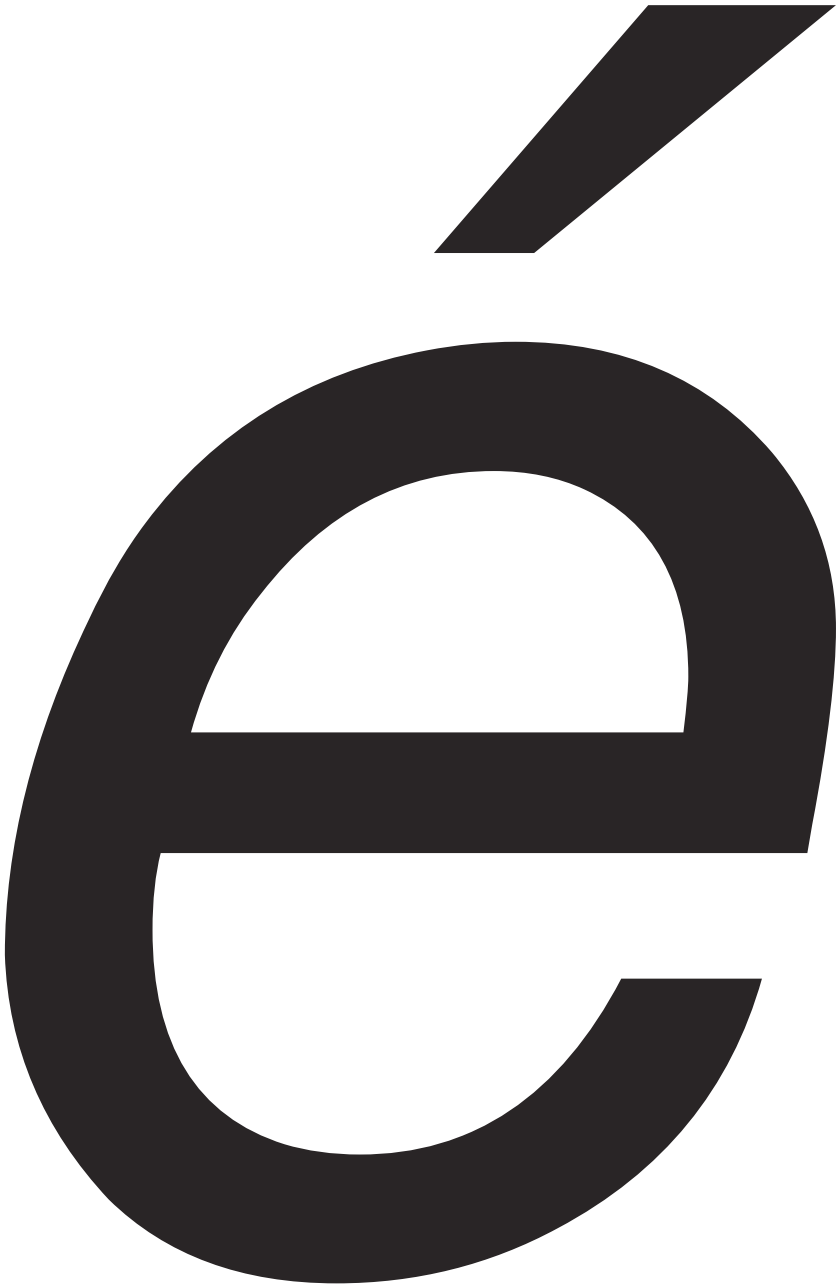


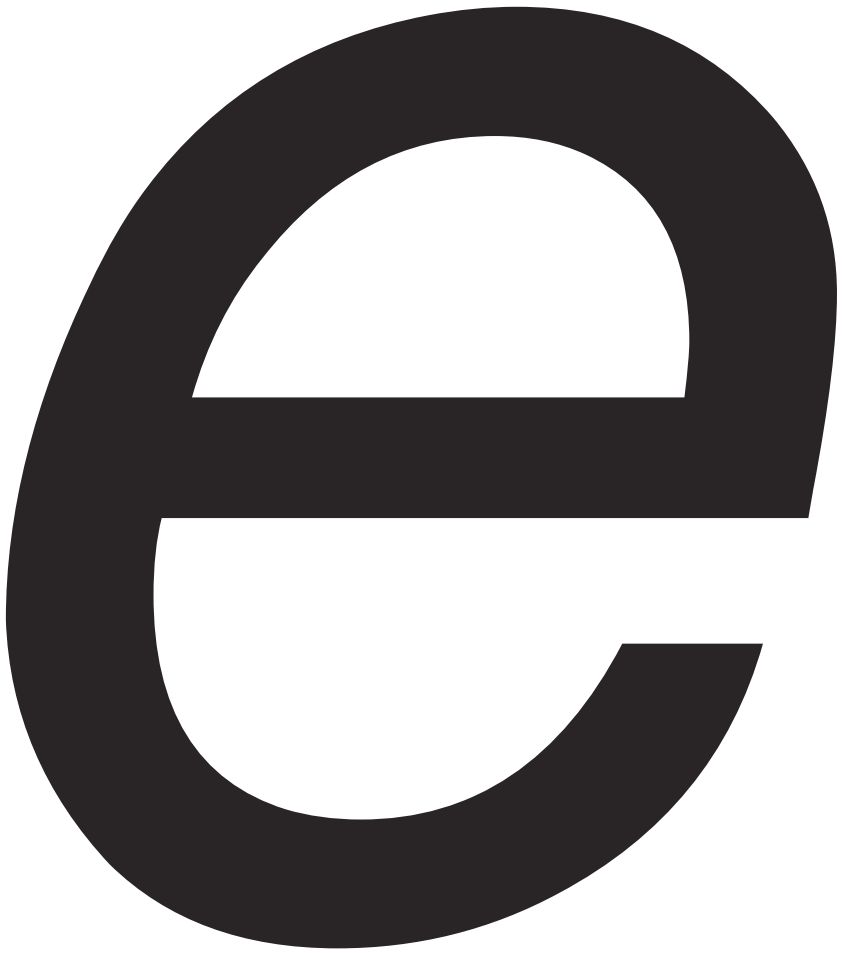


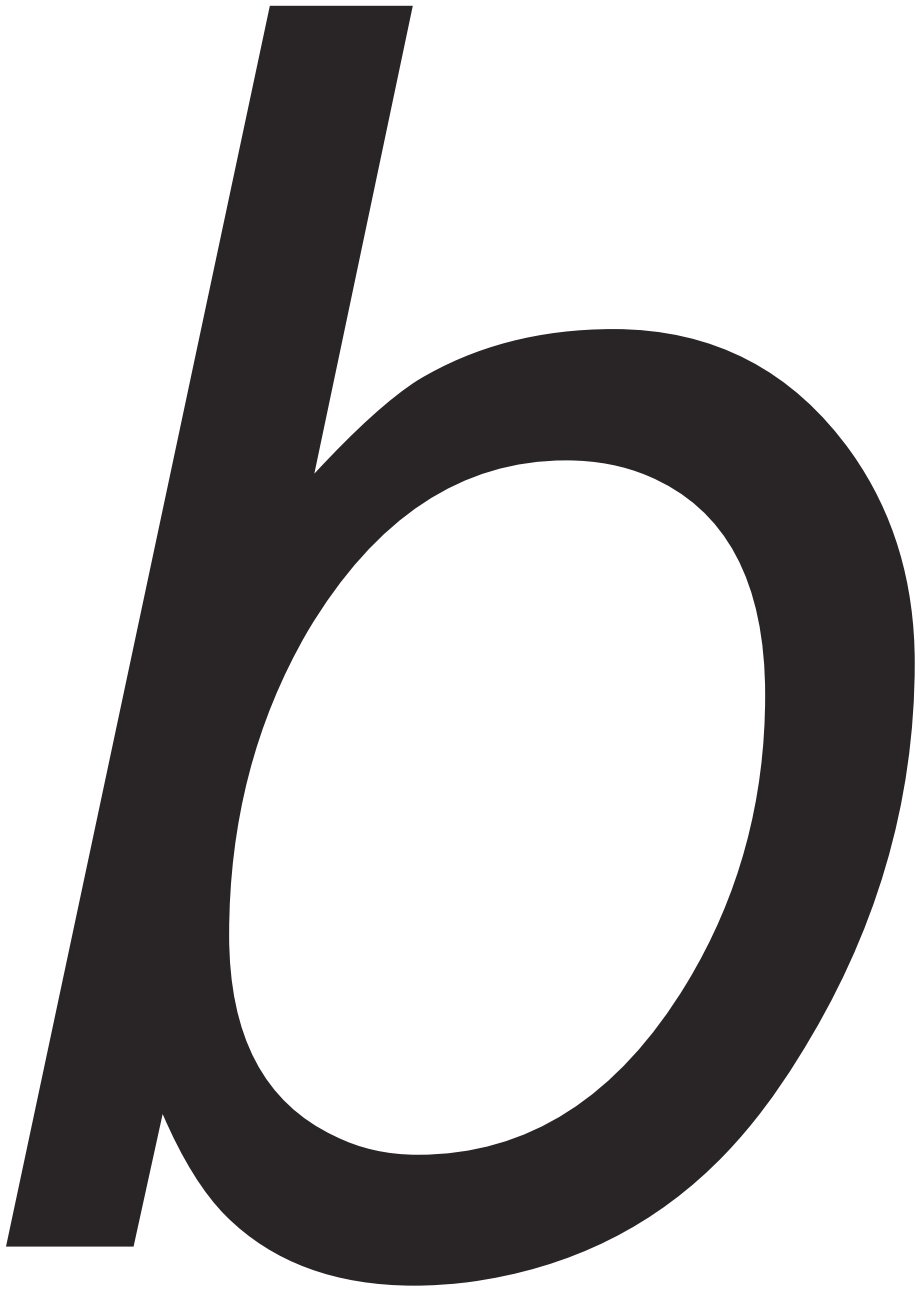


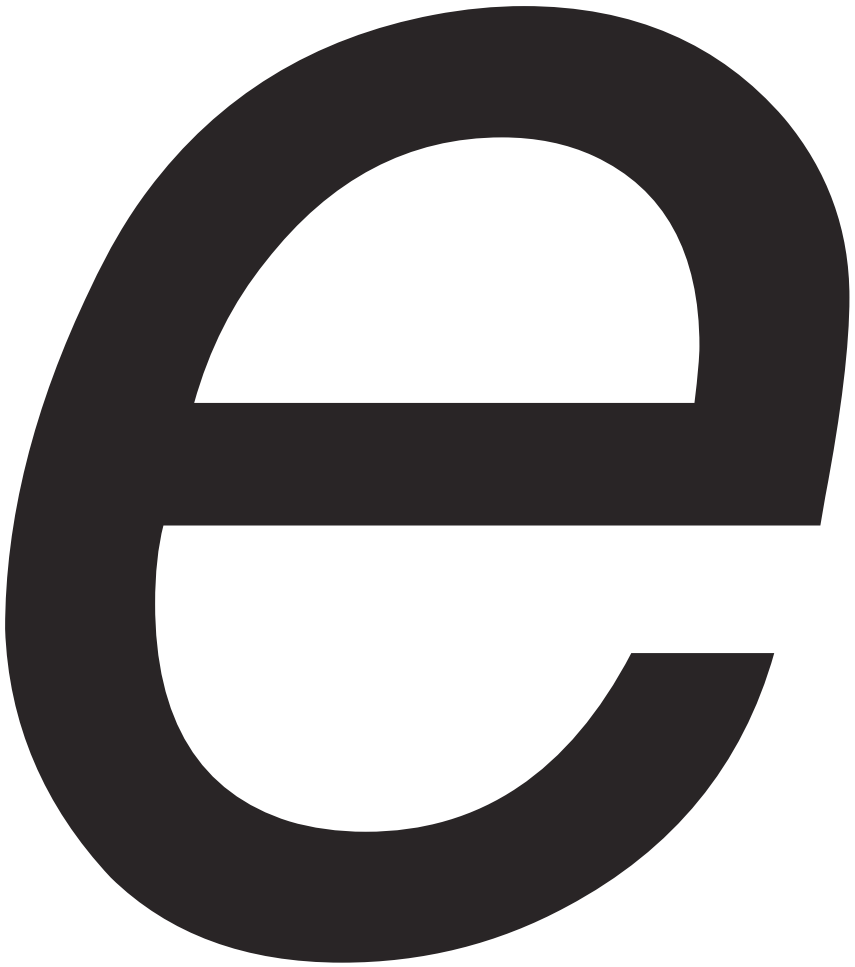


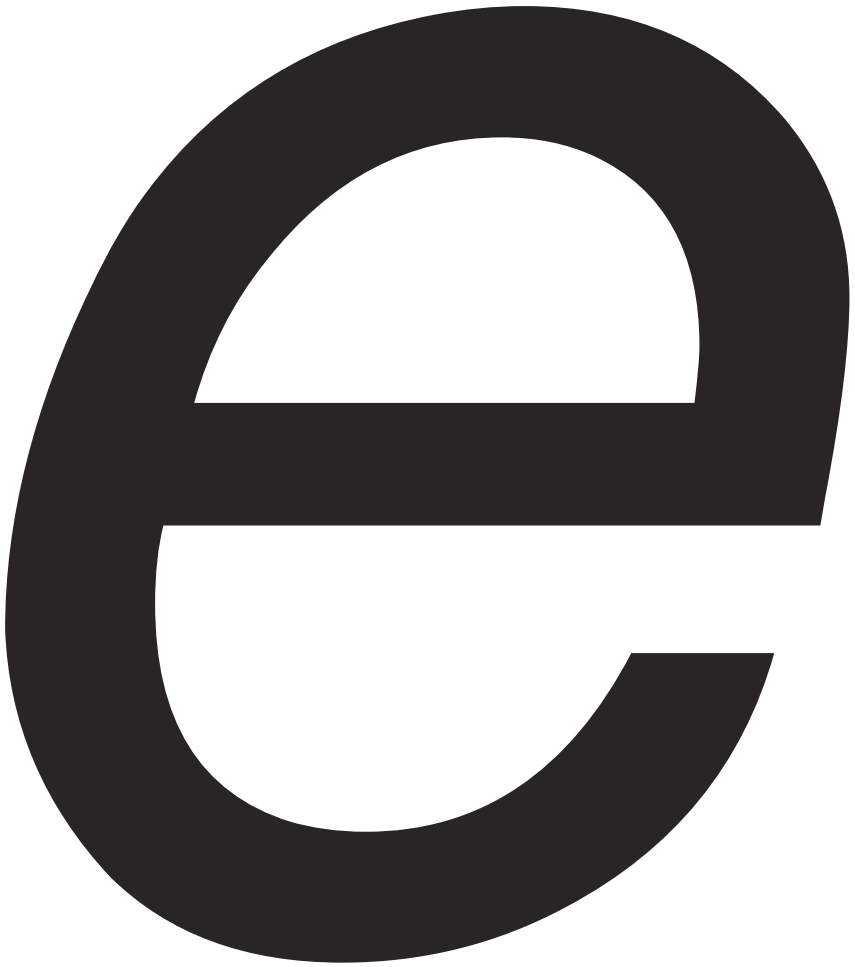


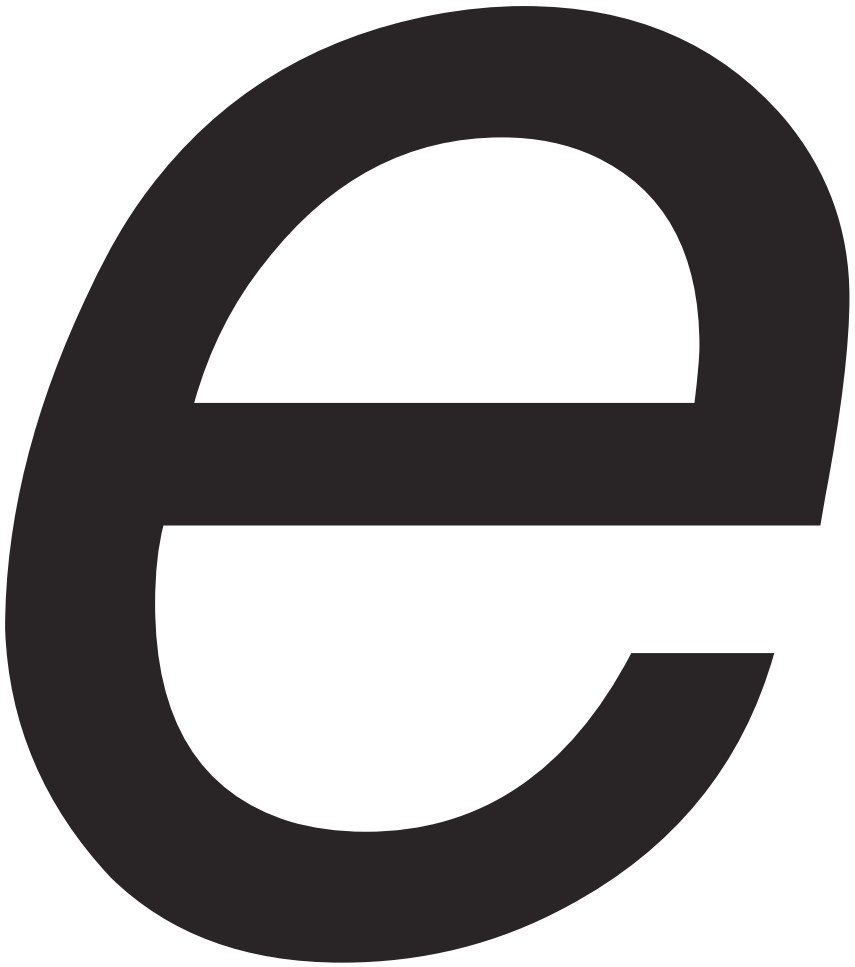


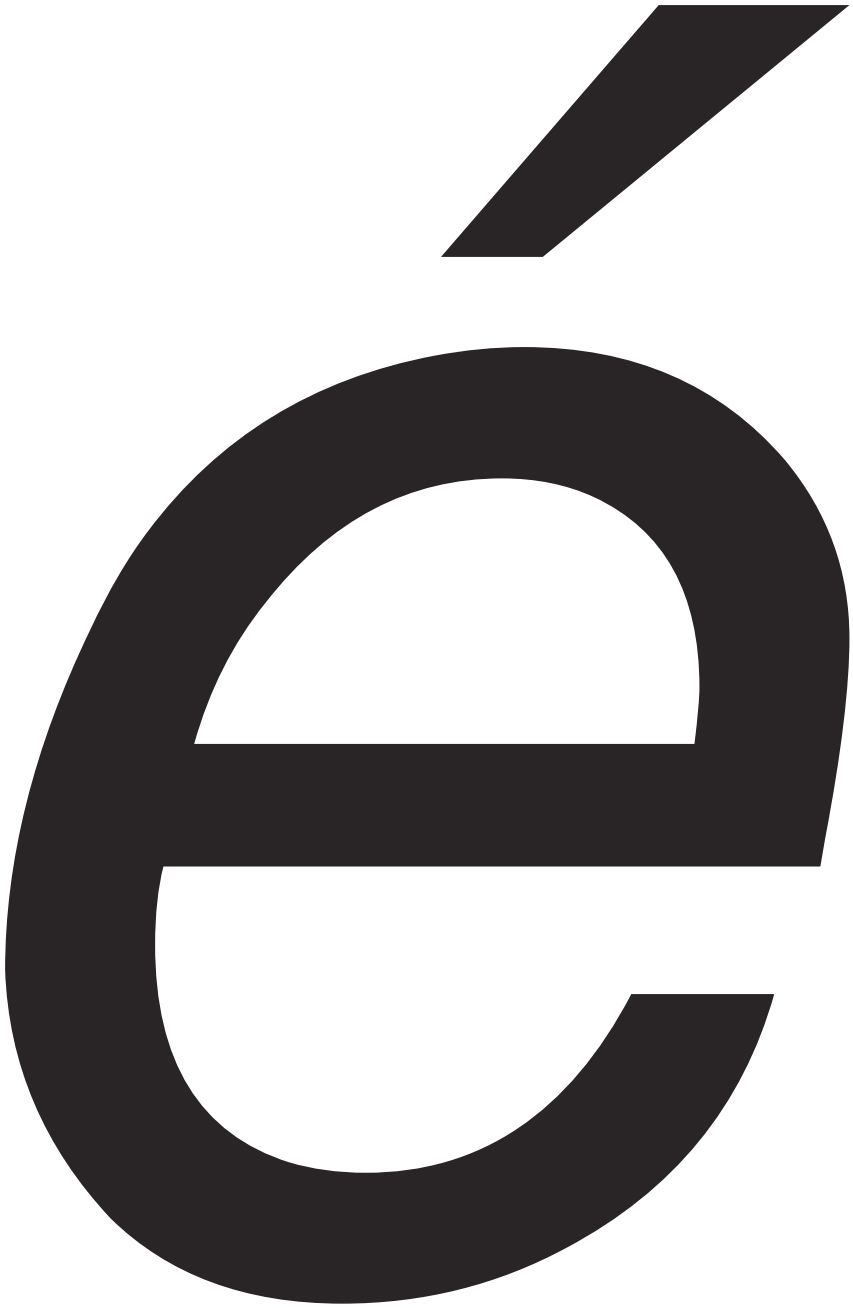


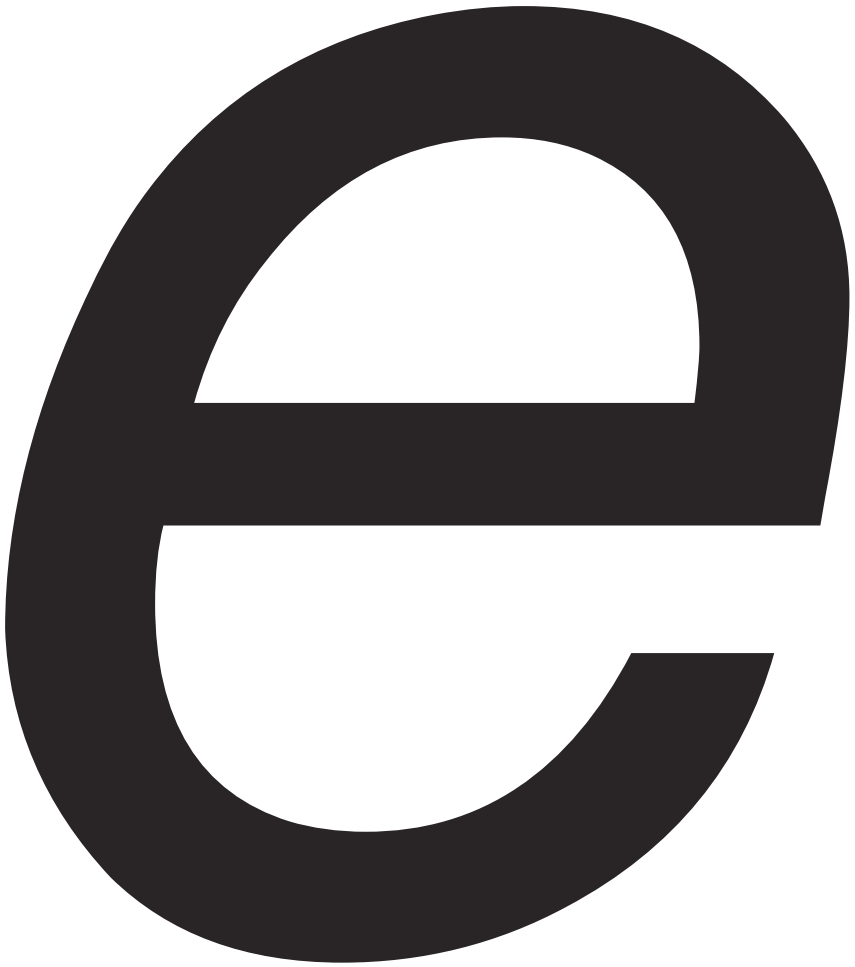


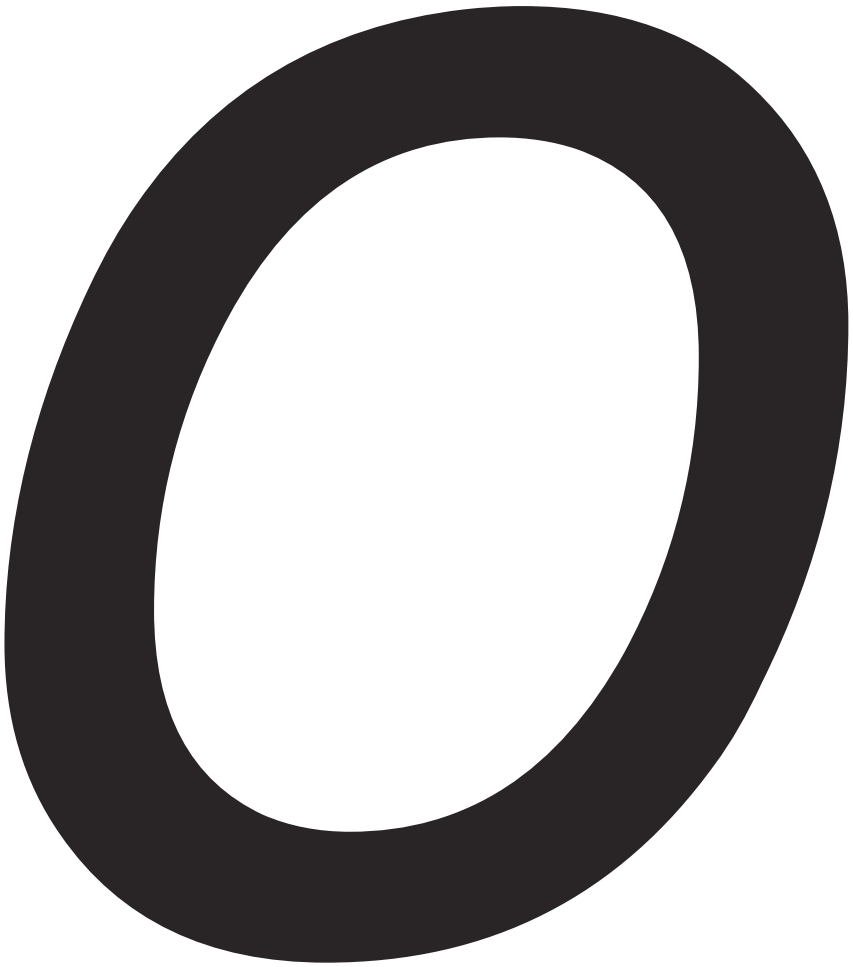


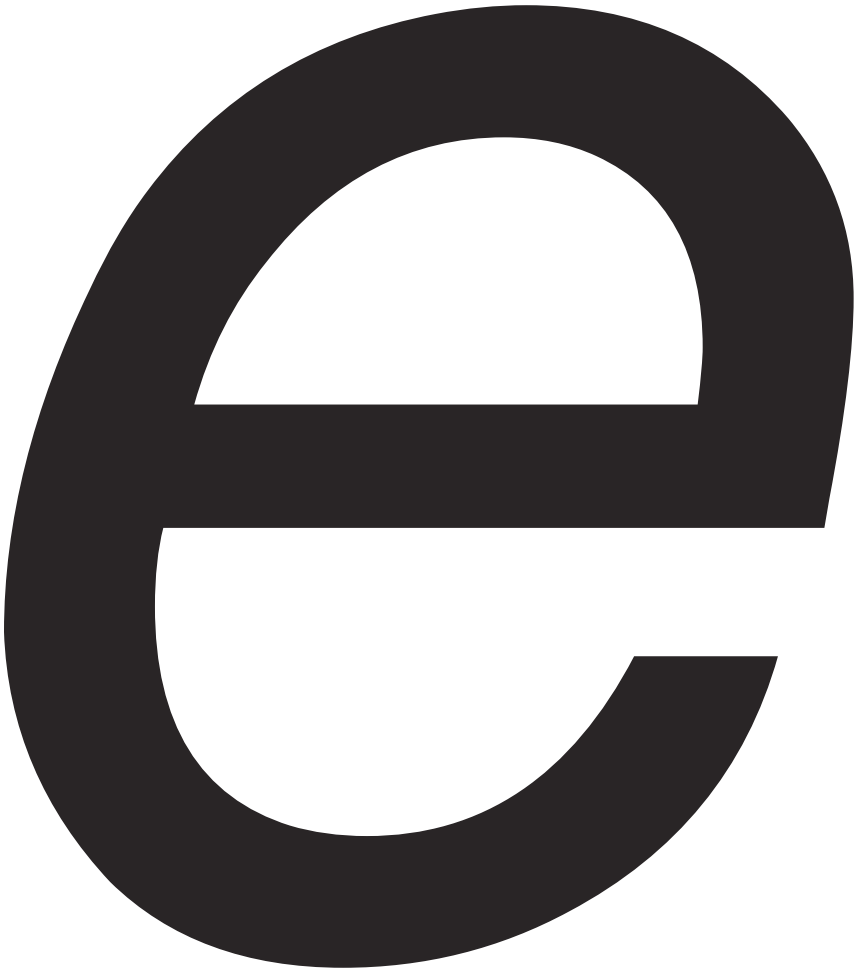


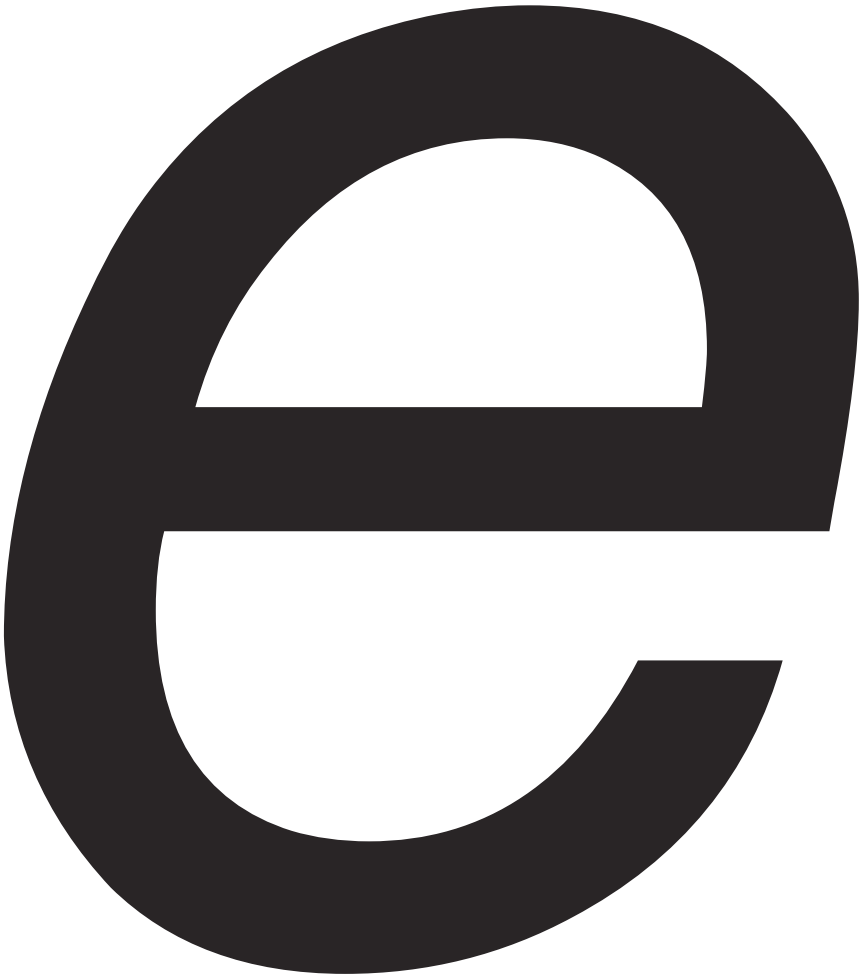


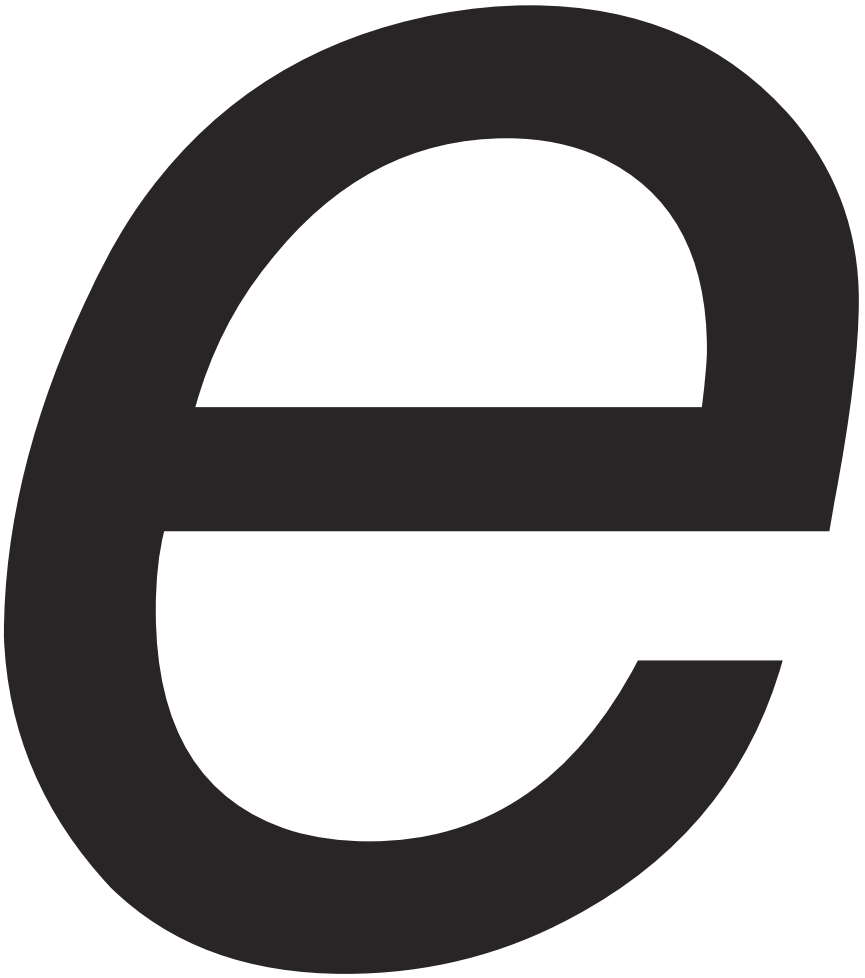


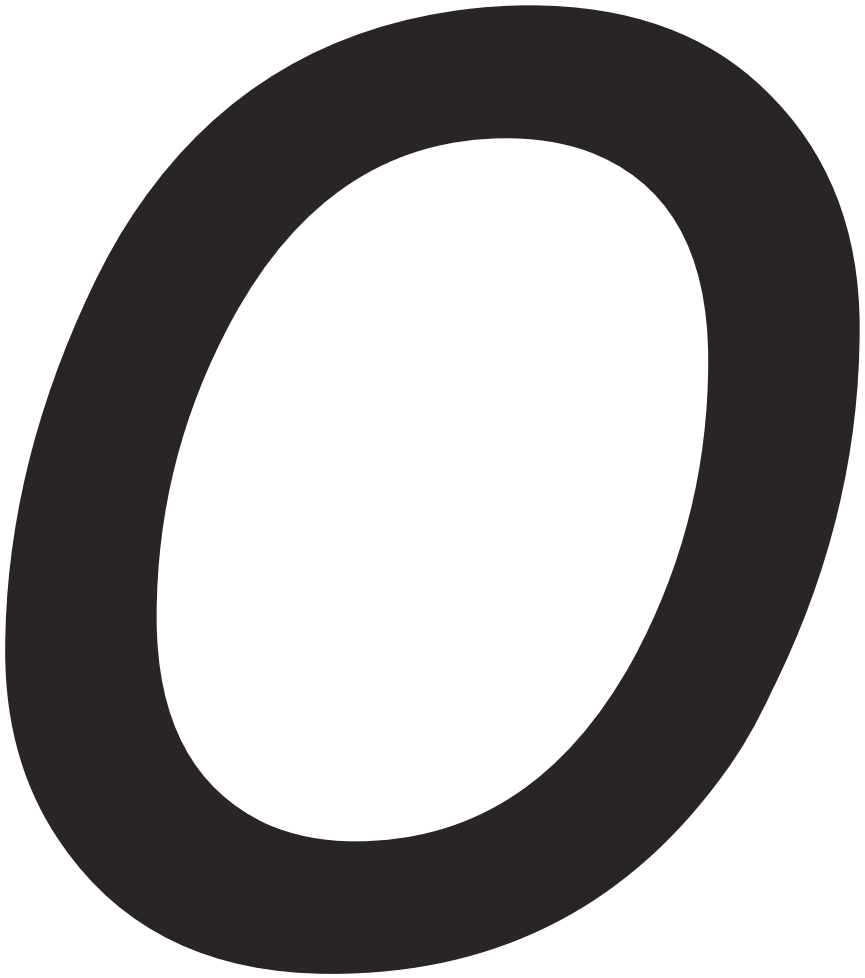




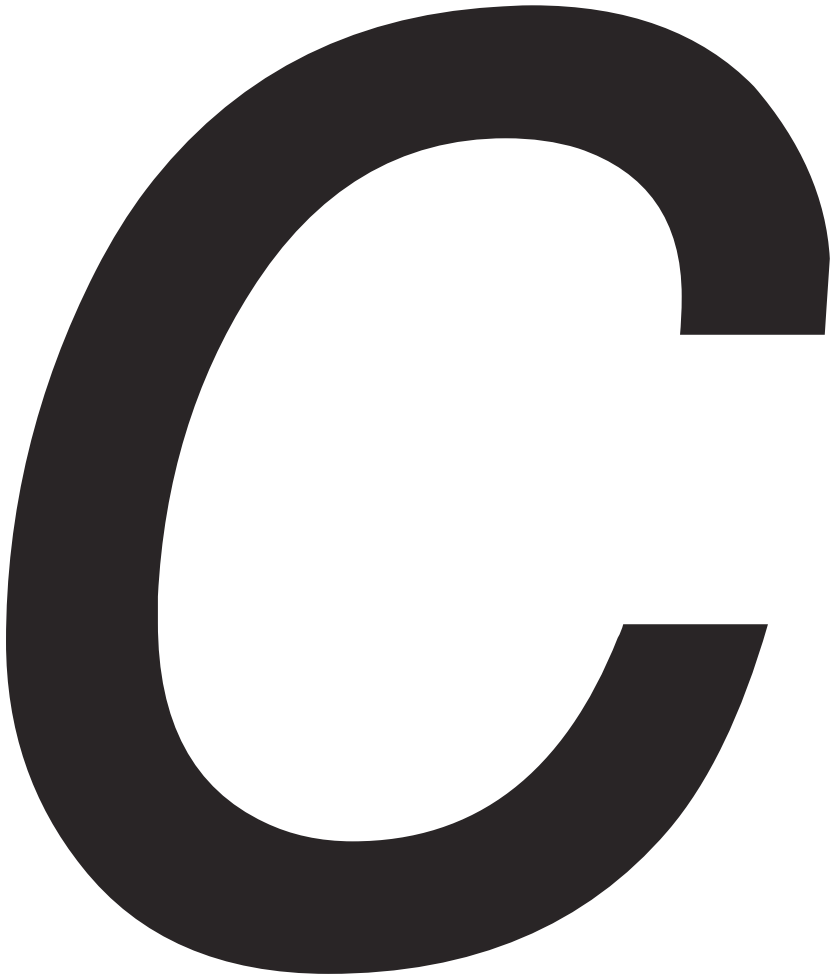


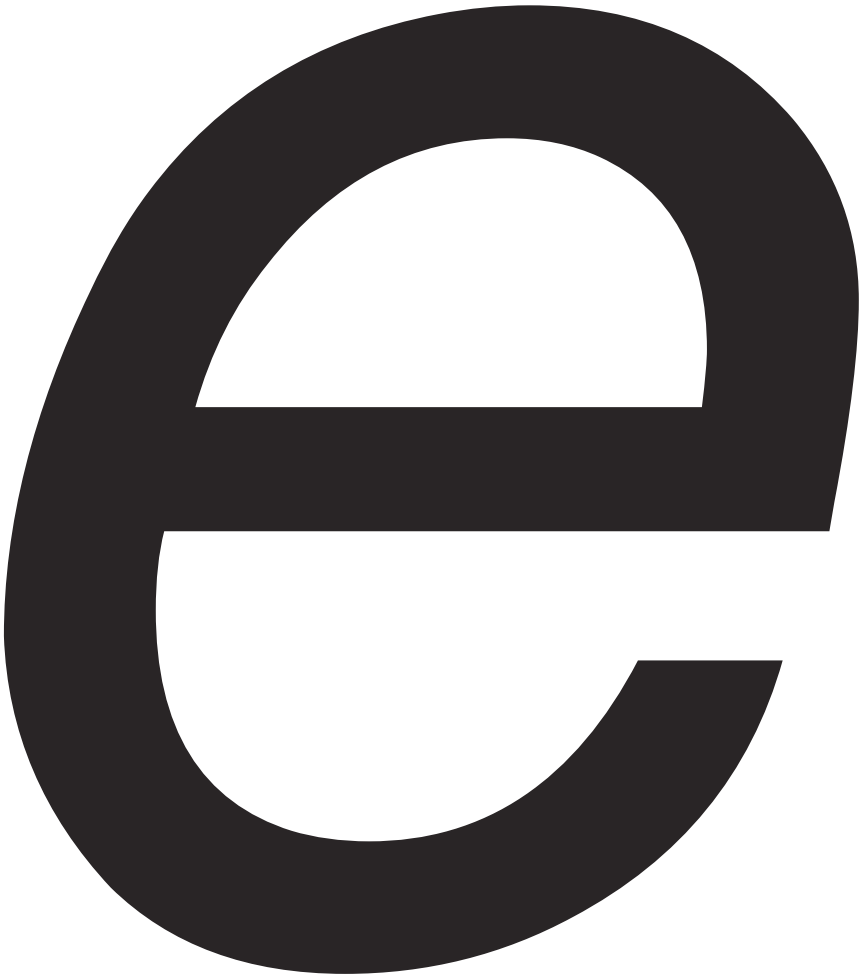


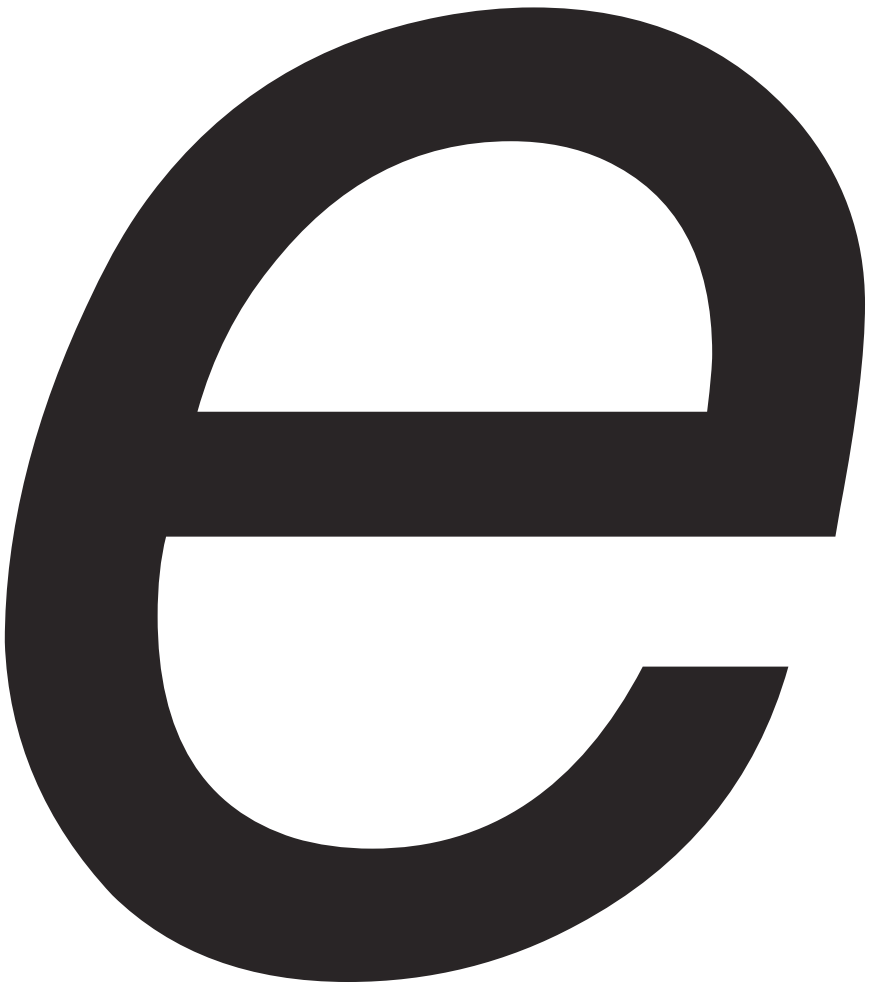


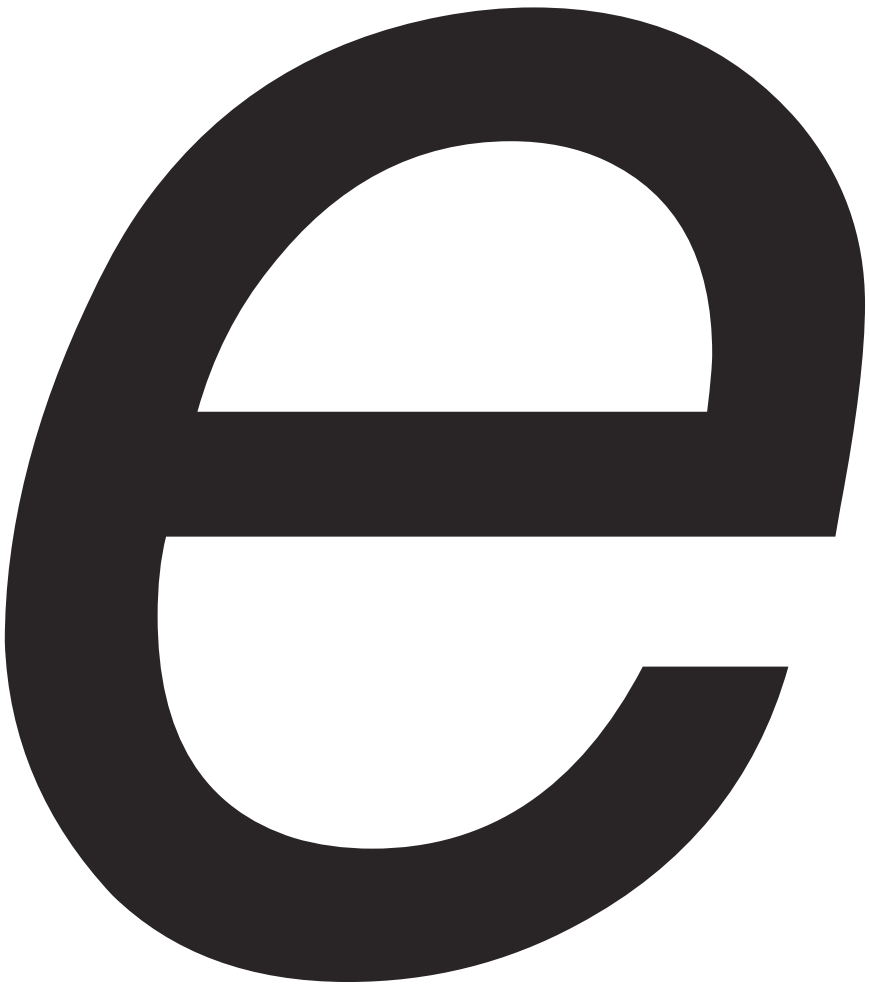


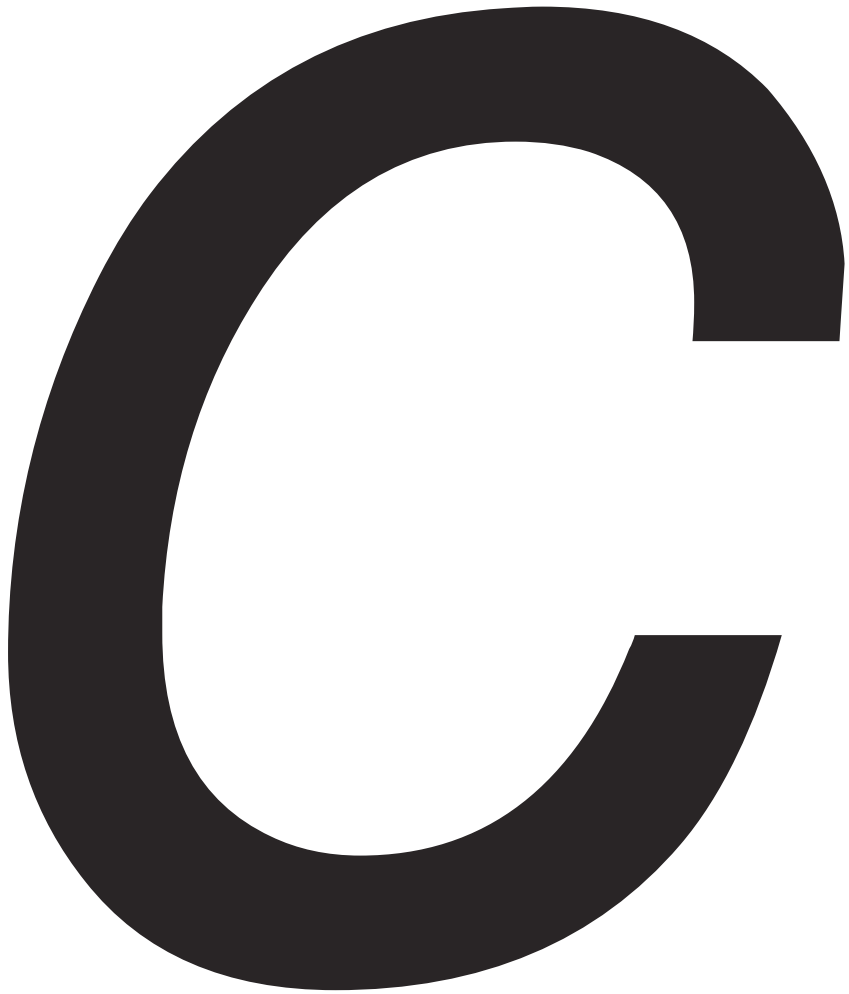
st

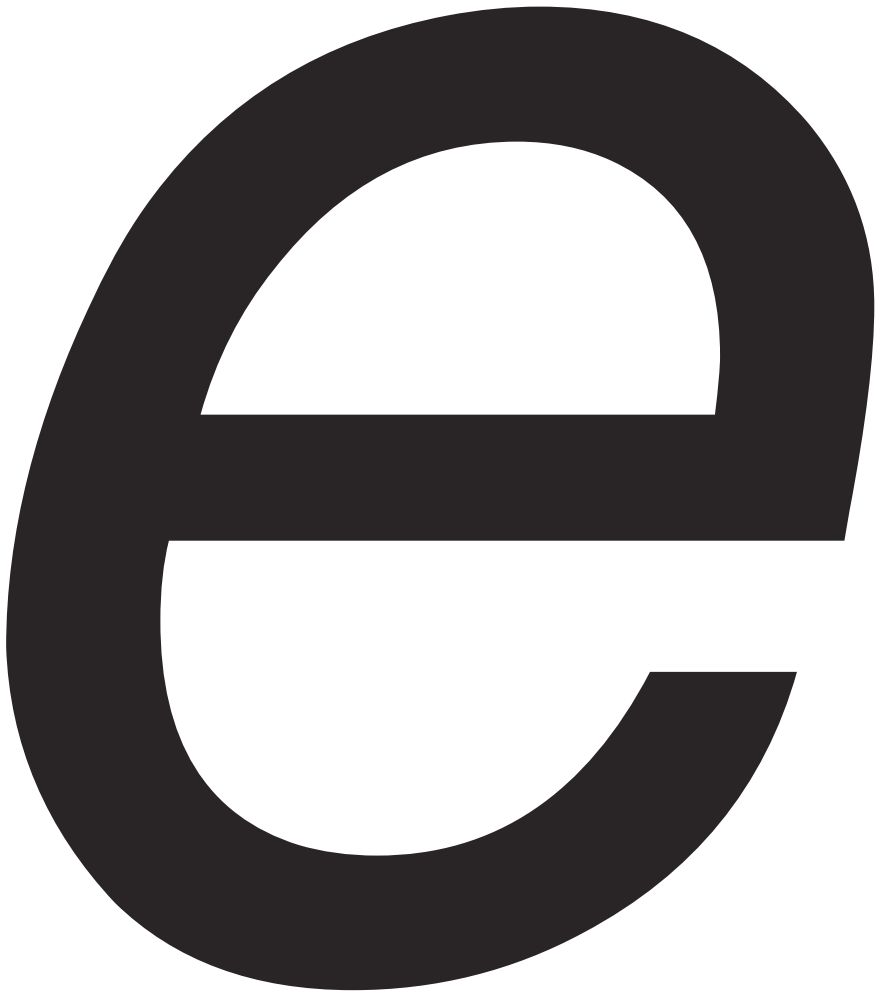


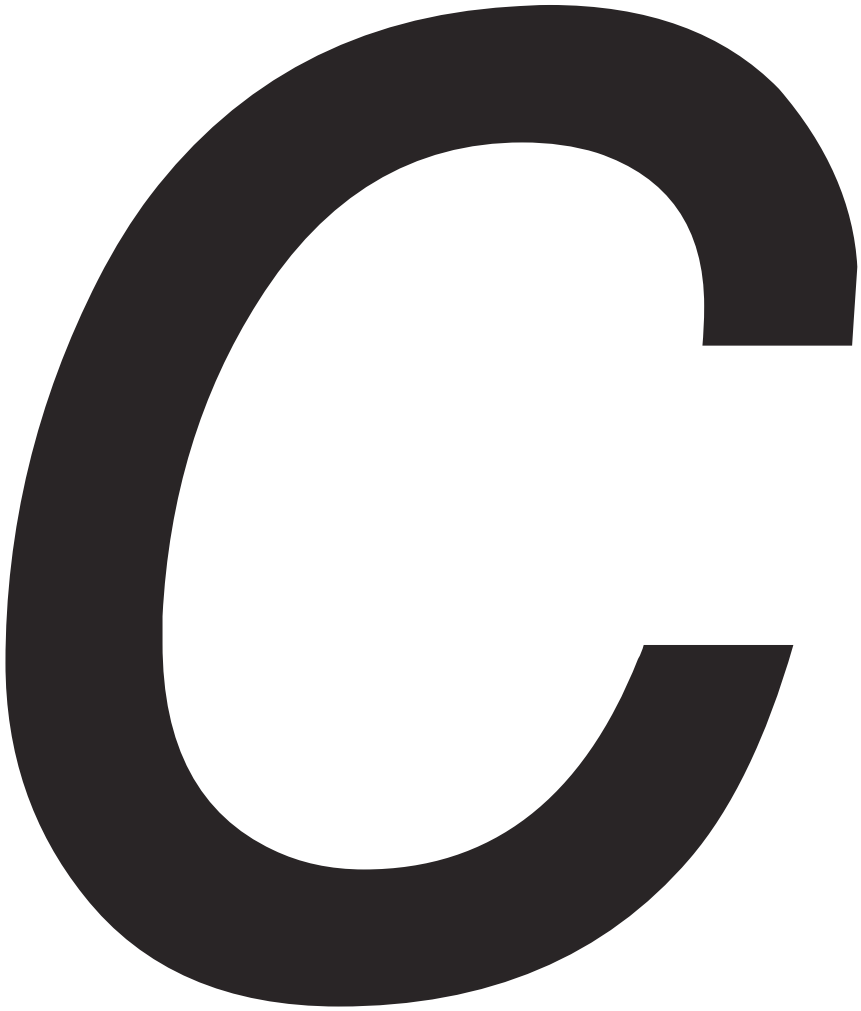


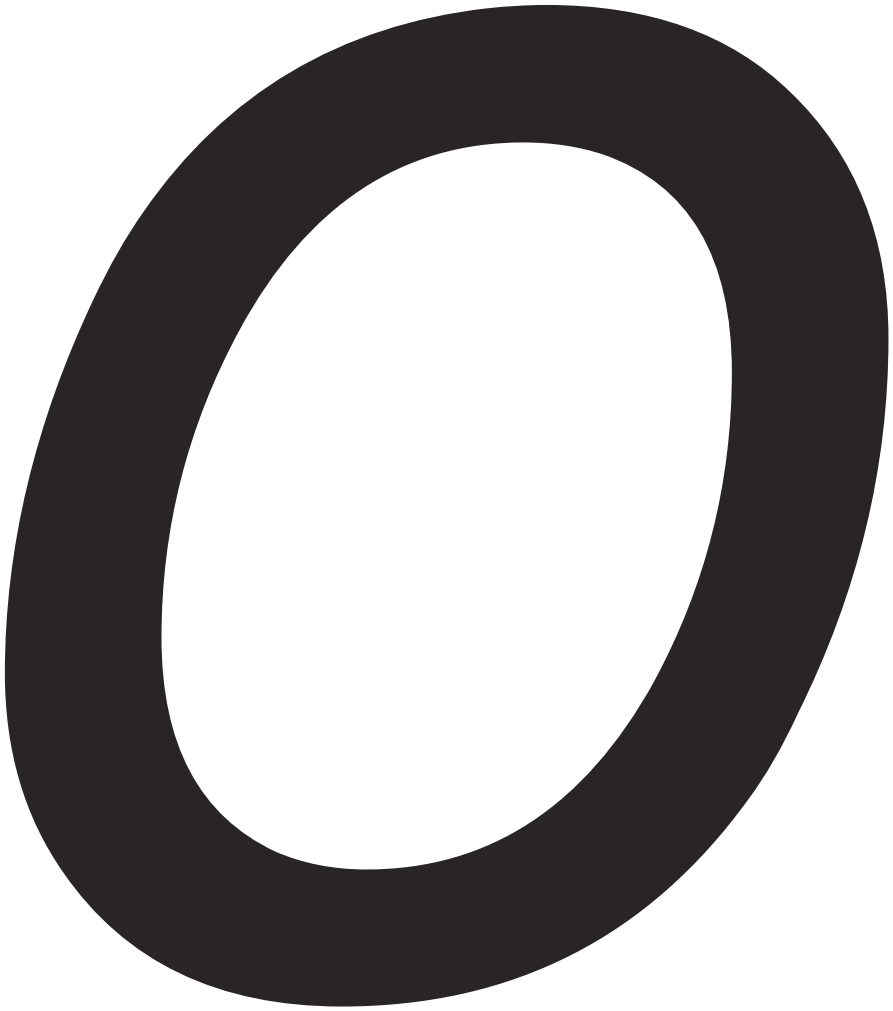


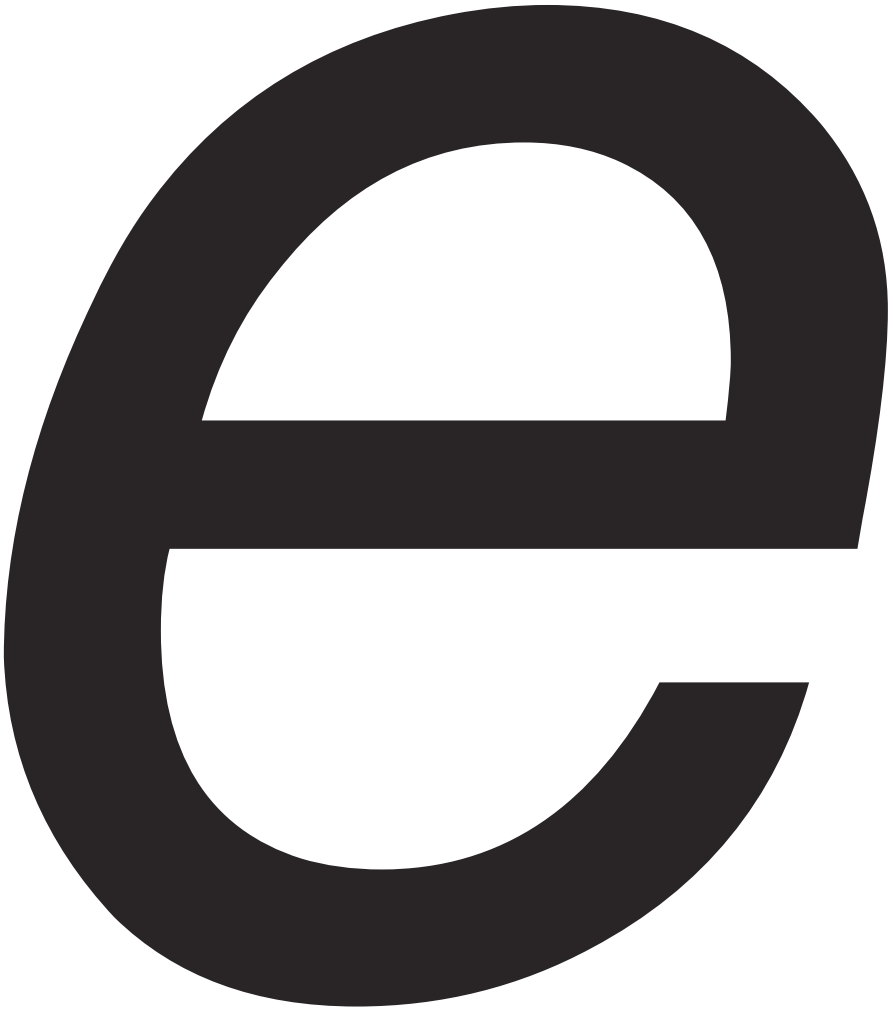


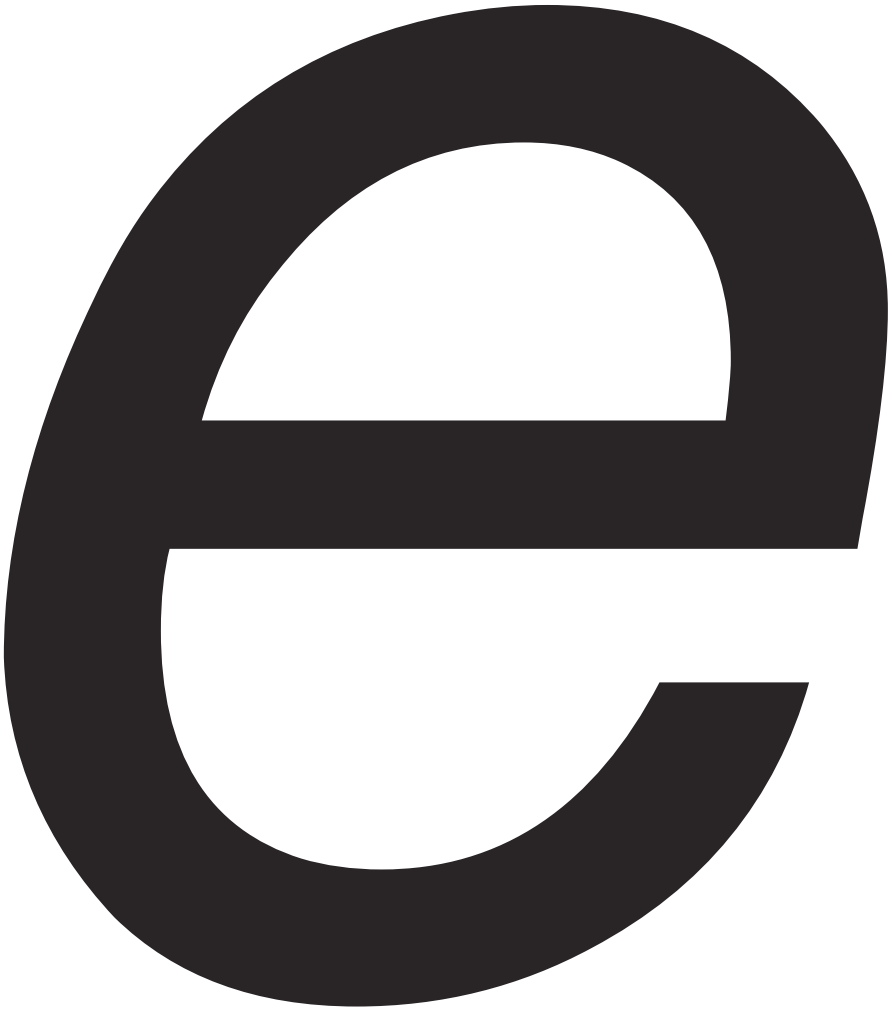


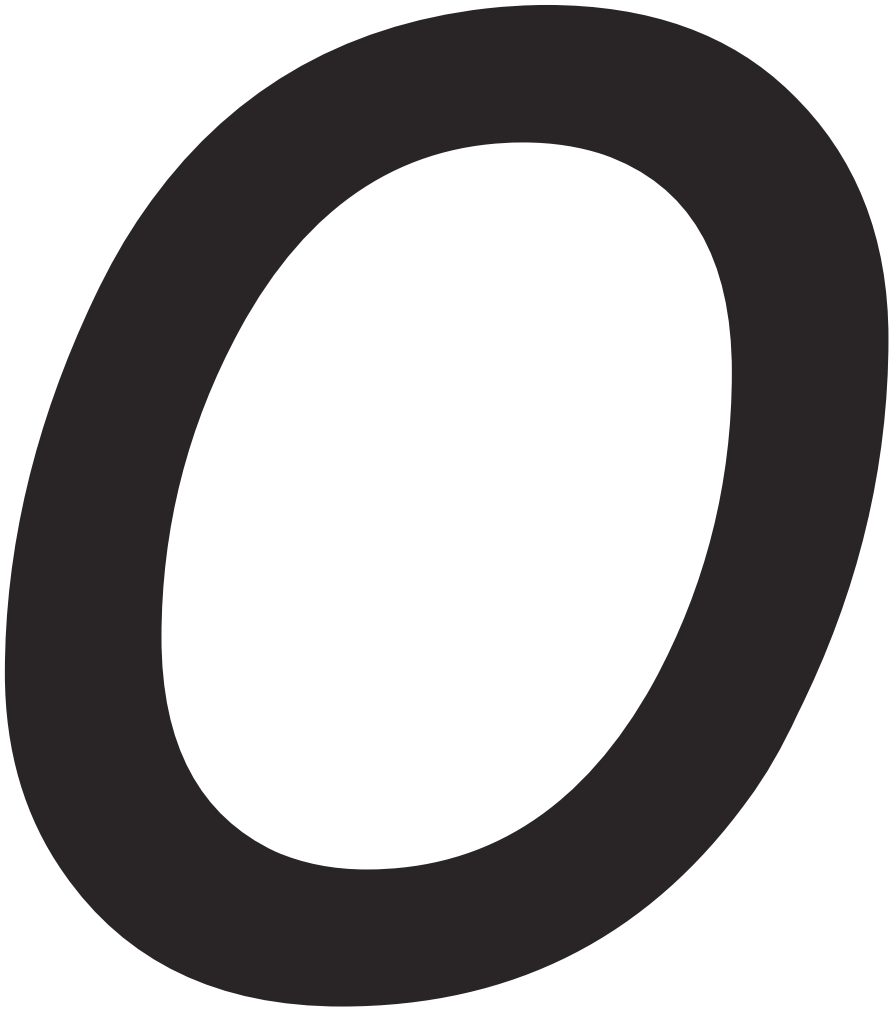


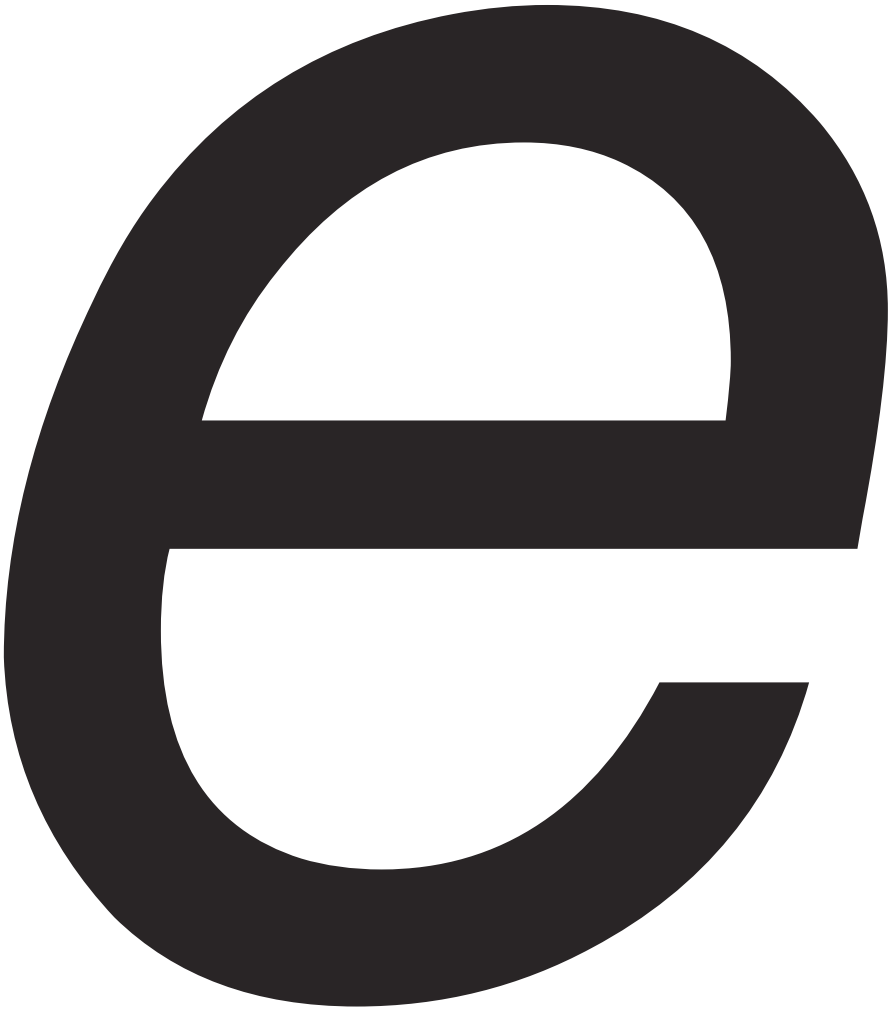


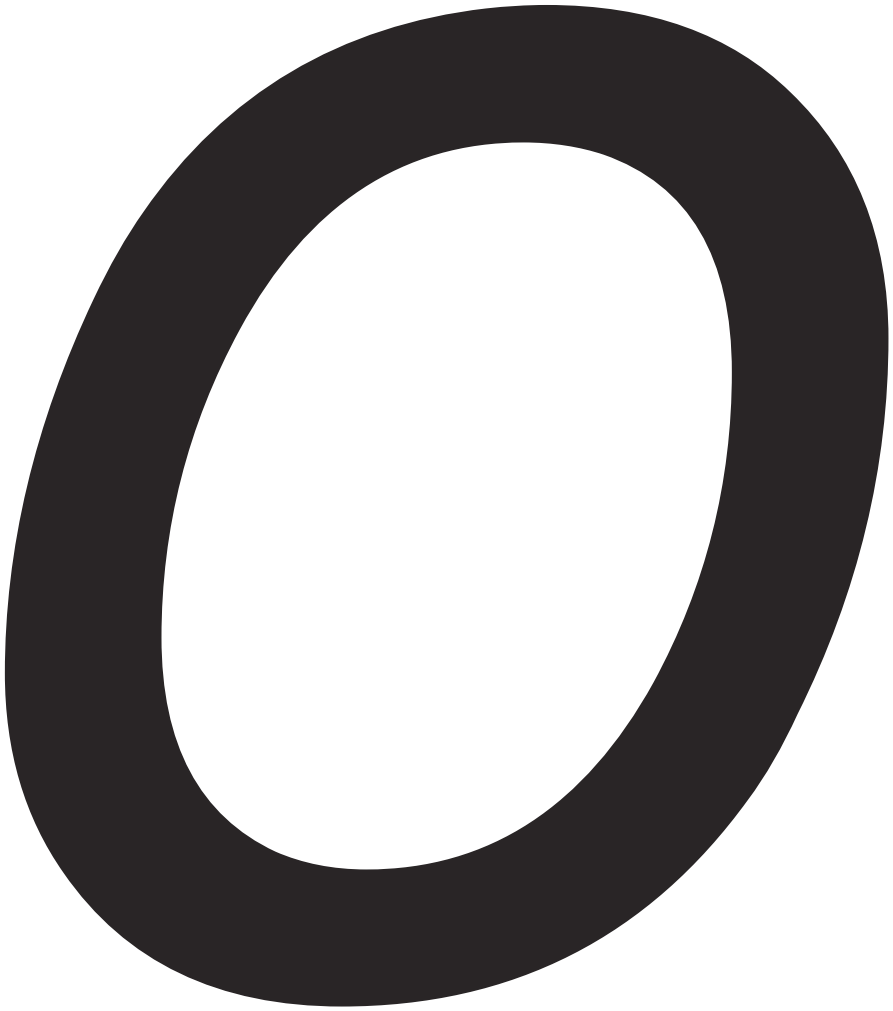


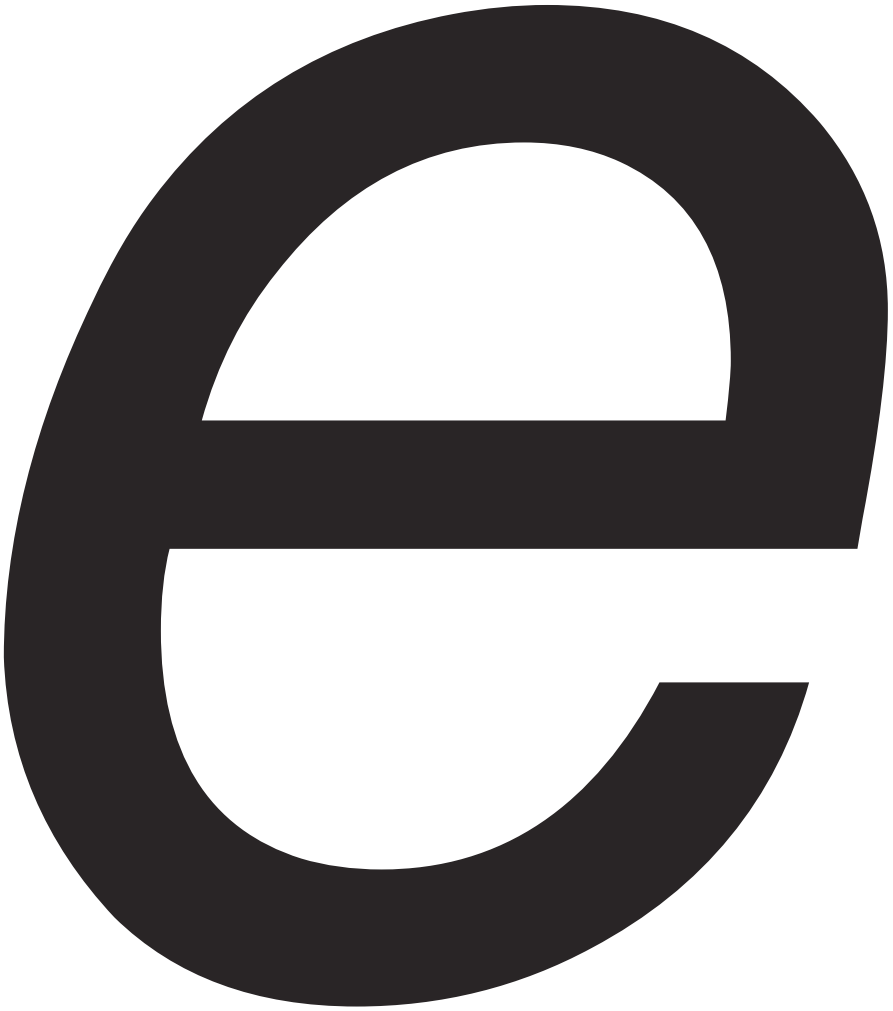


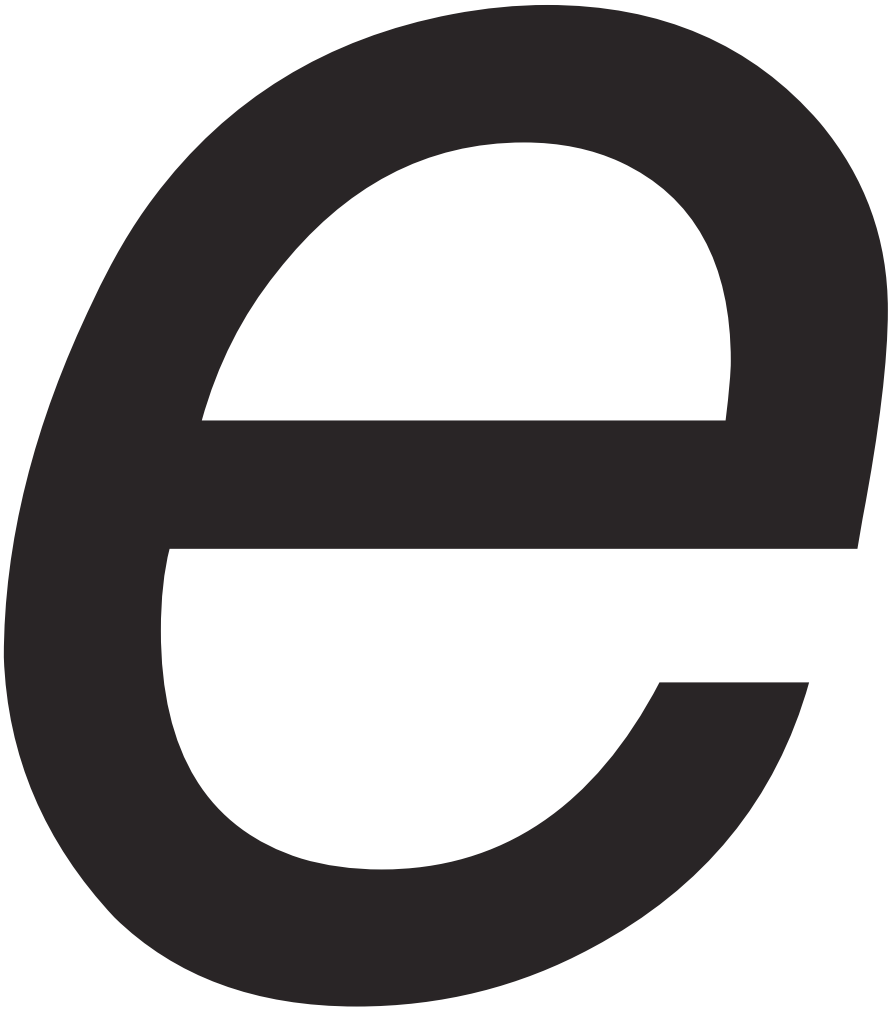


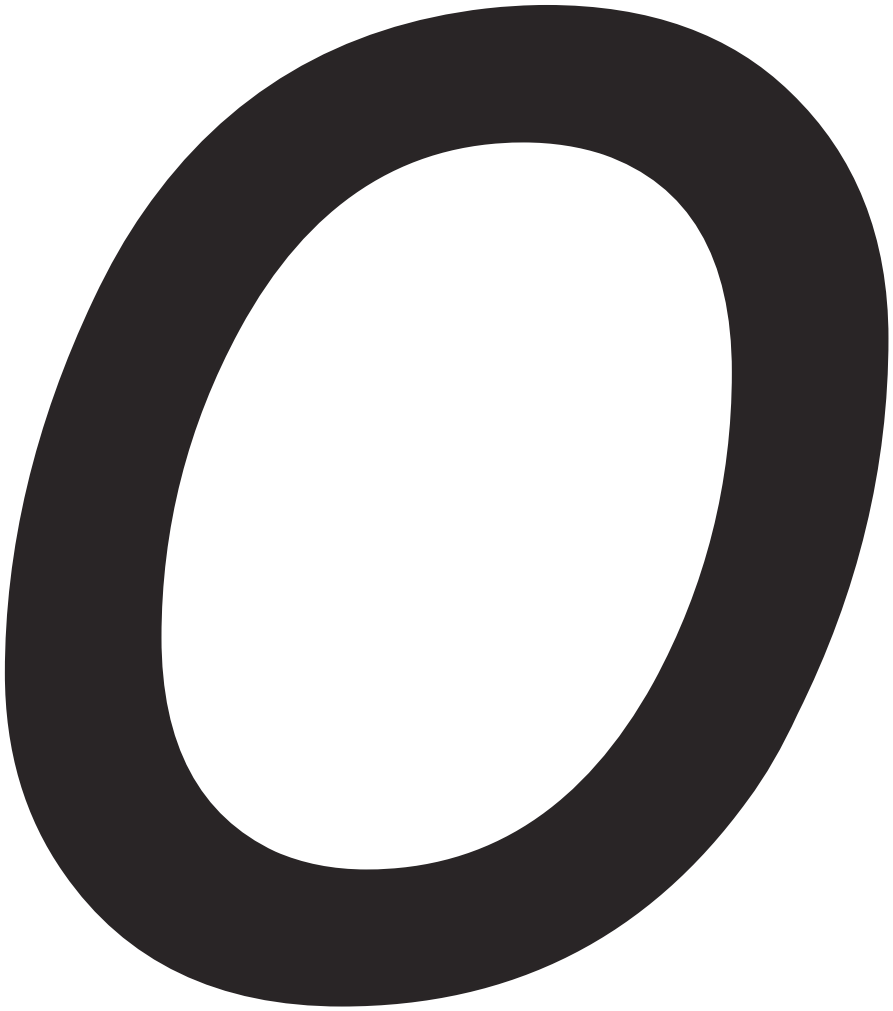


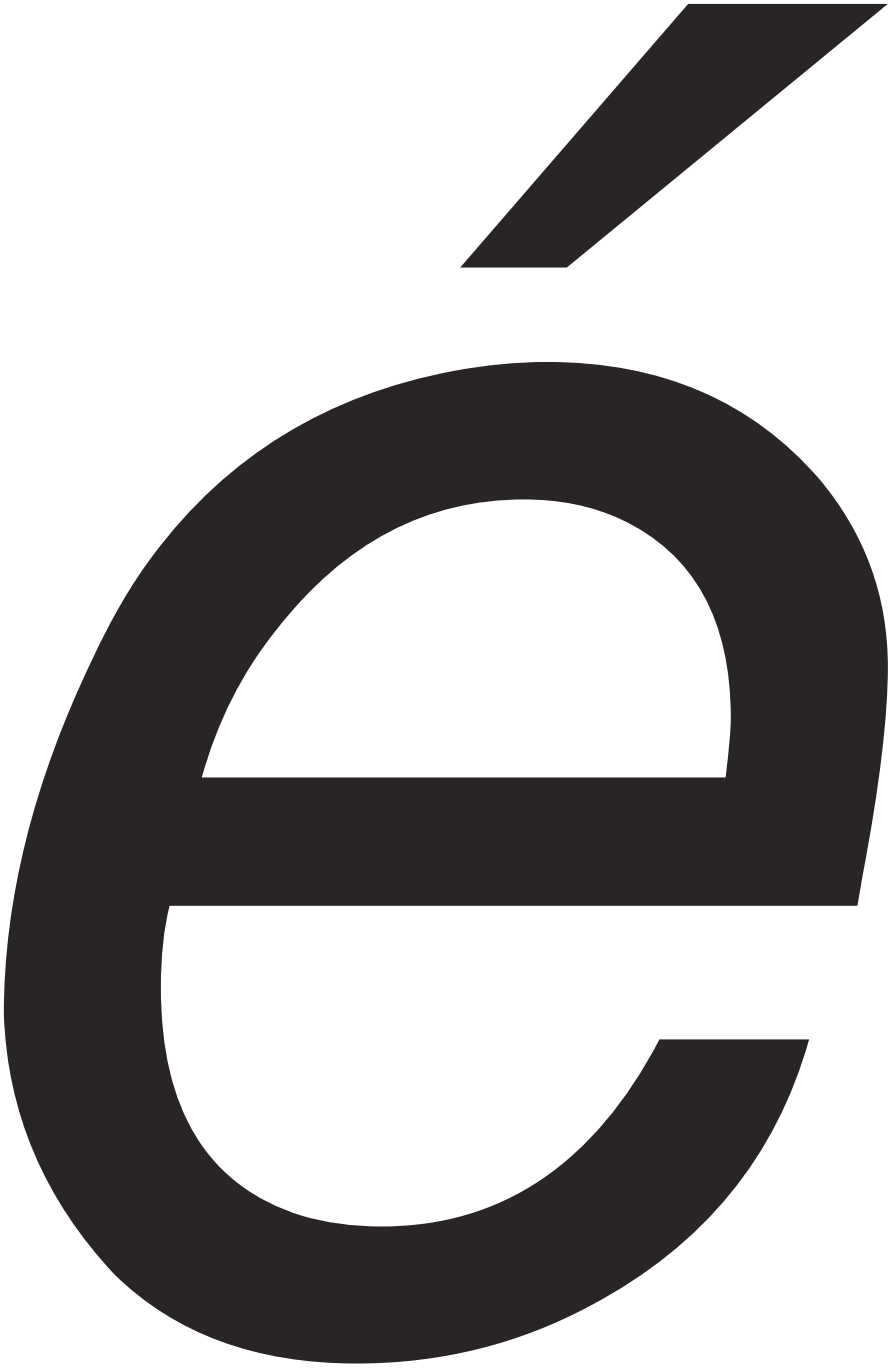


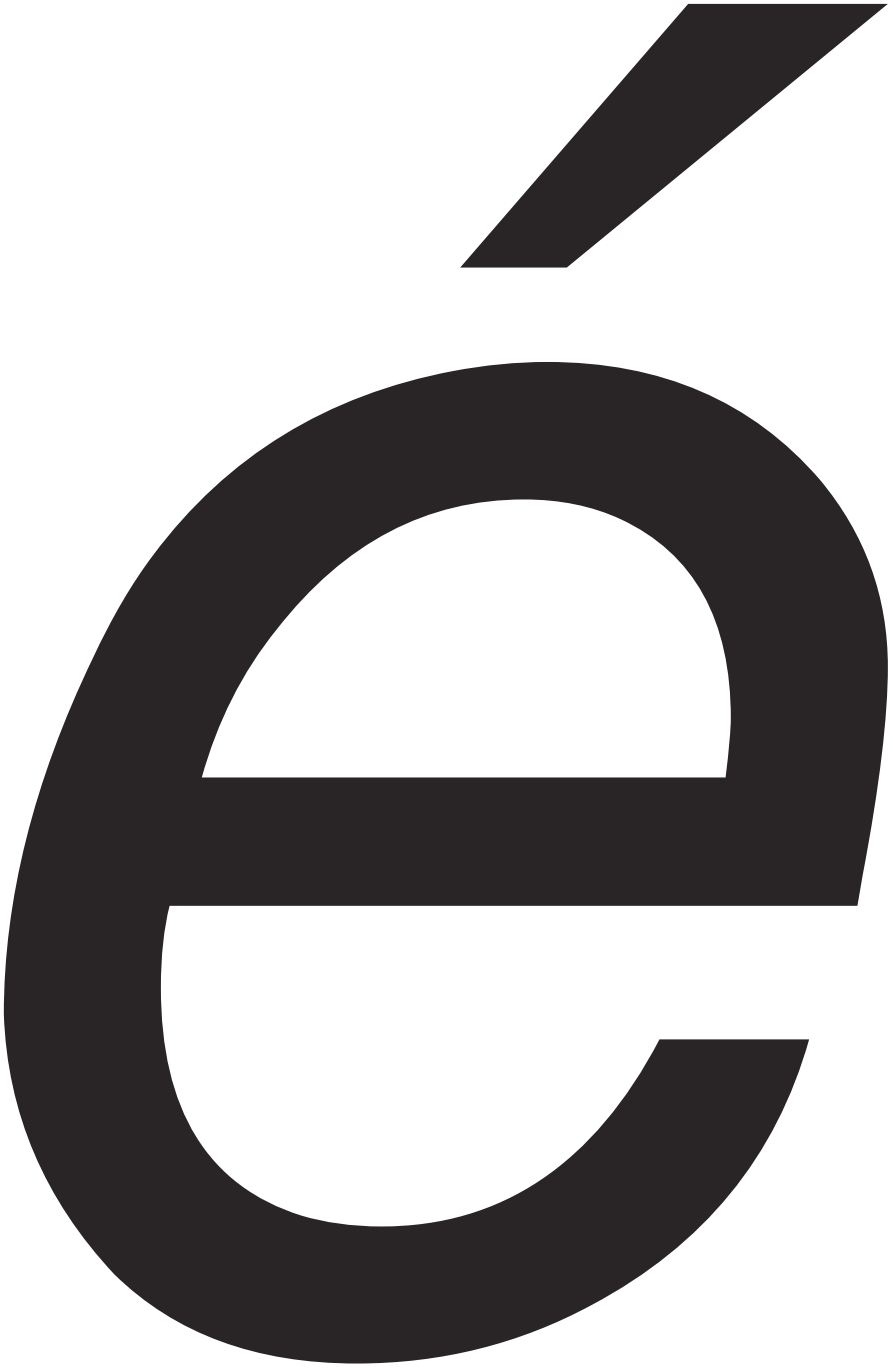


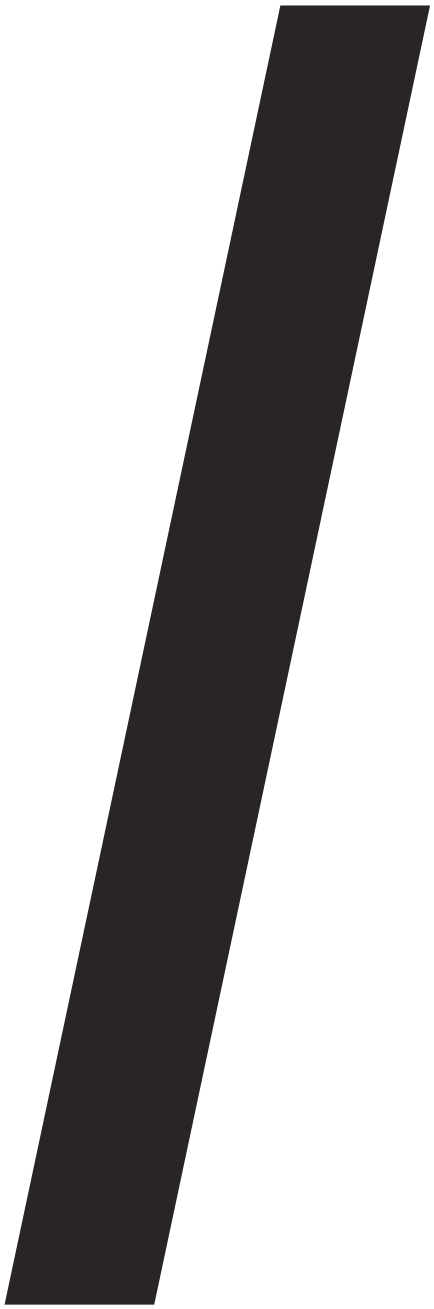


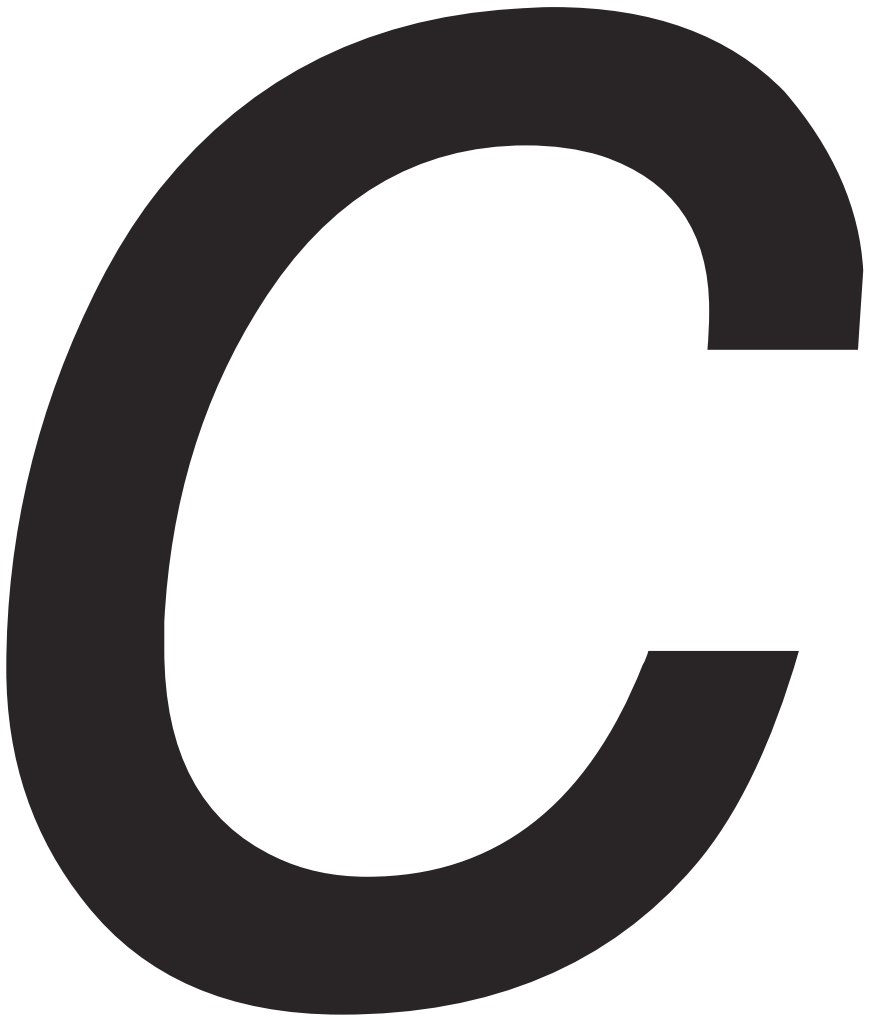


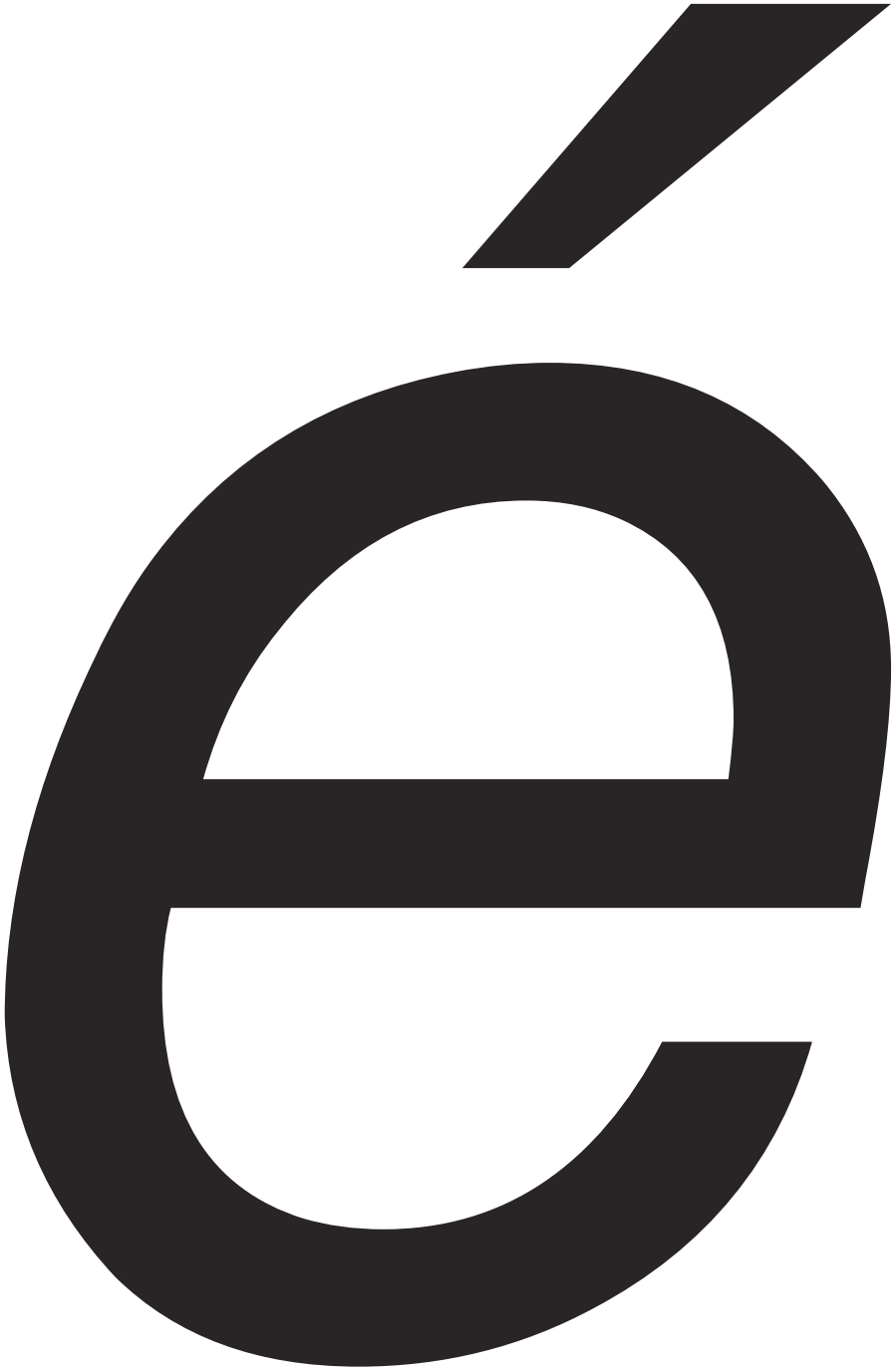


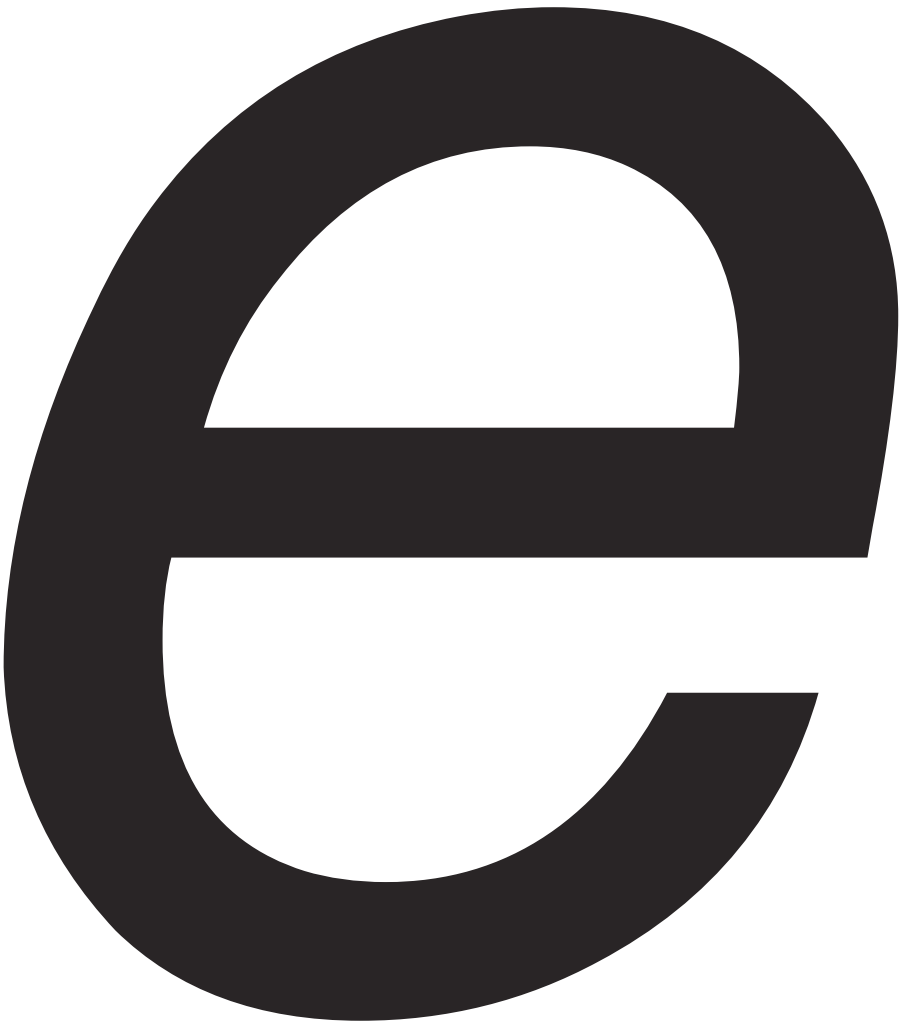


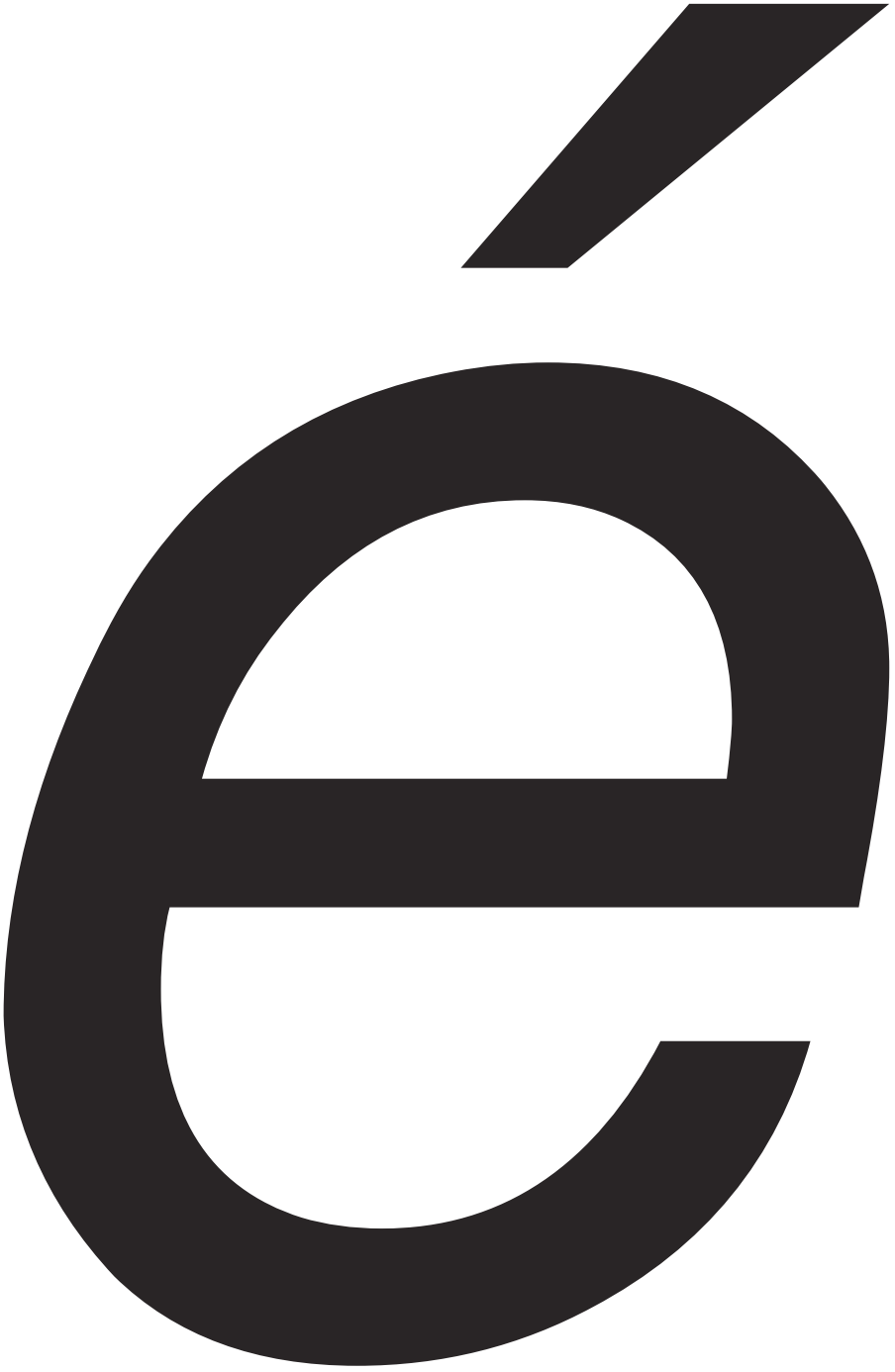


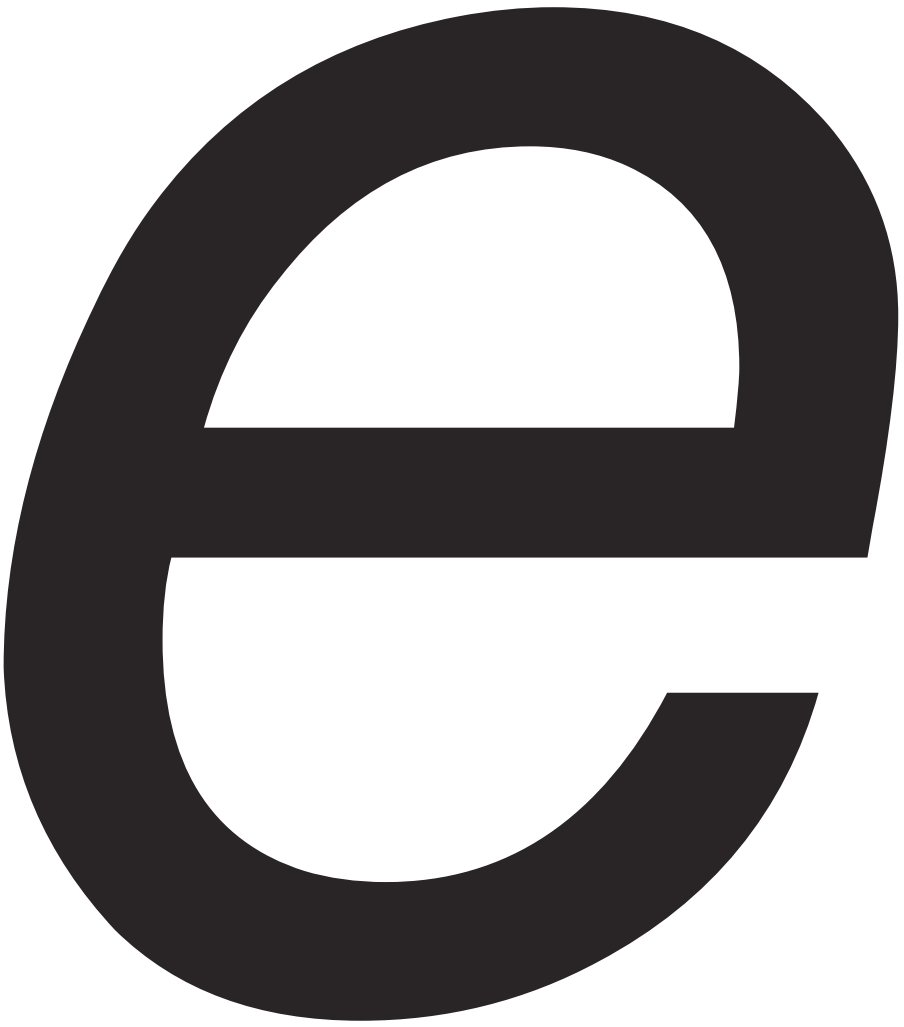


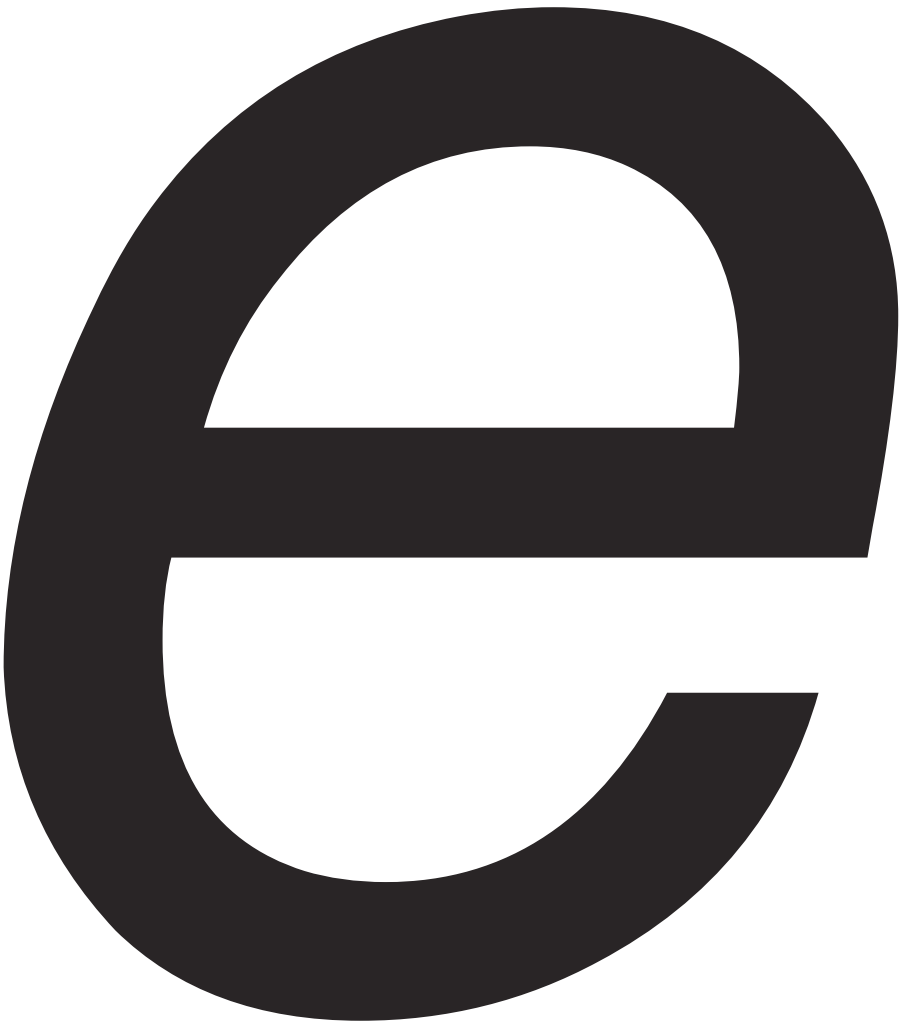


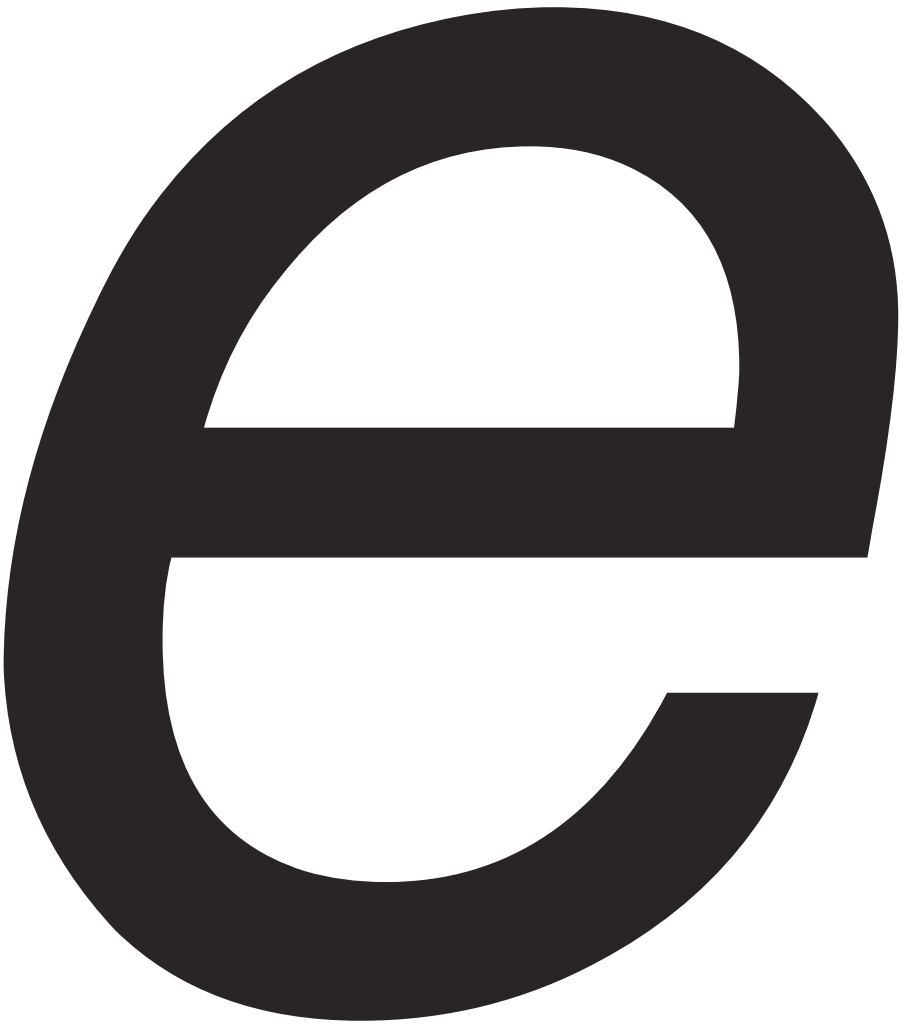


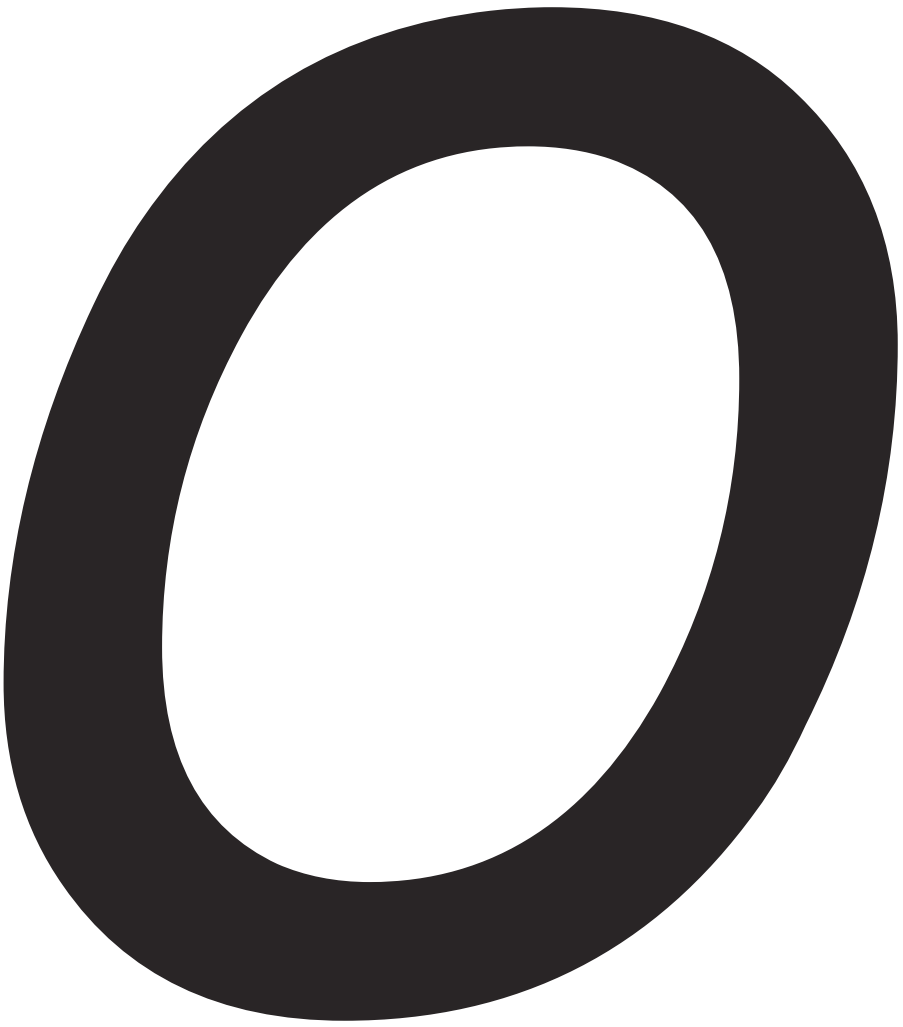


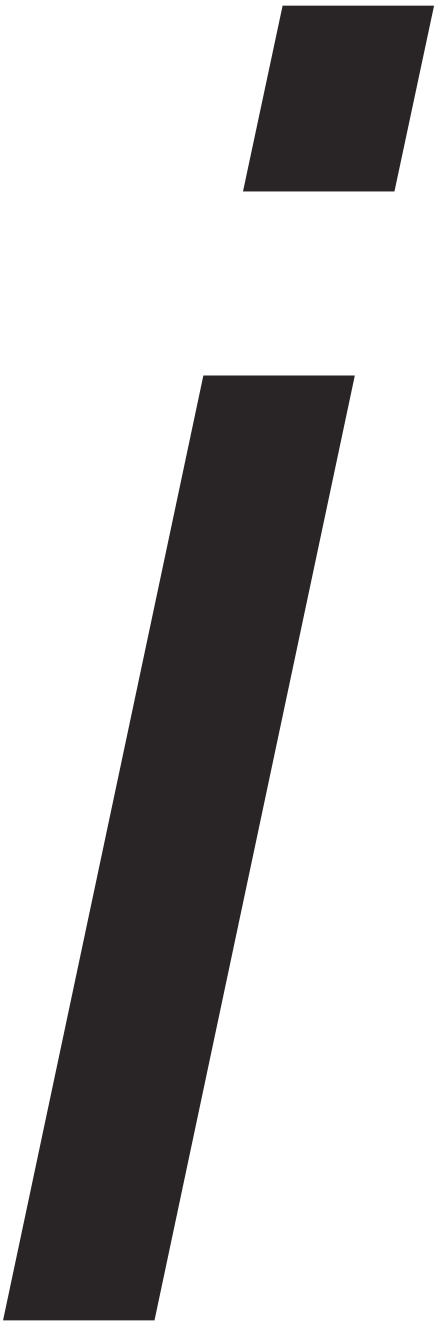


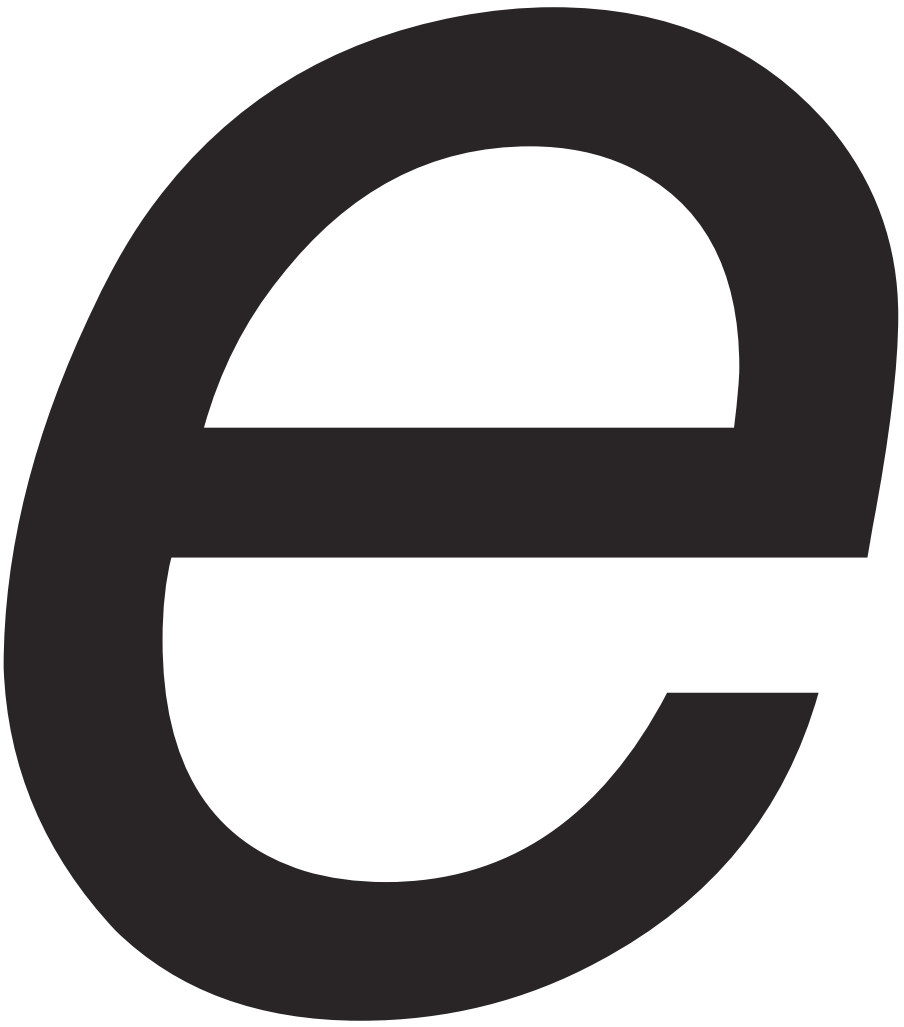


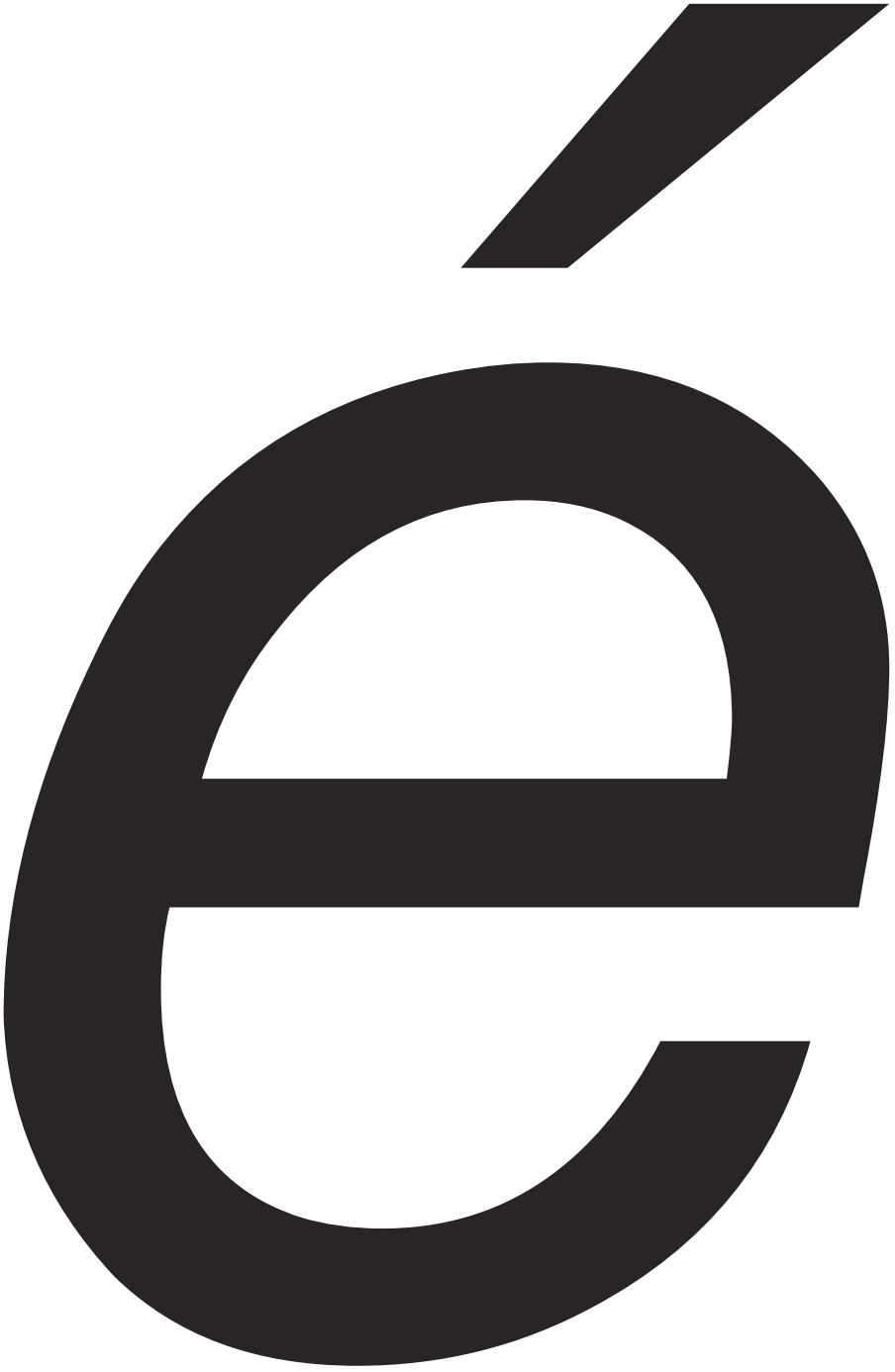


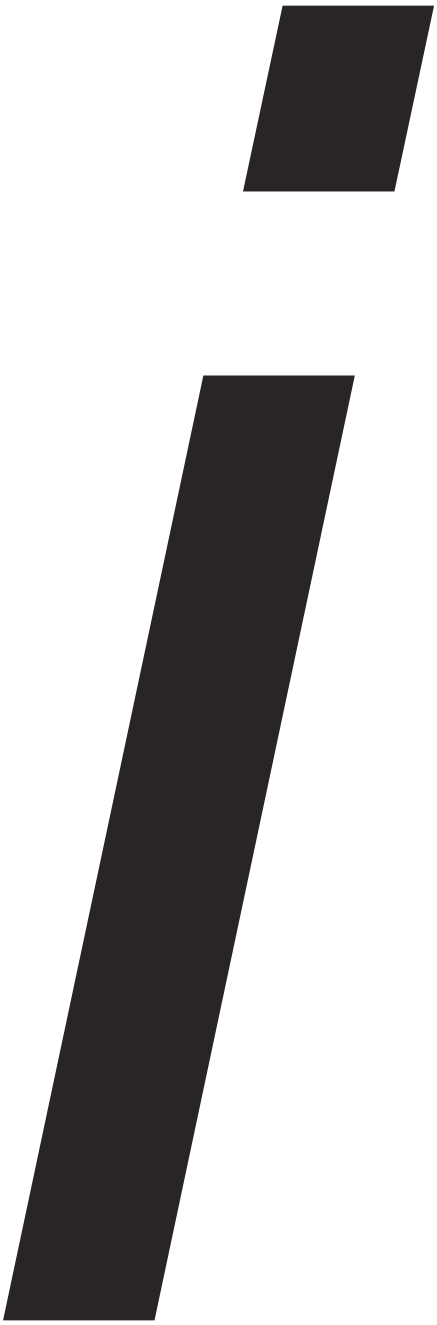


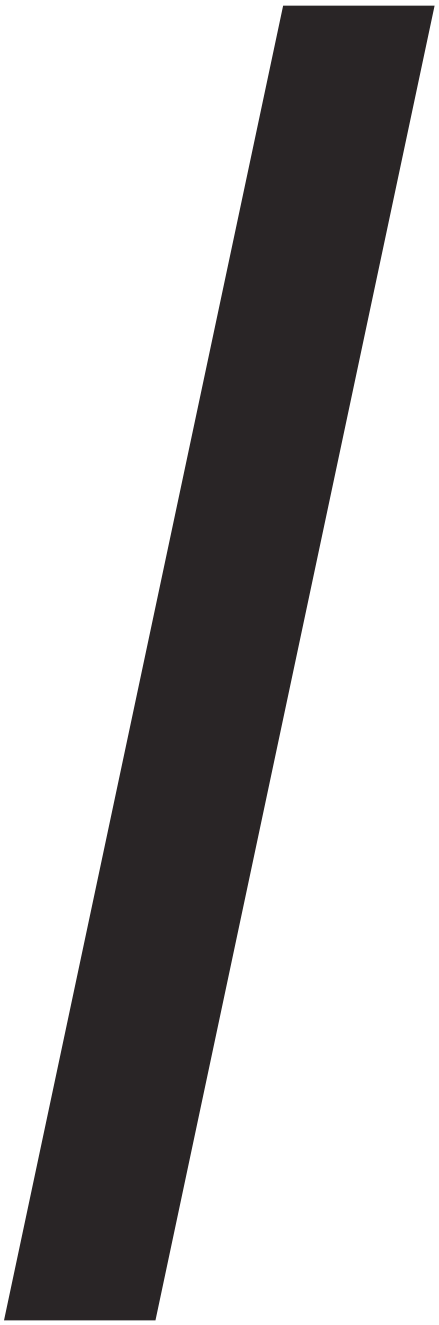


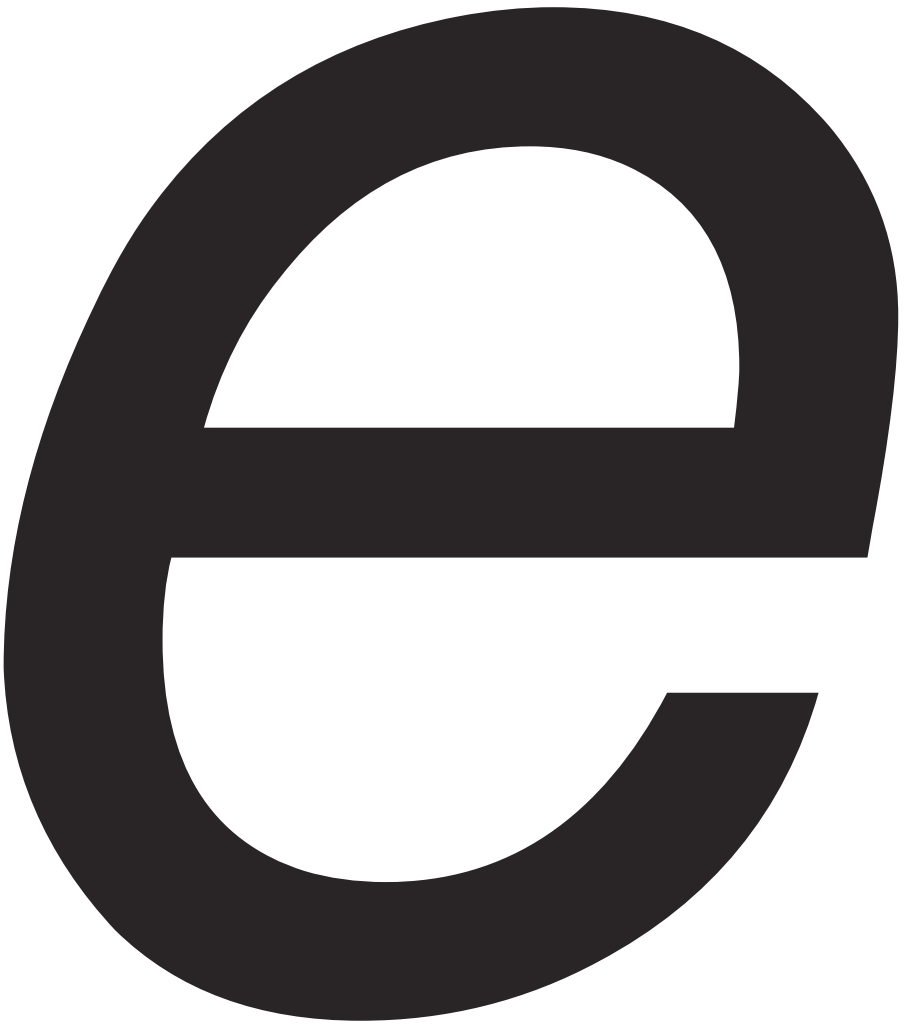


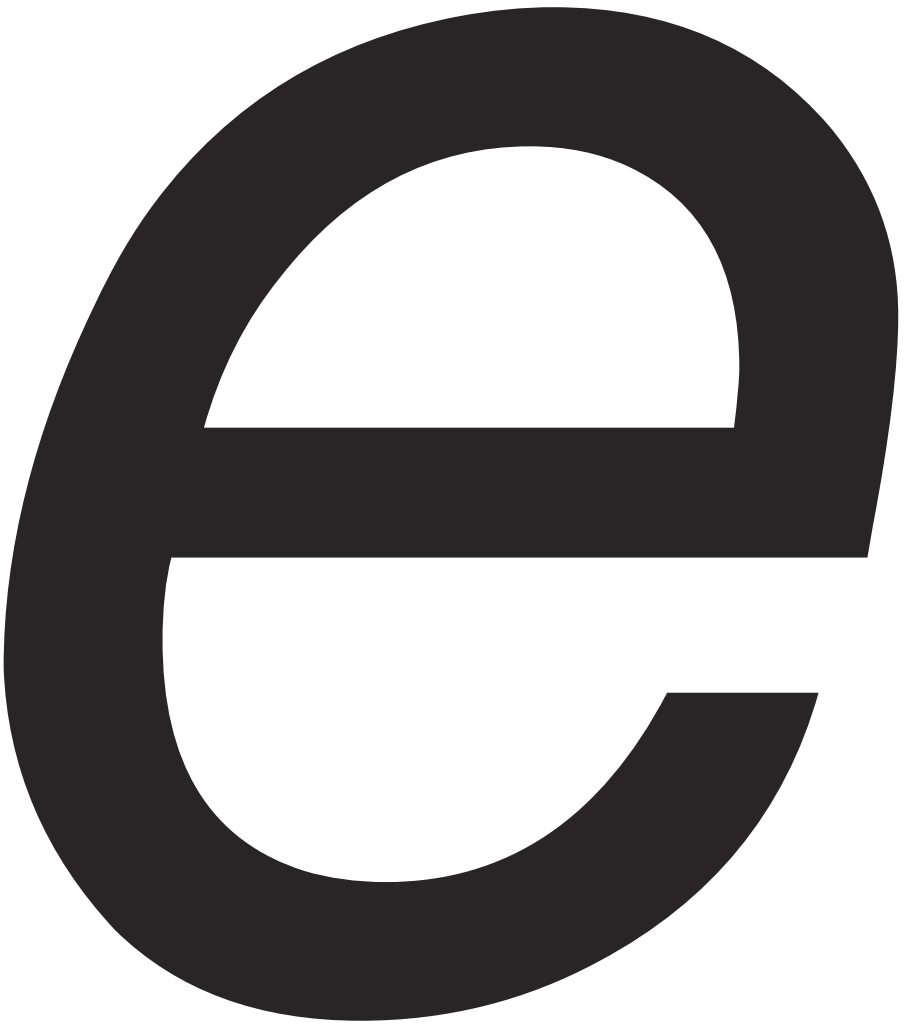


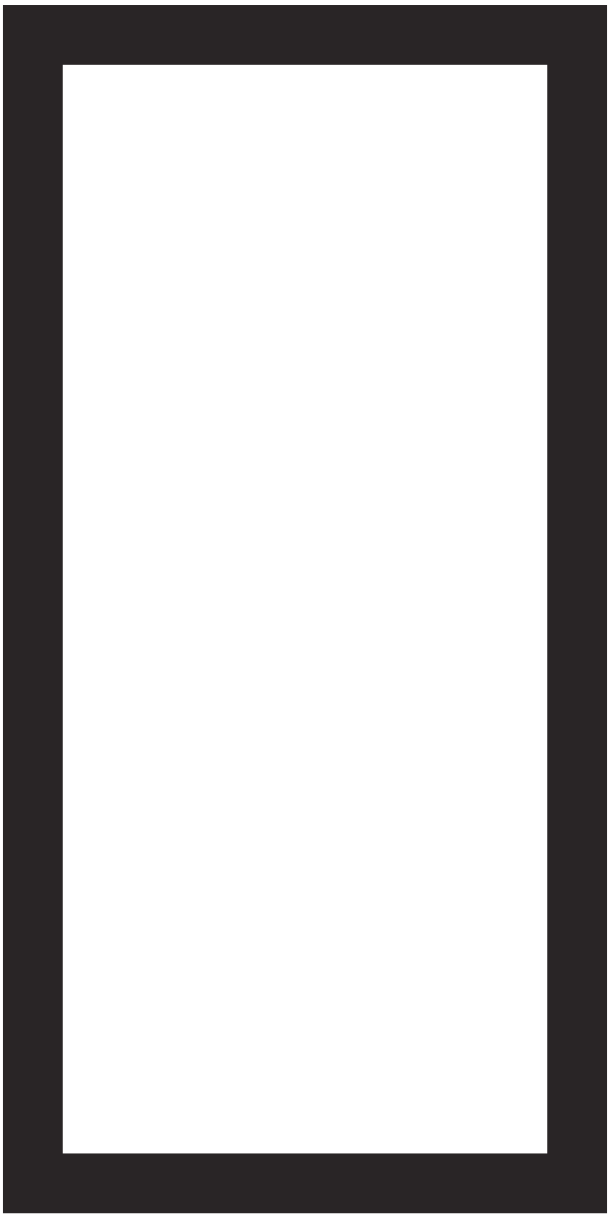


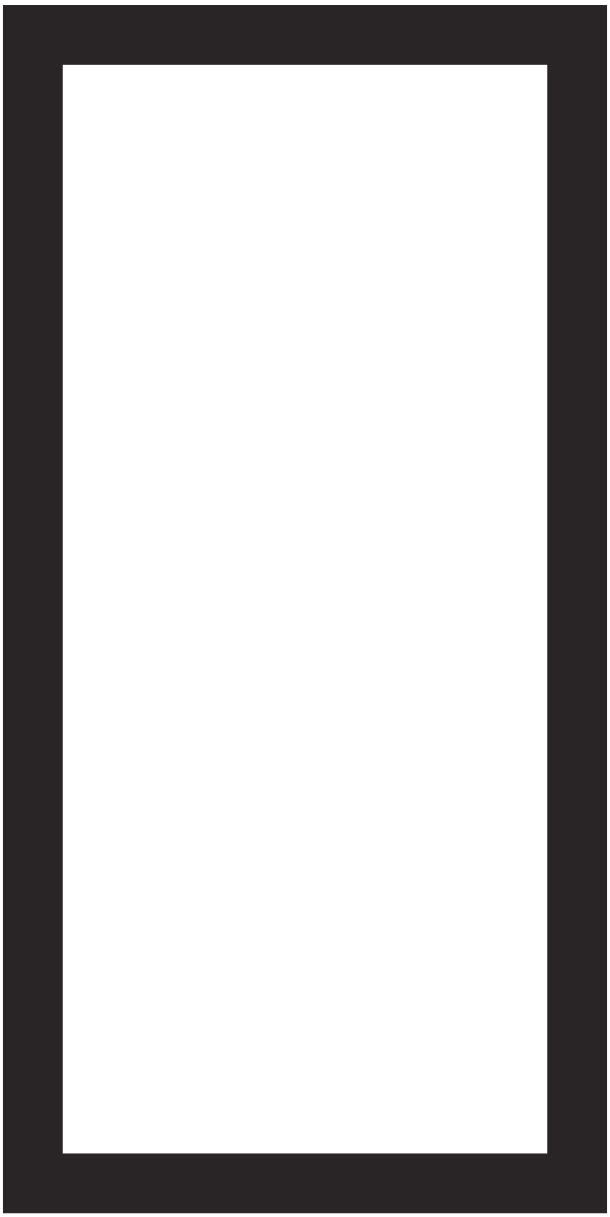


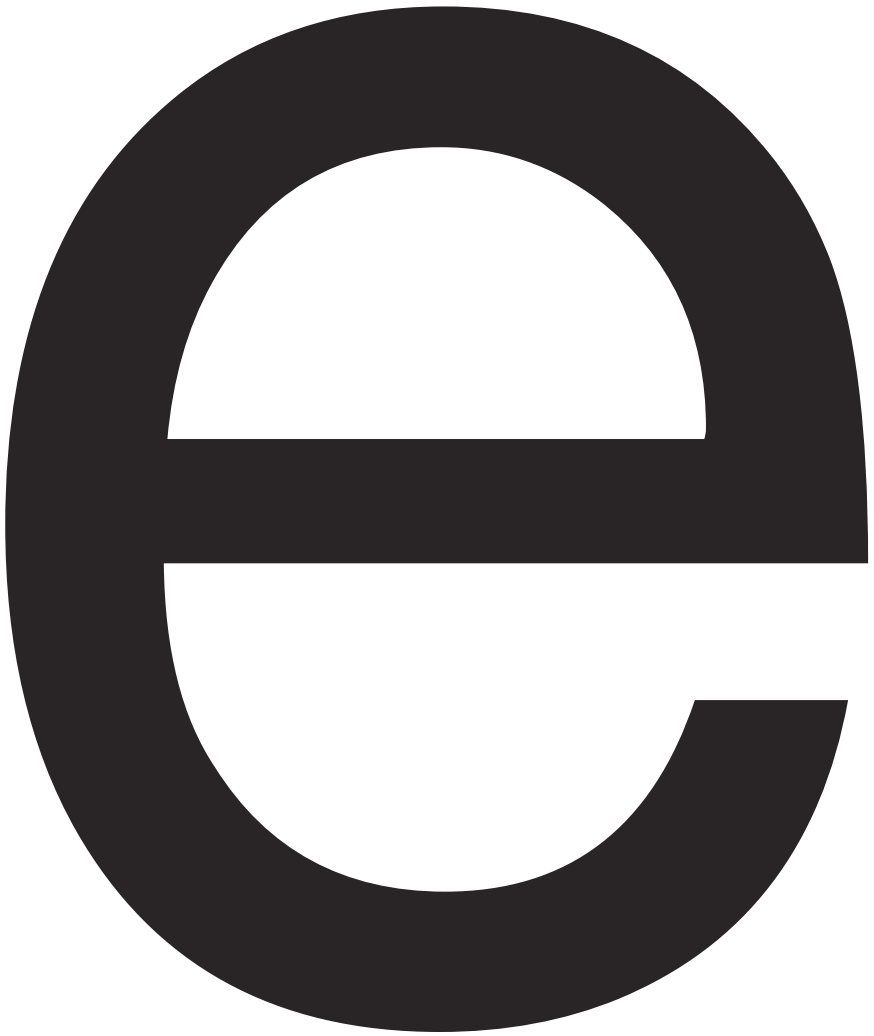


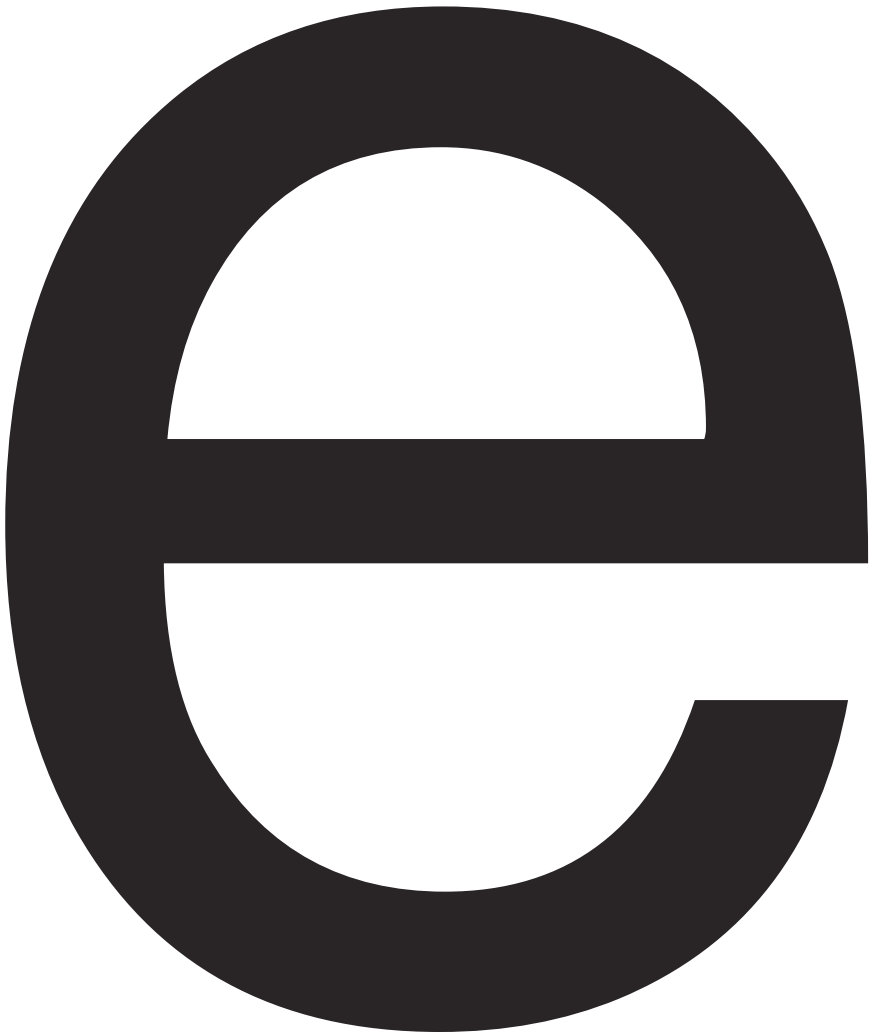


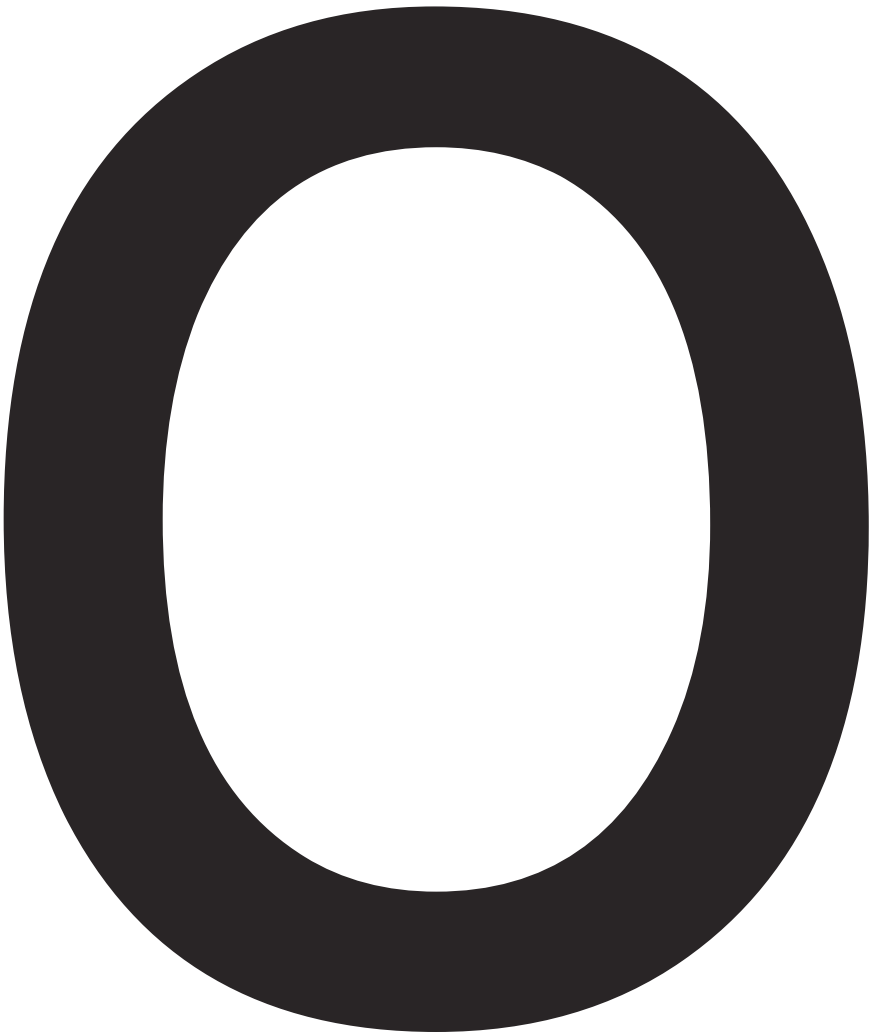


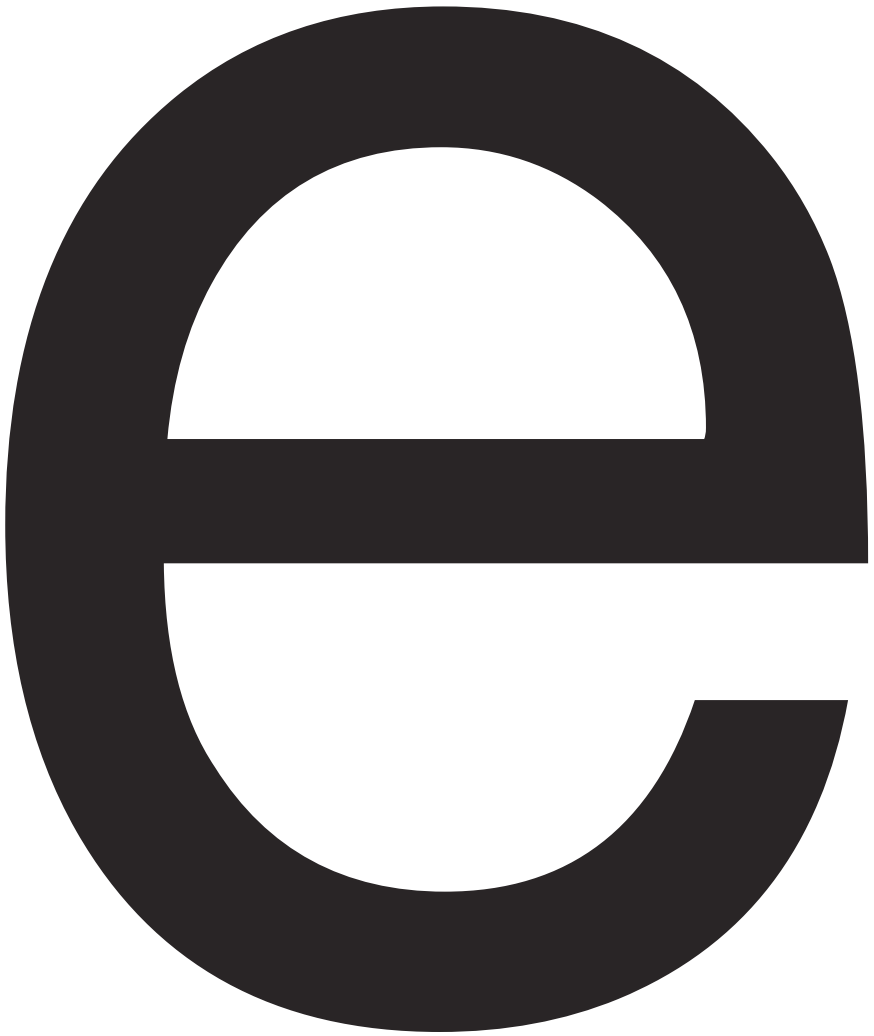


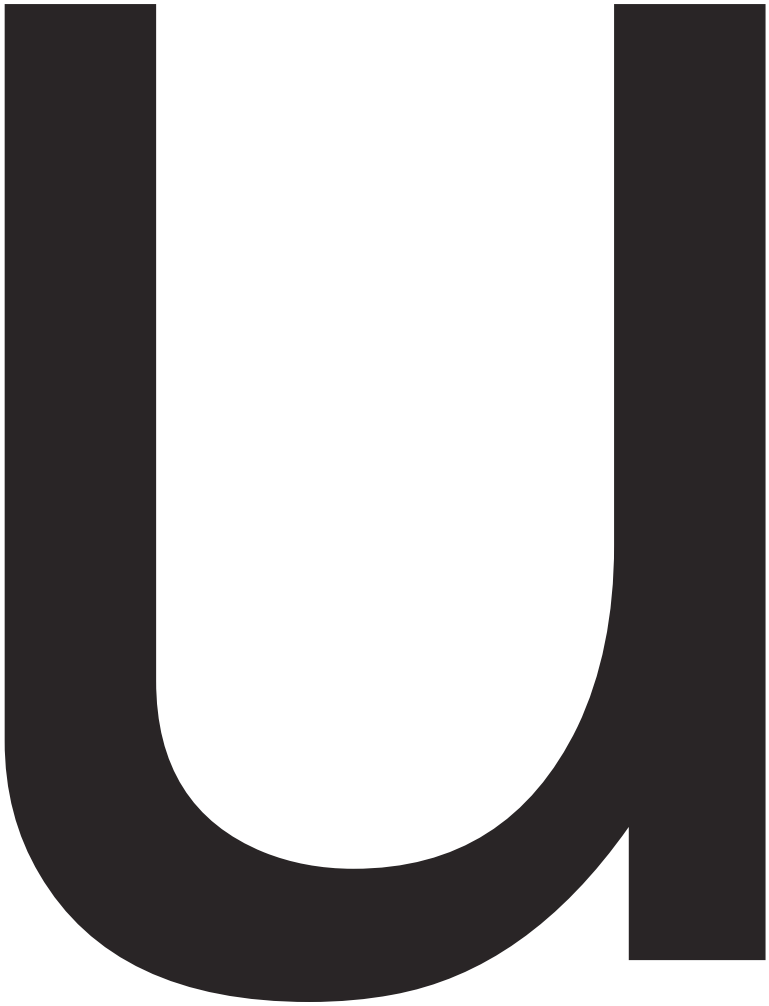


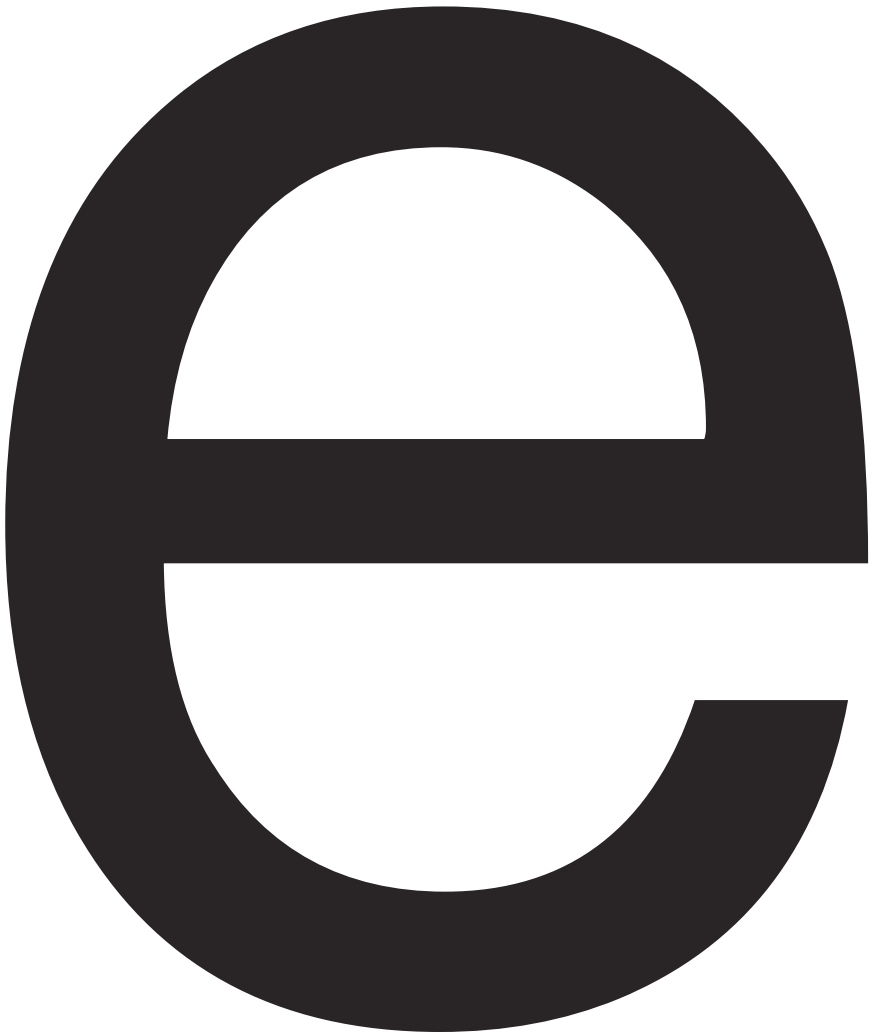




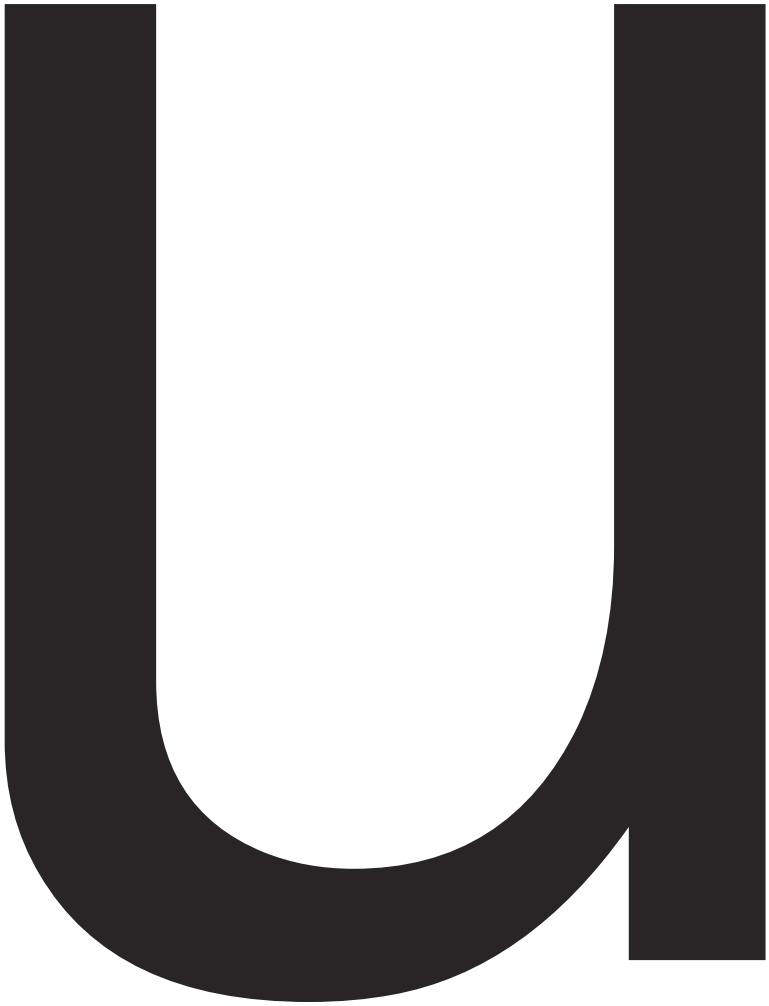


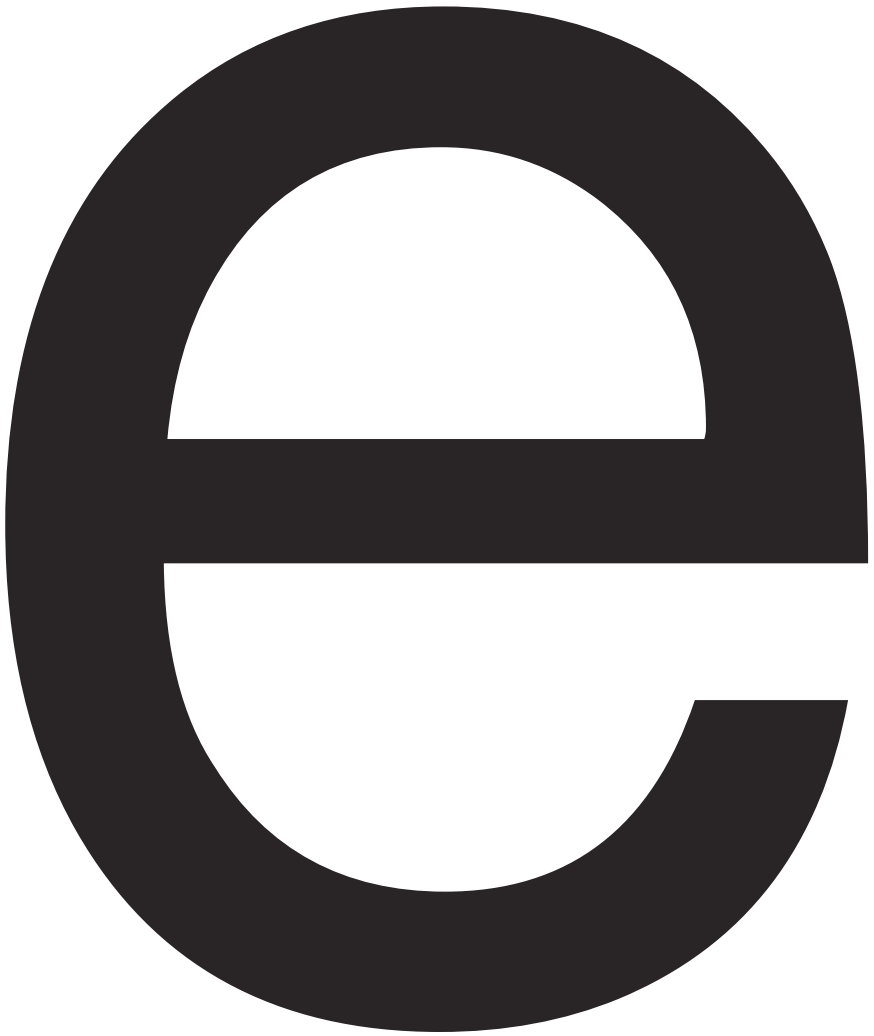


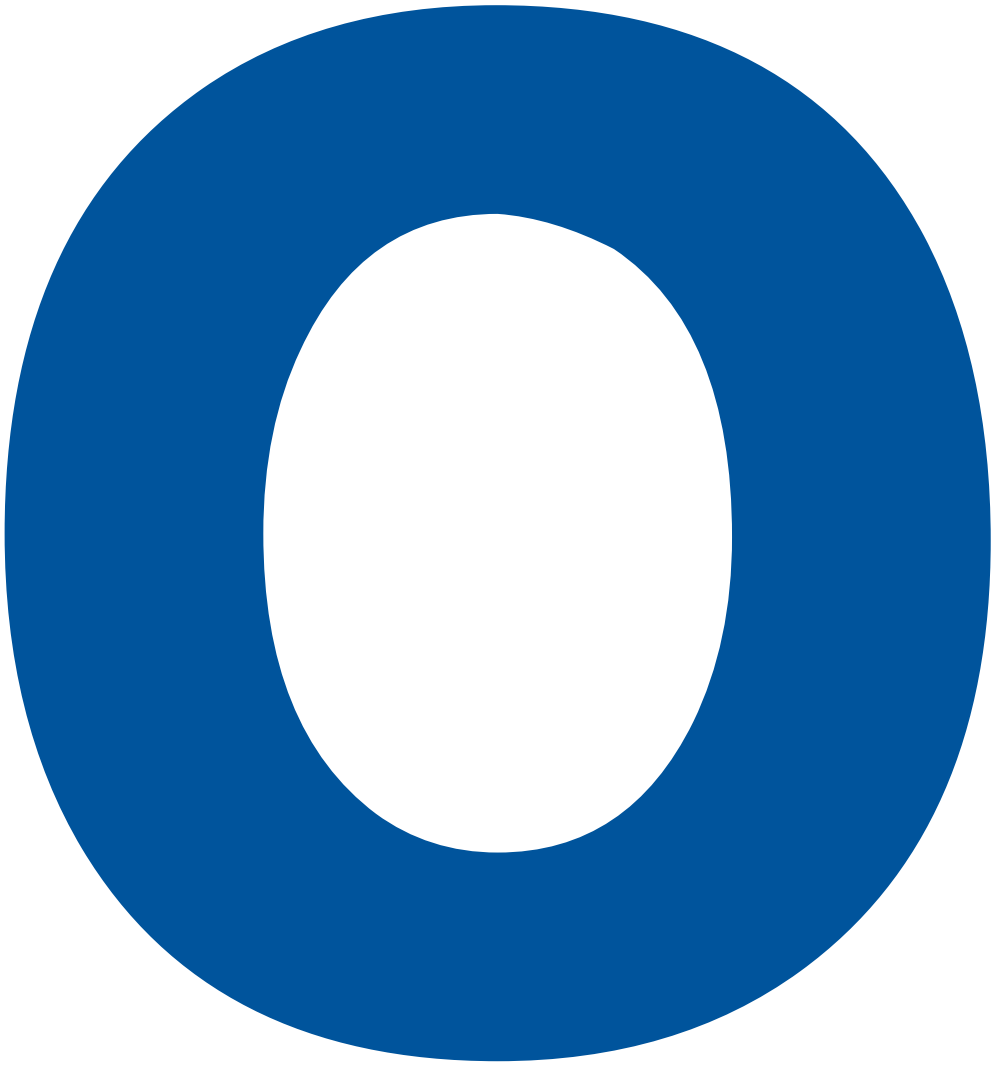


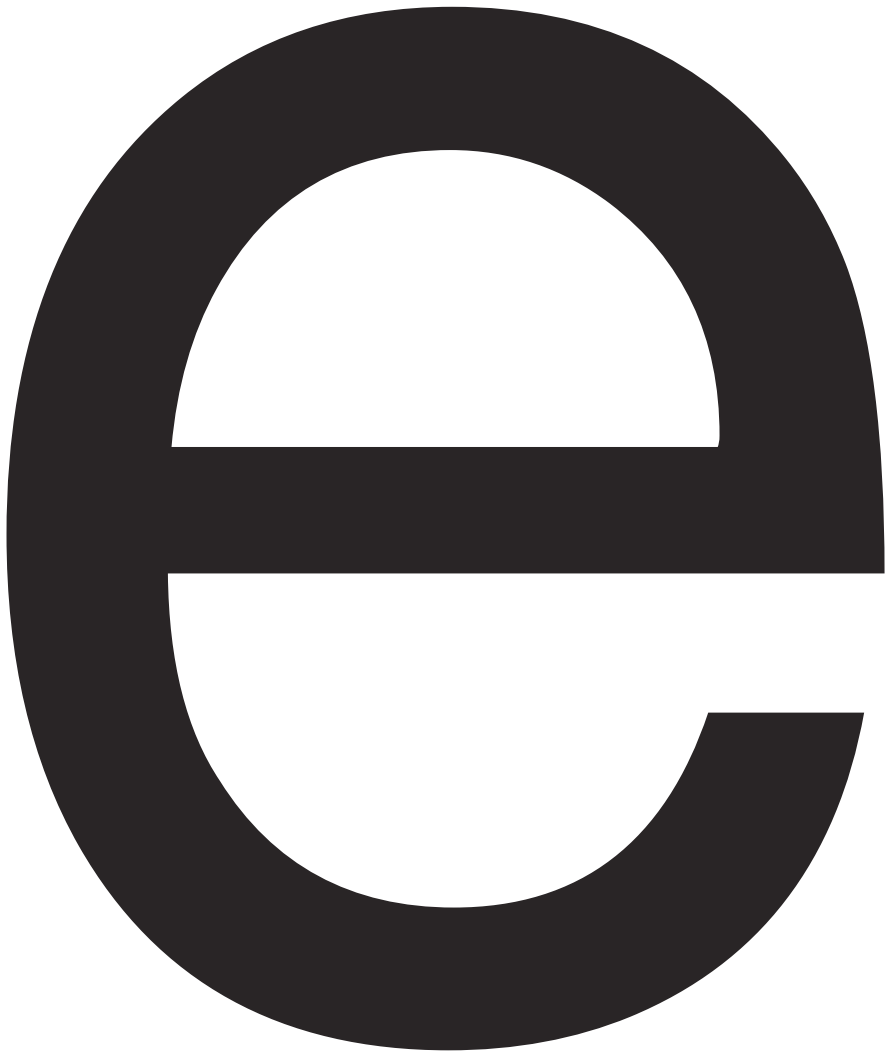


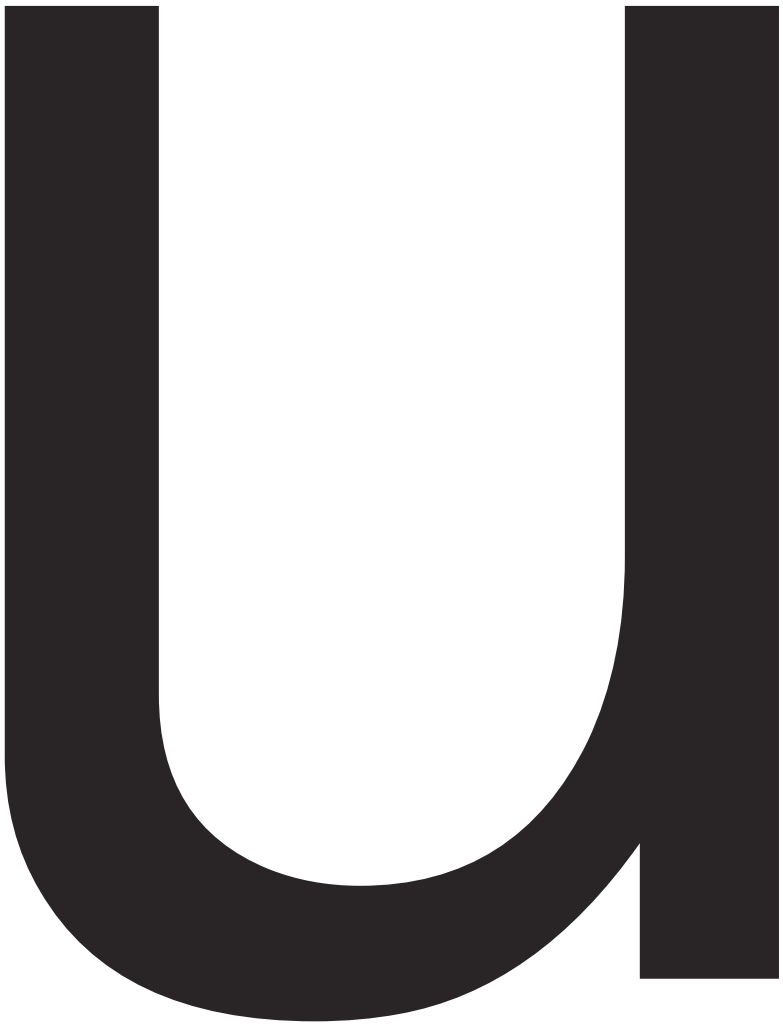
d

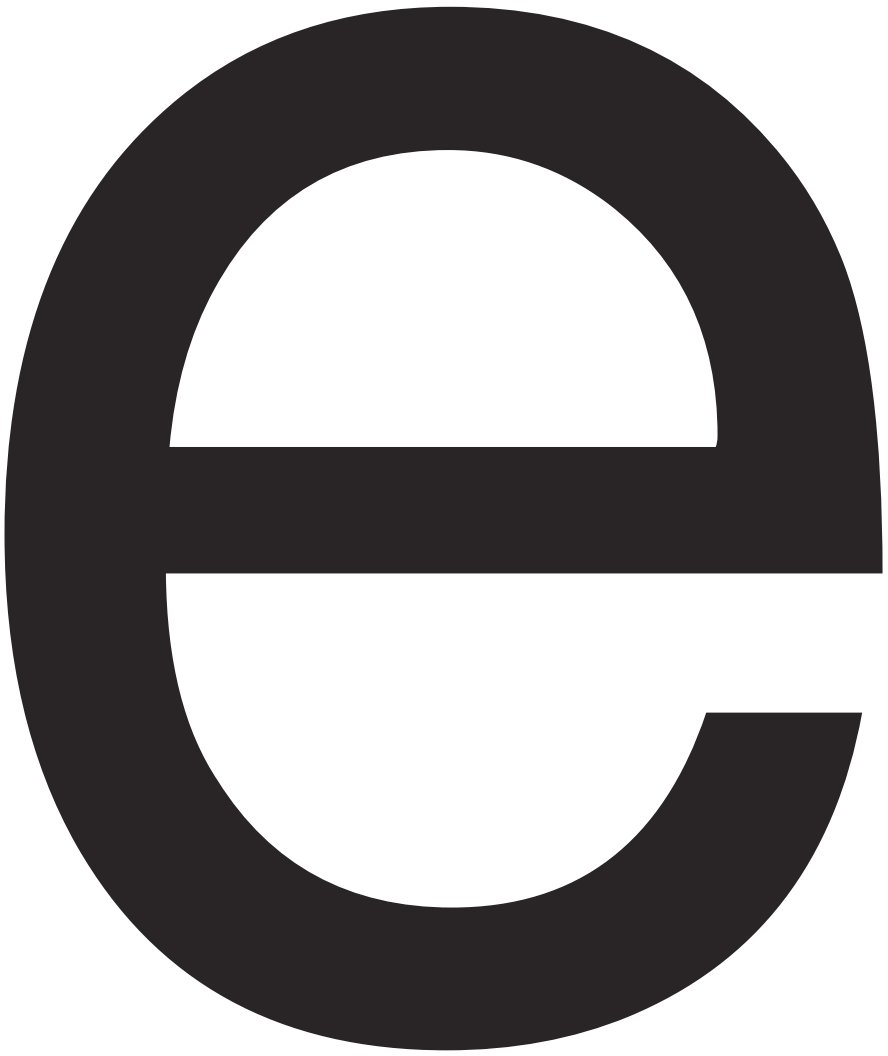


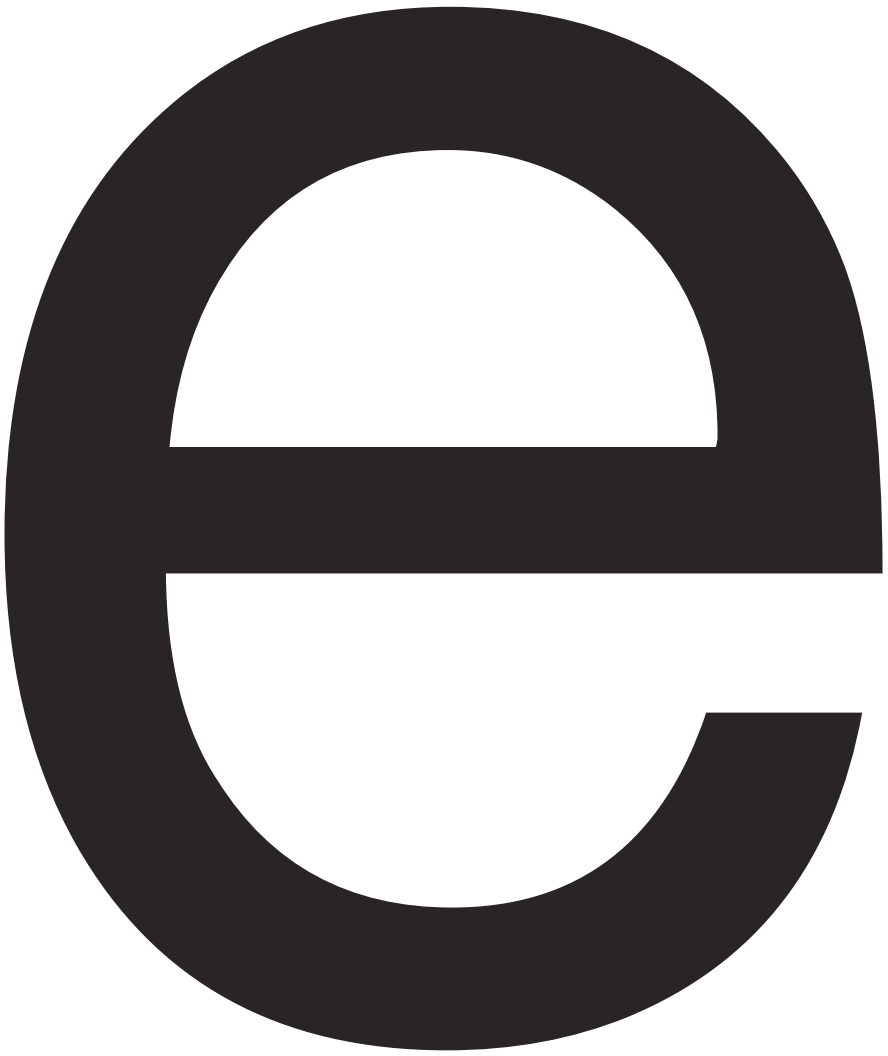


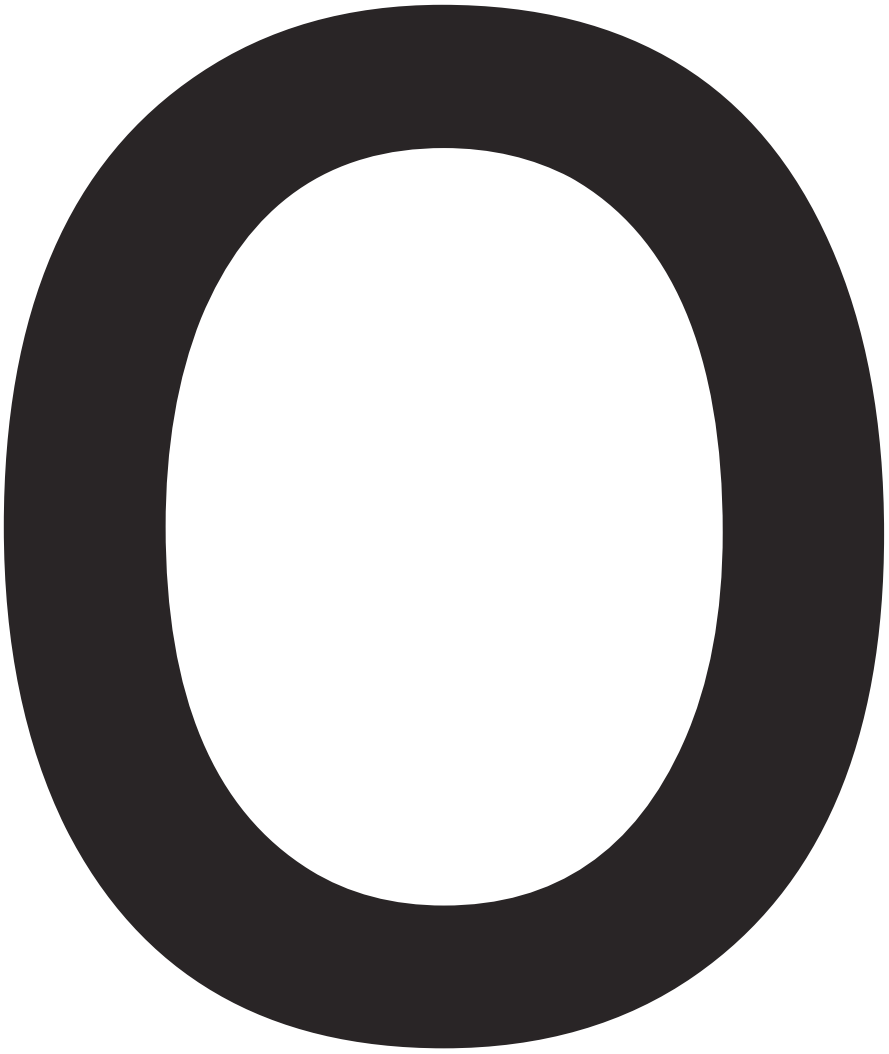


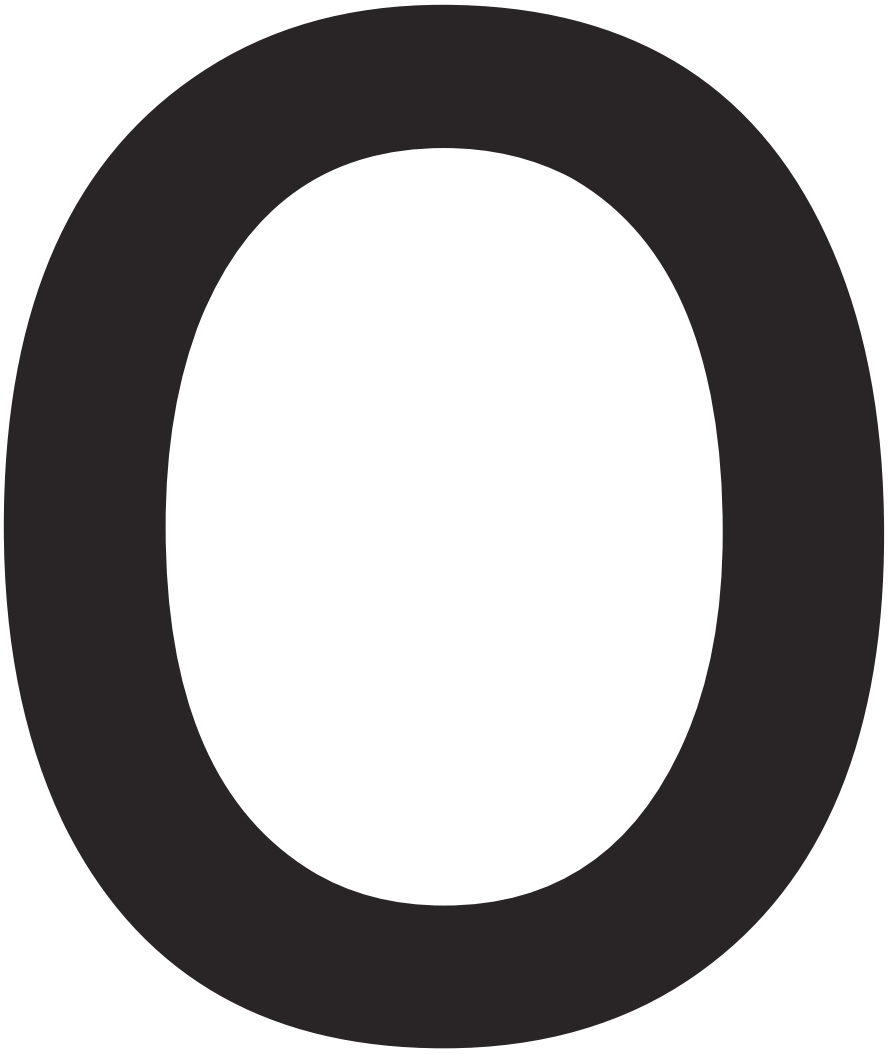




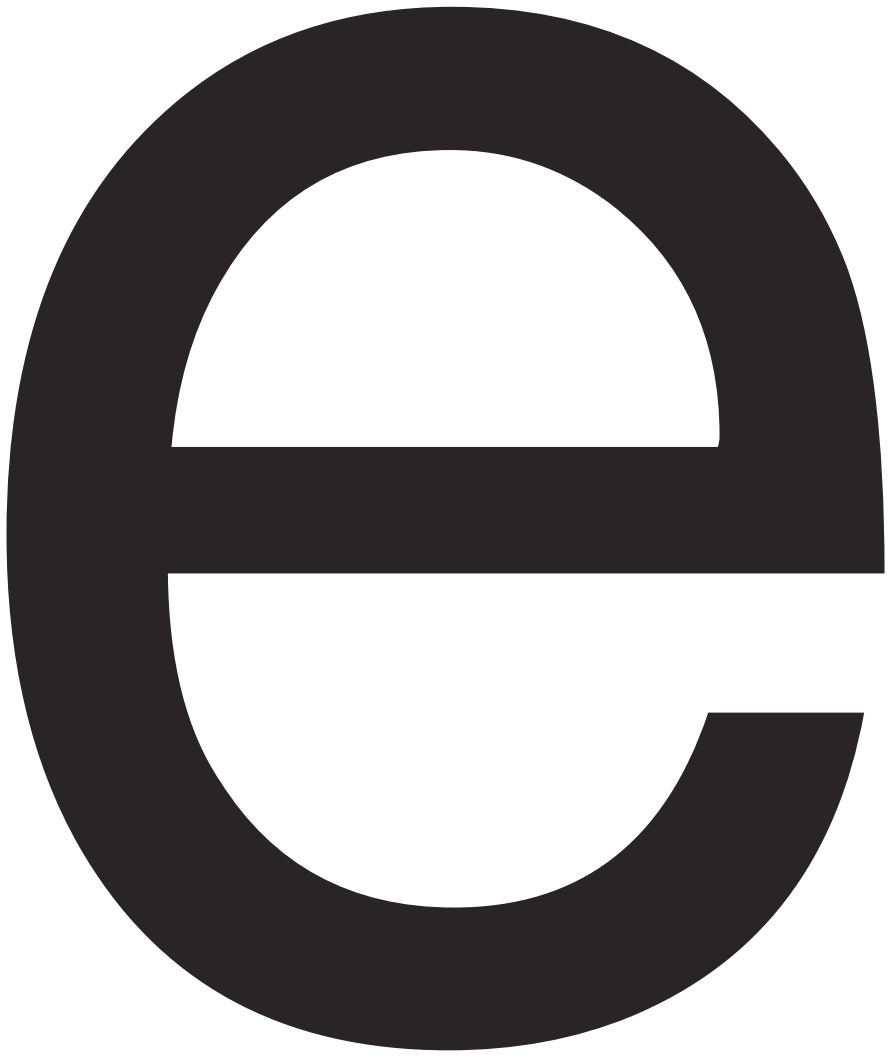


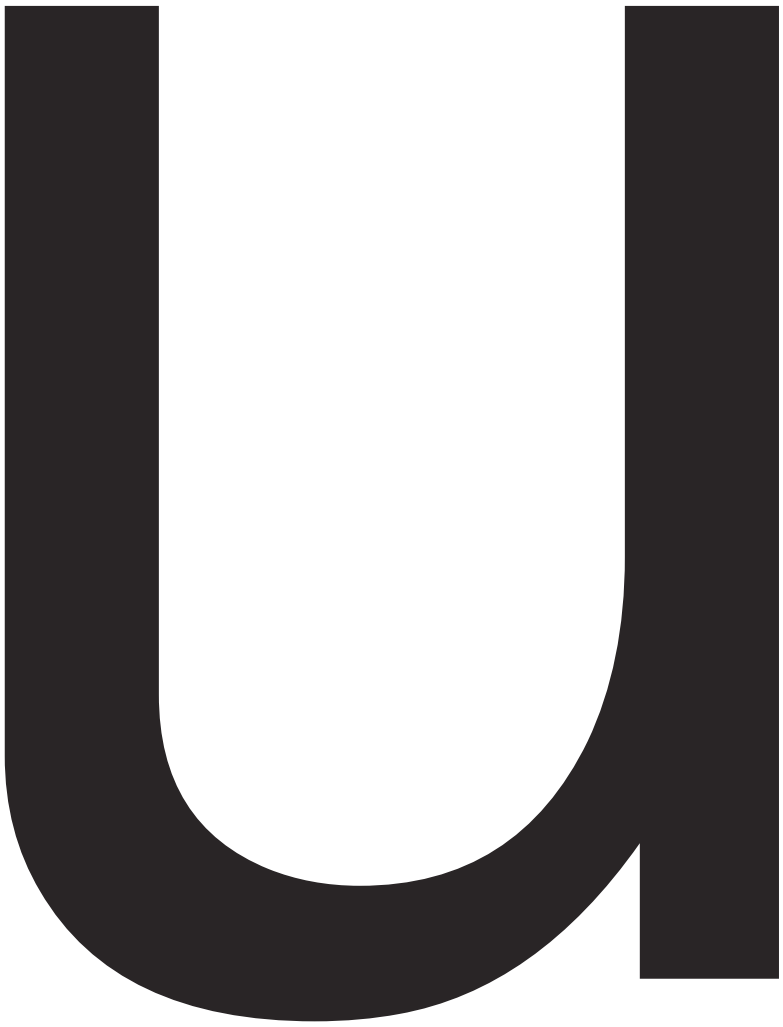




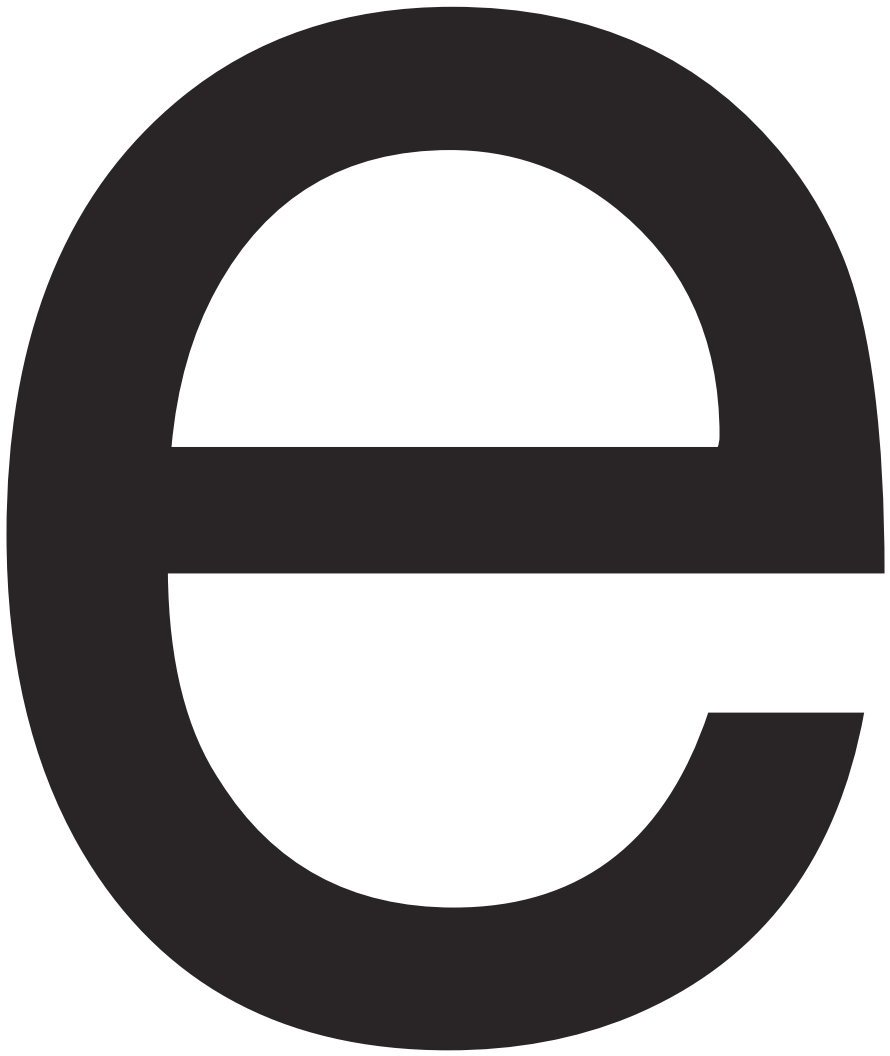


d

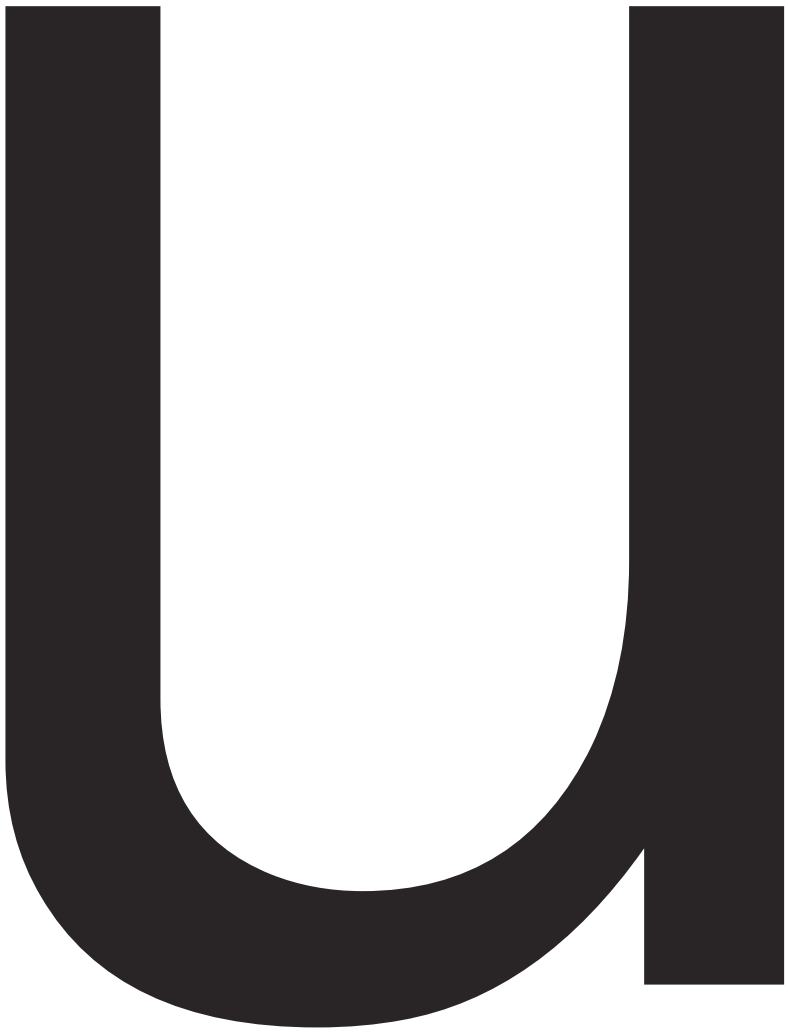


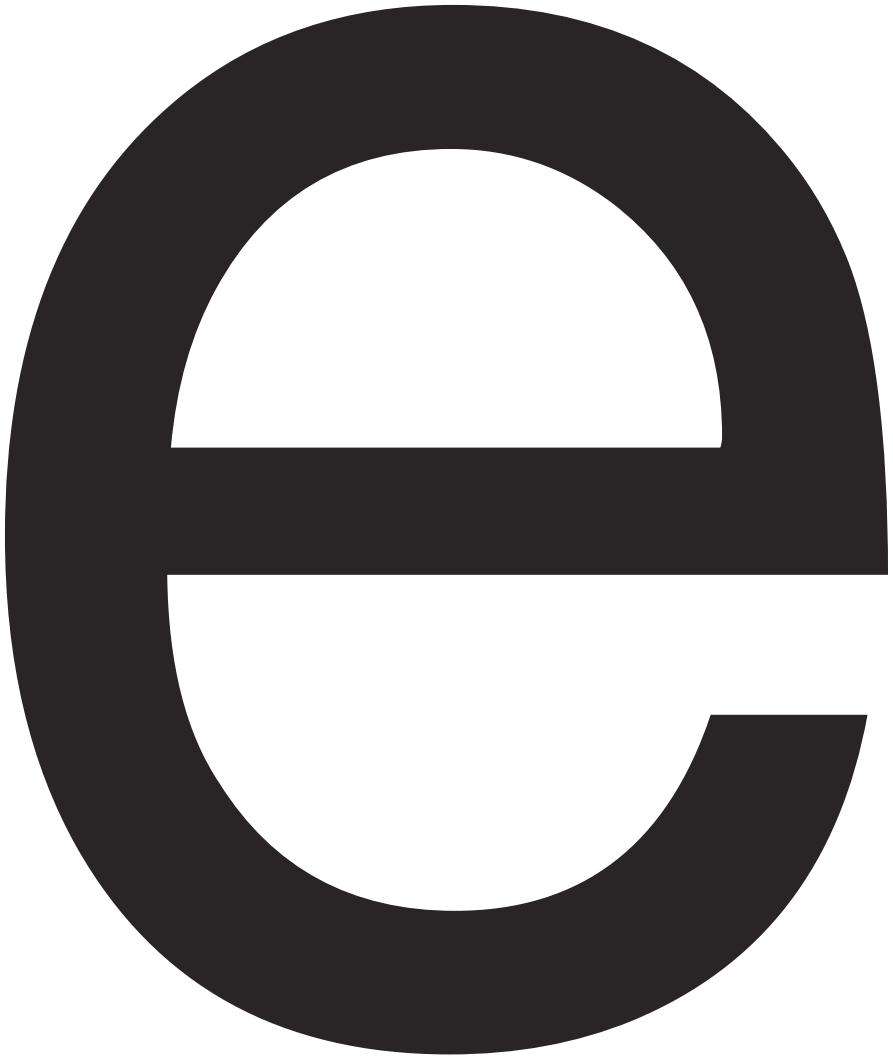


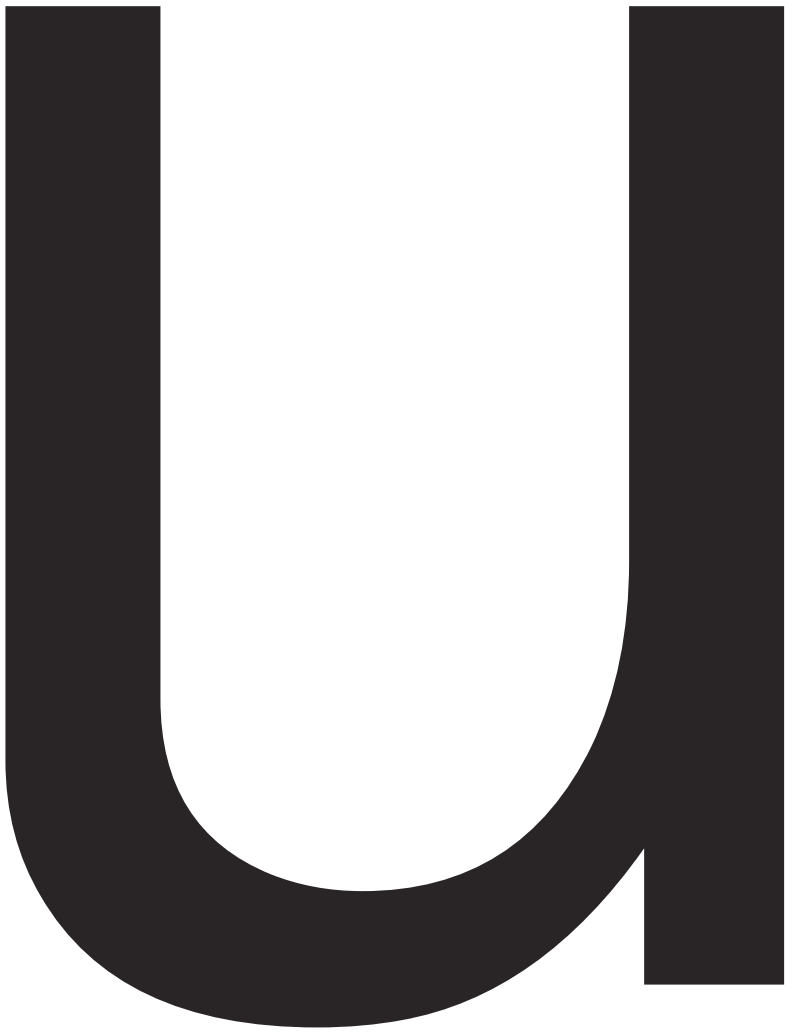
d

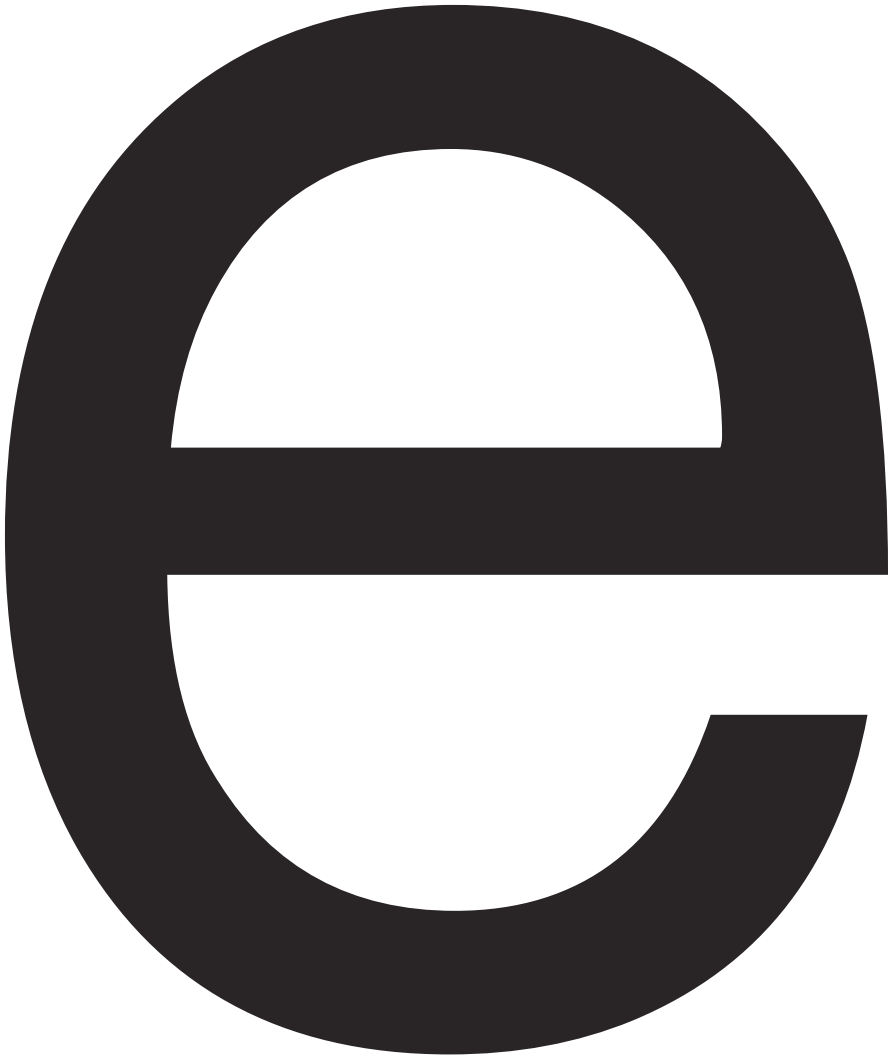
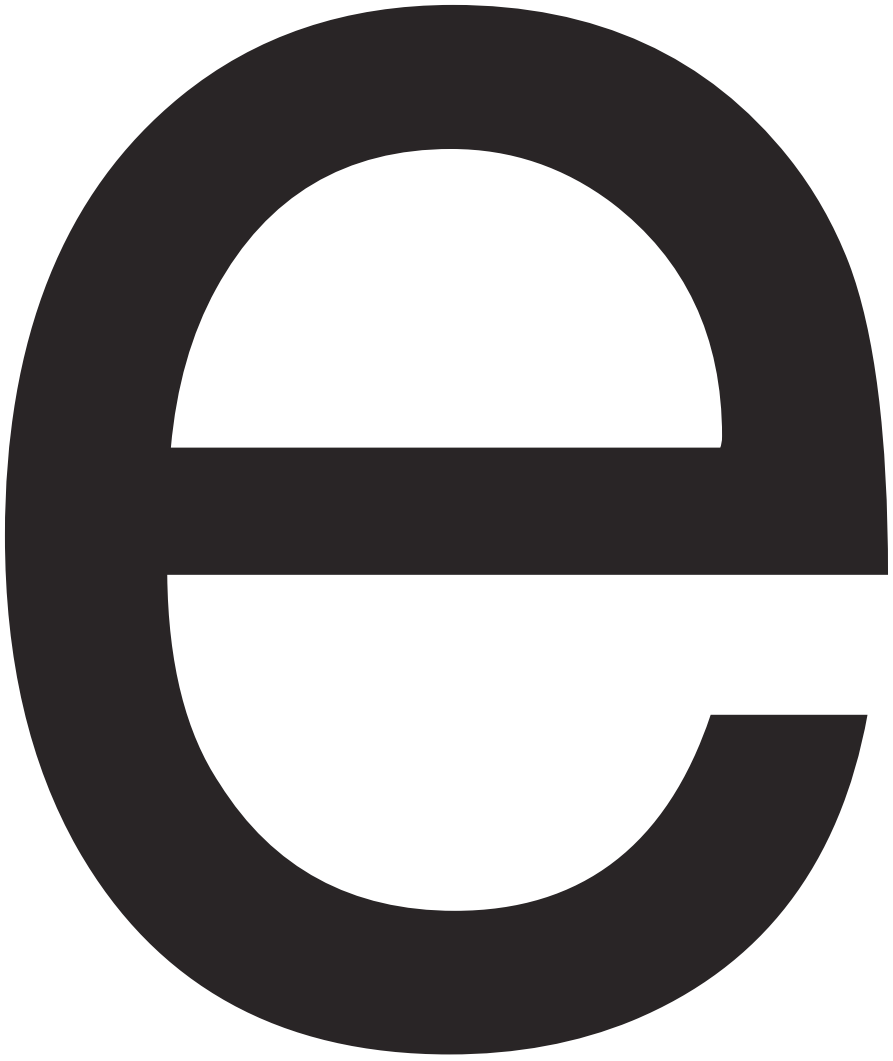
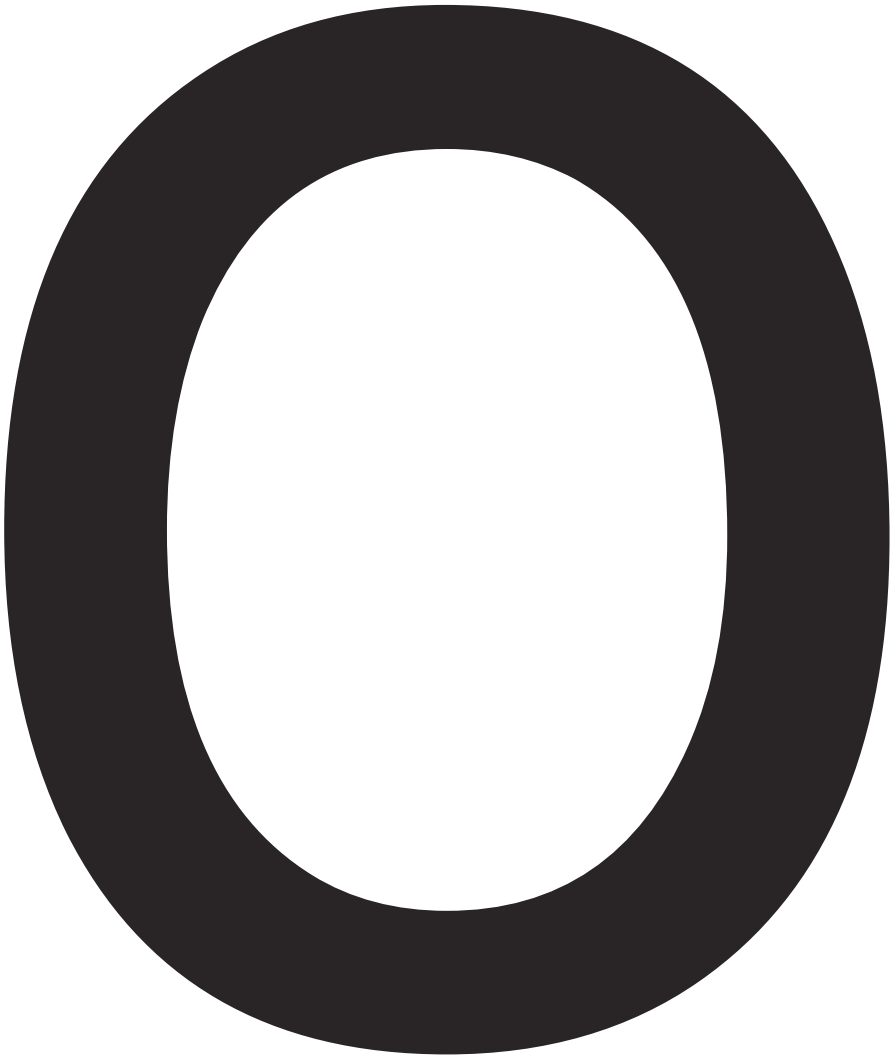
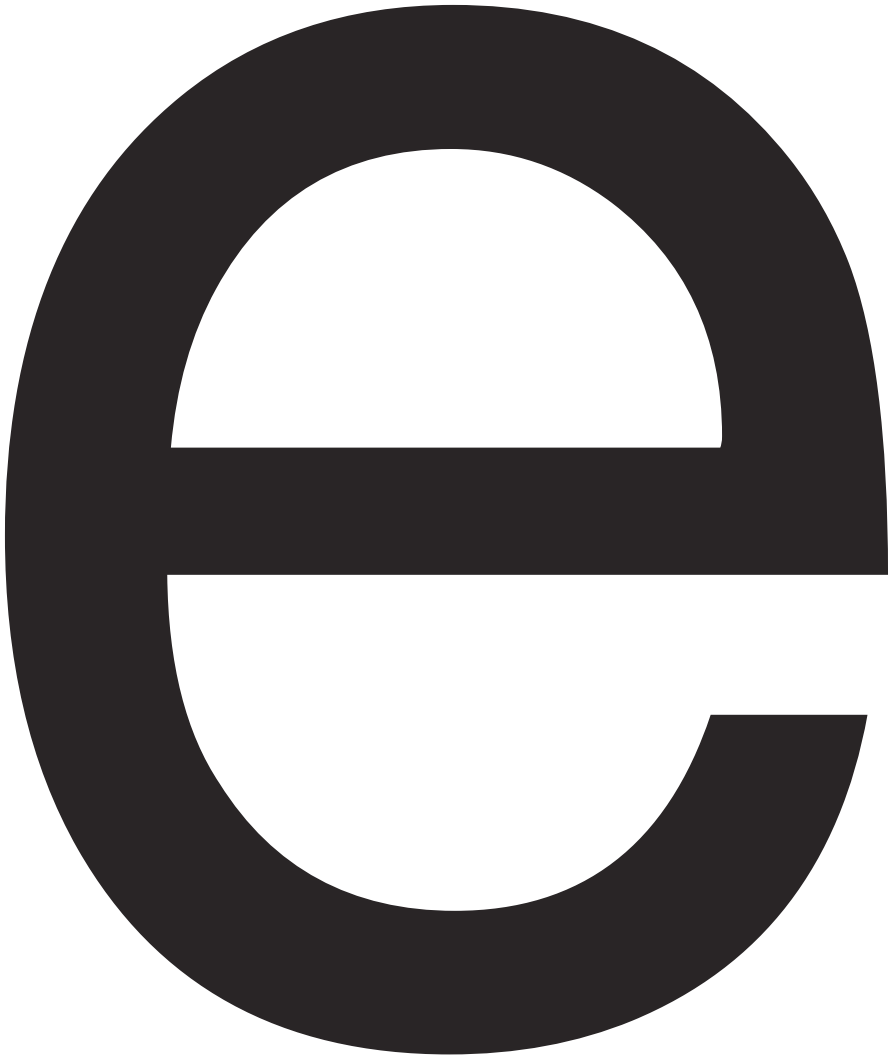
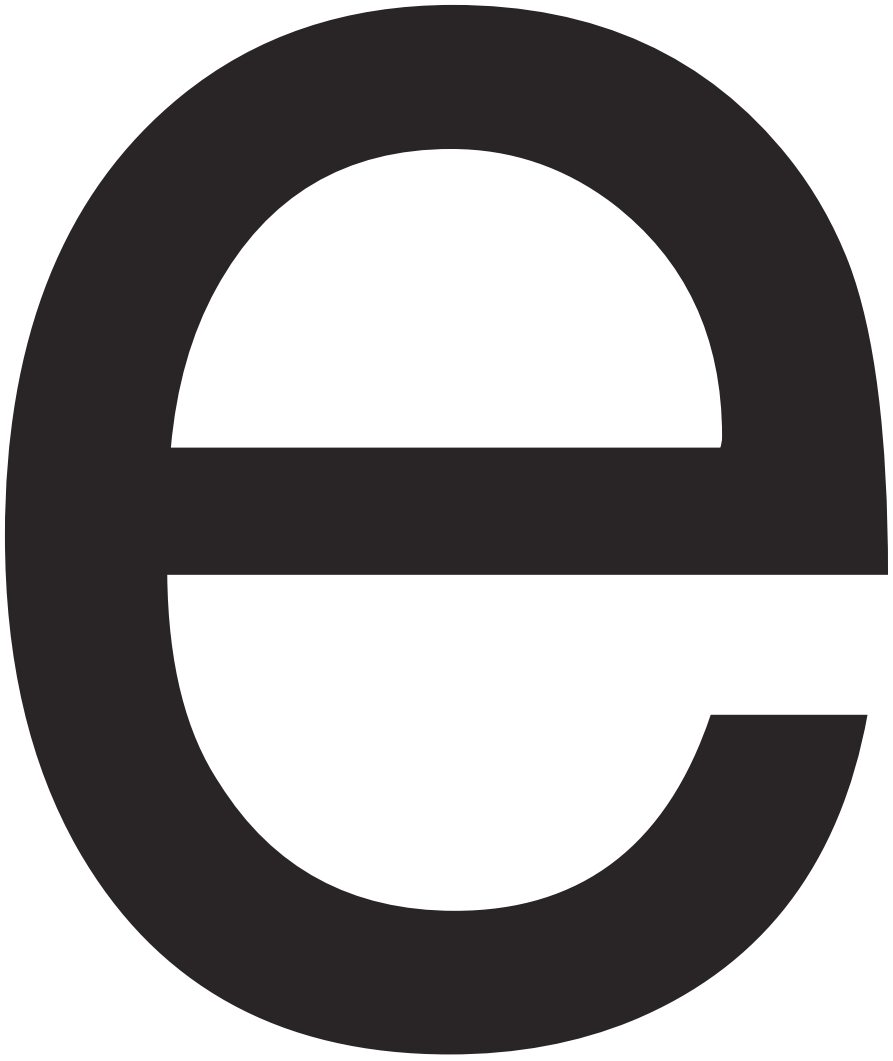
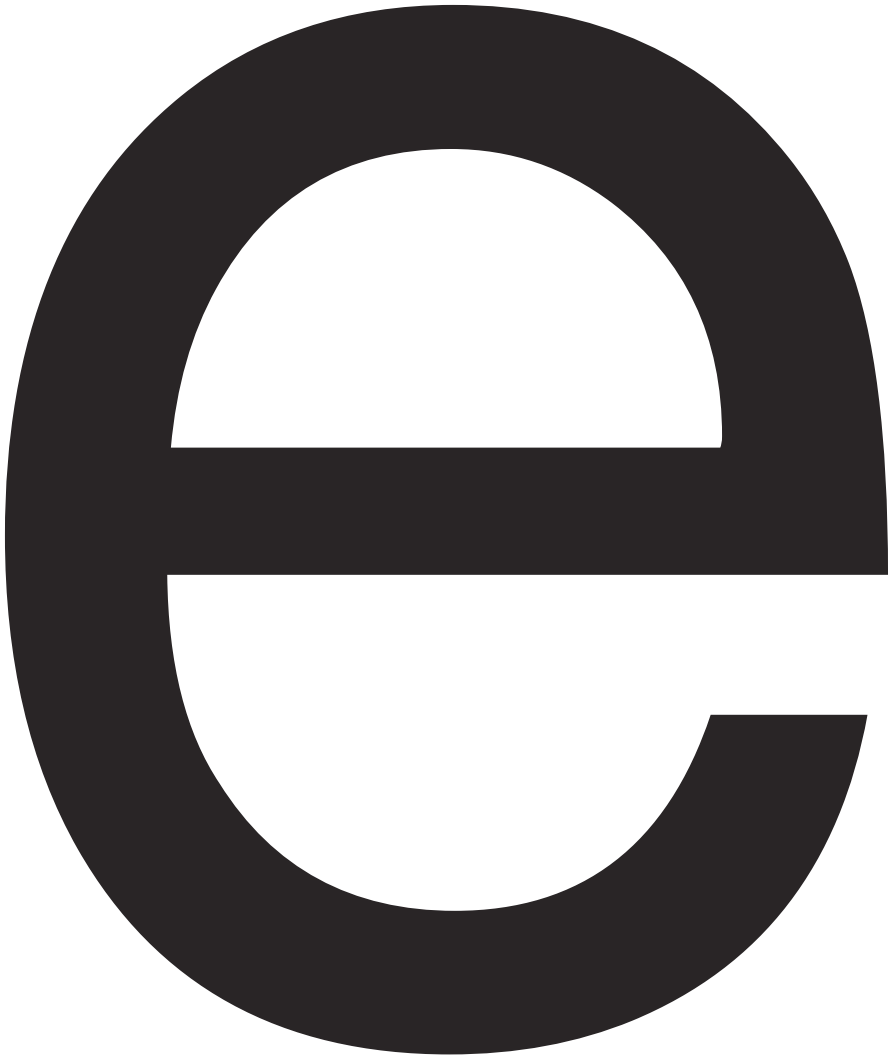
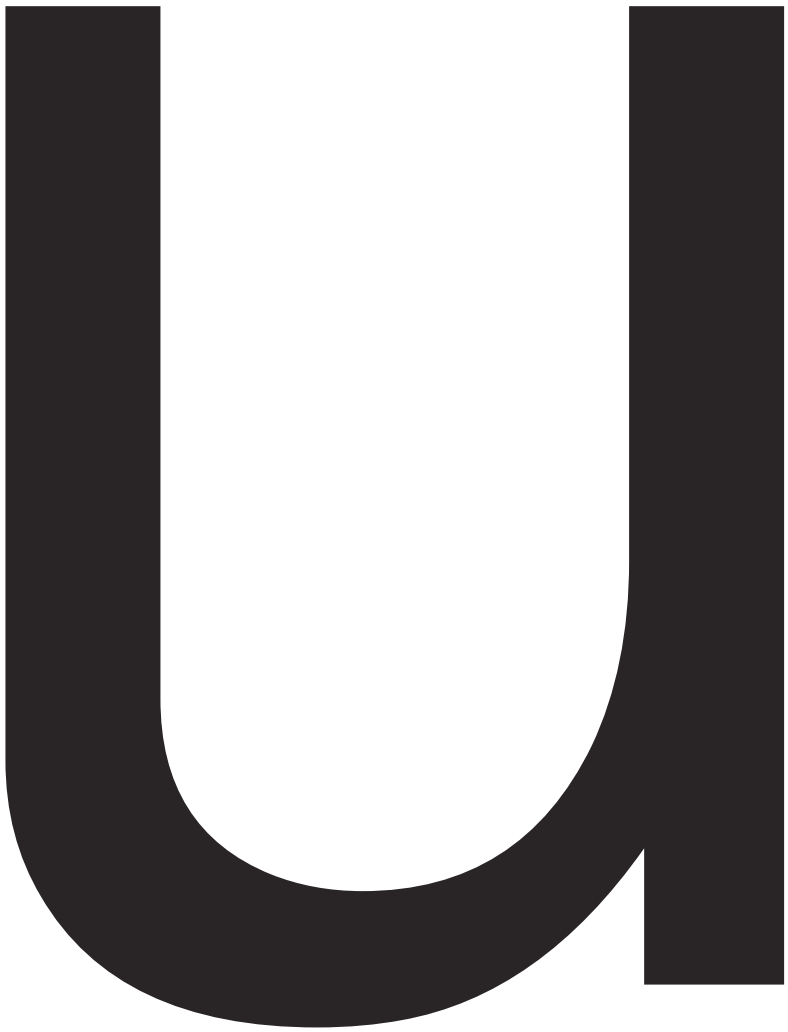
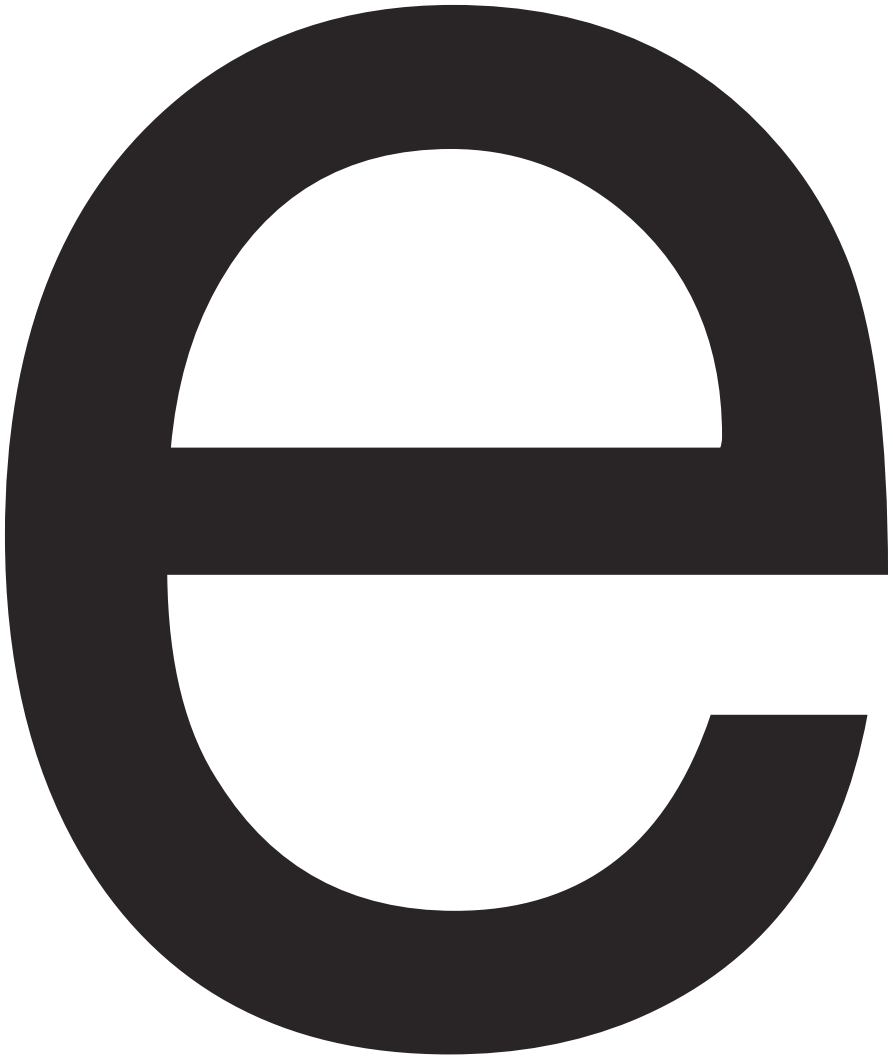
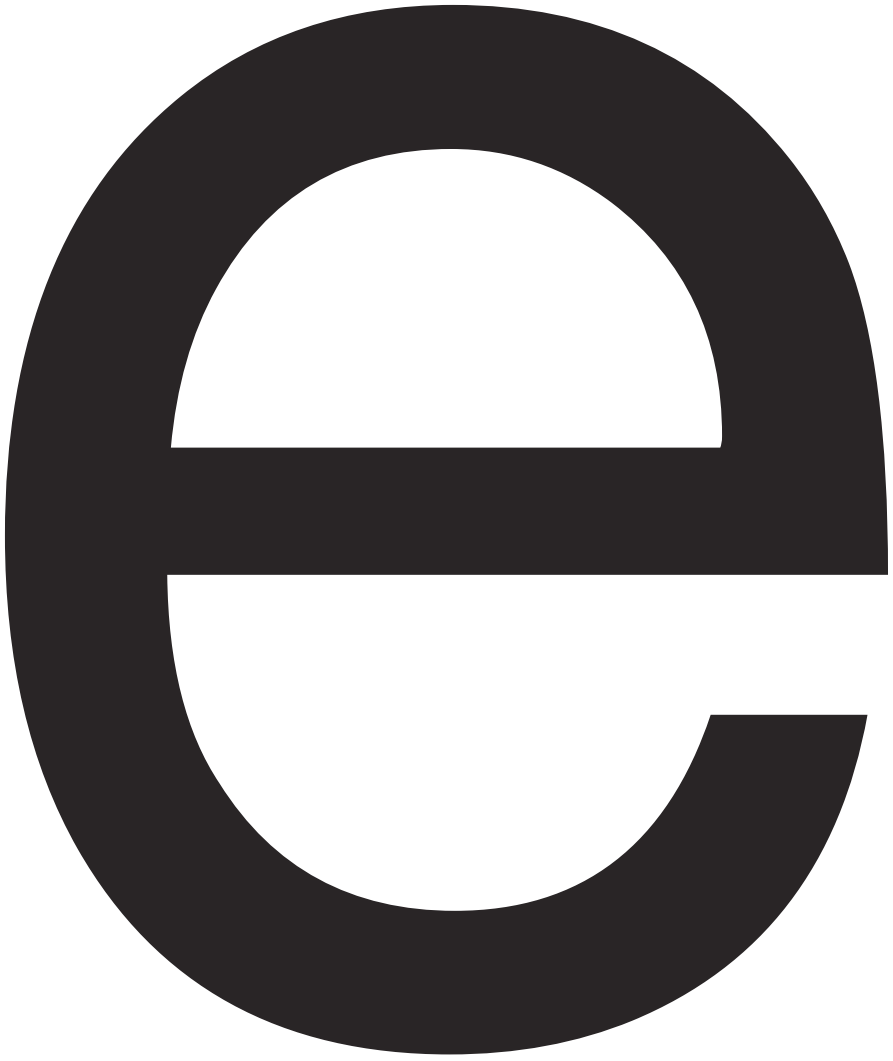
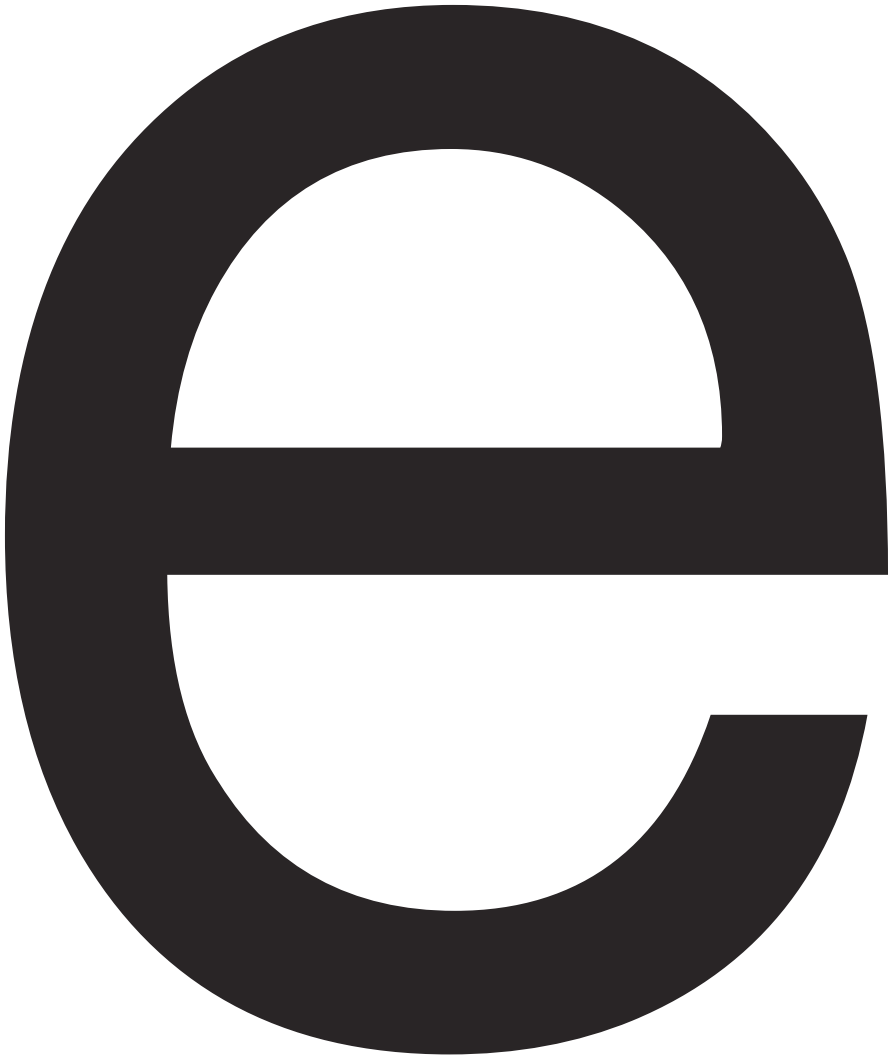
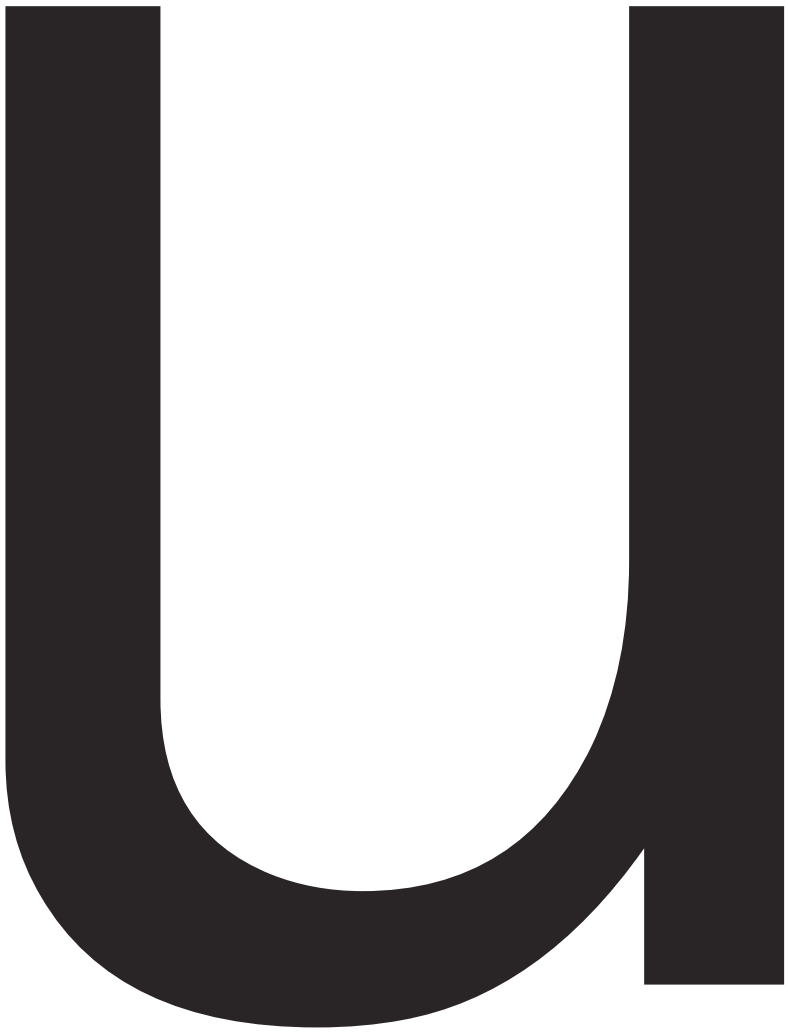
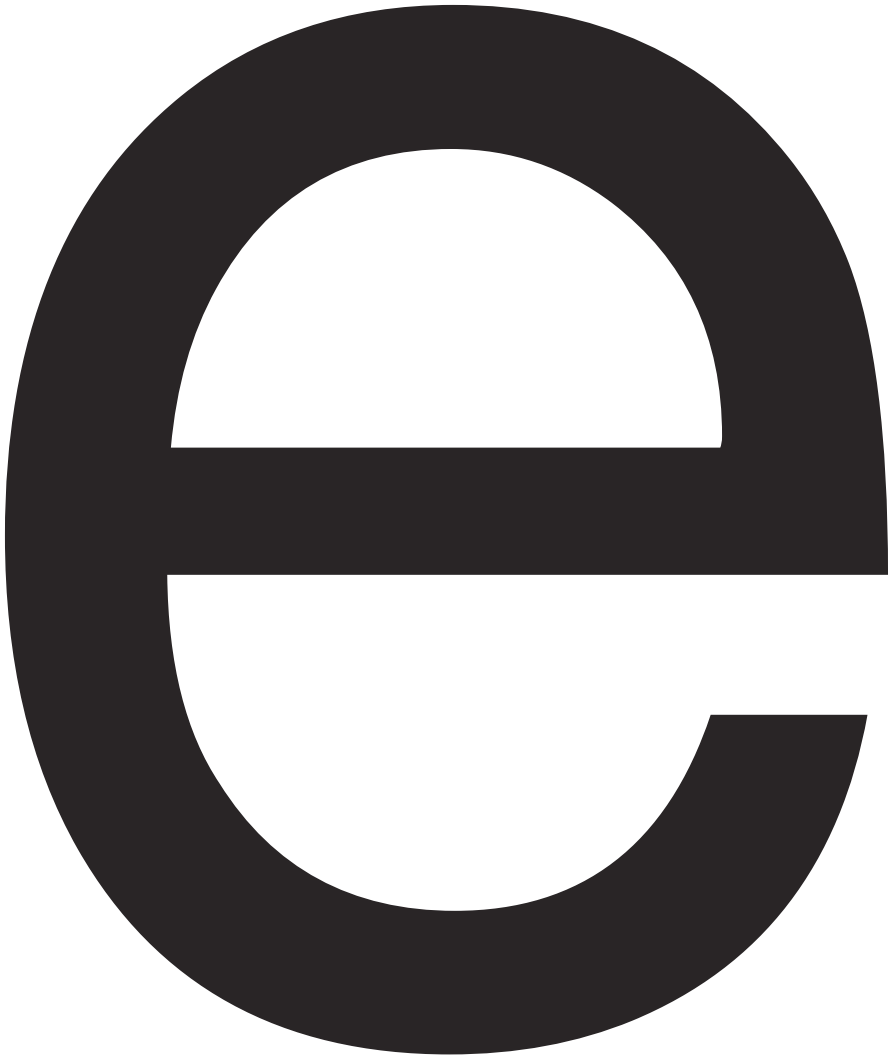
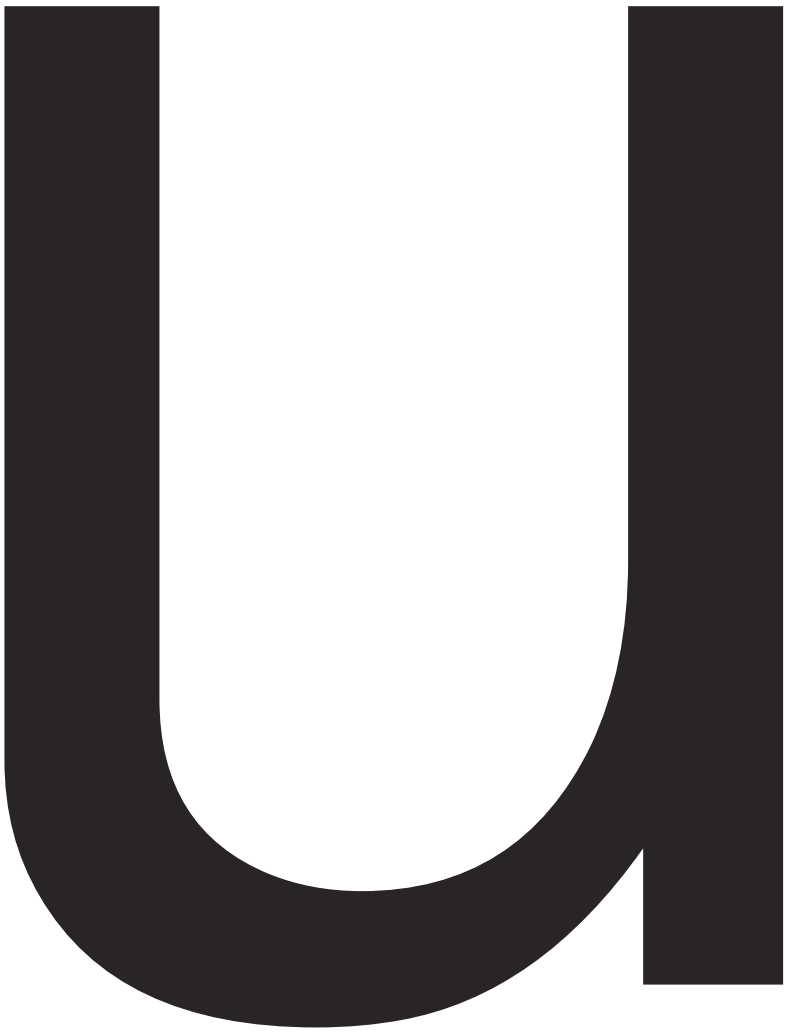
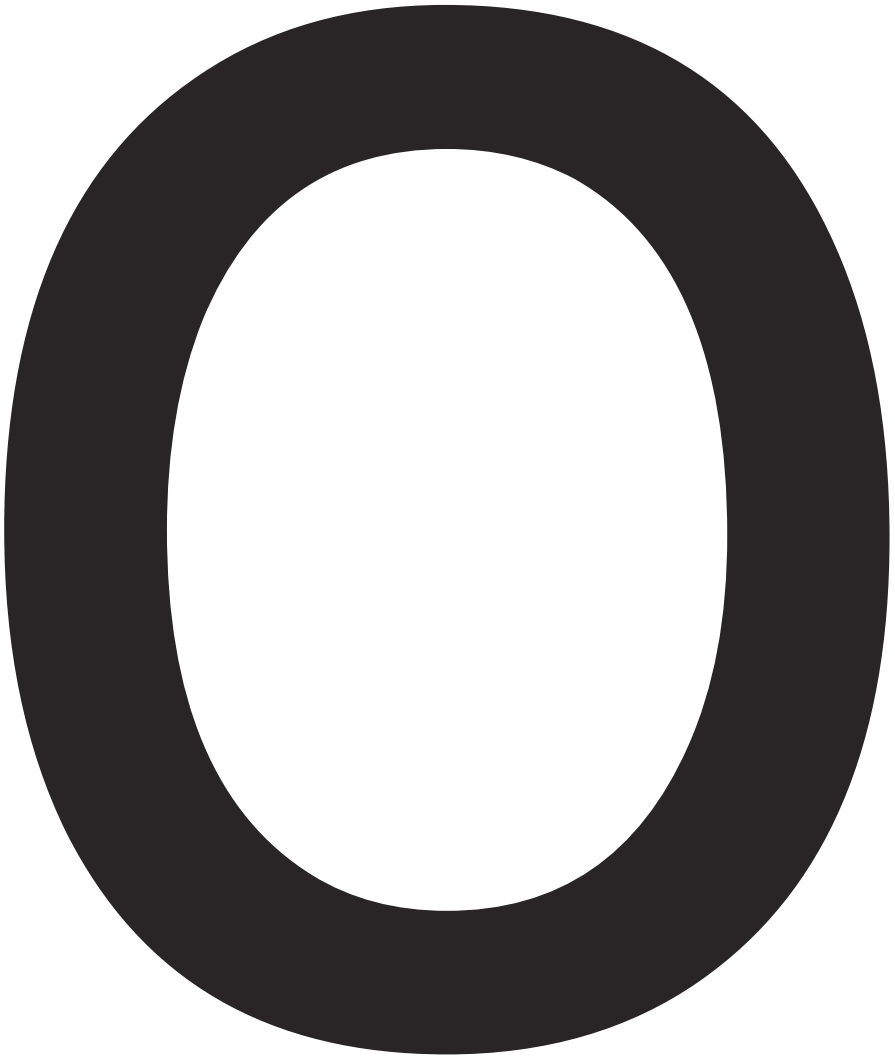
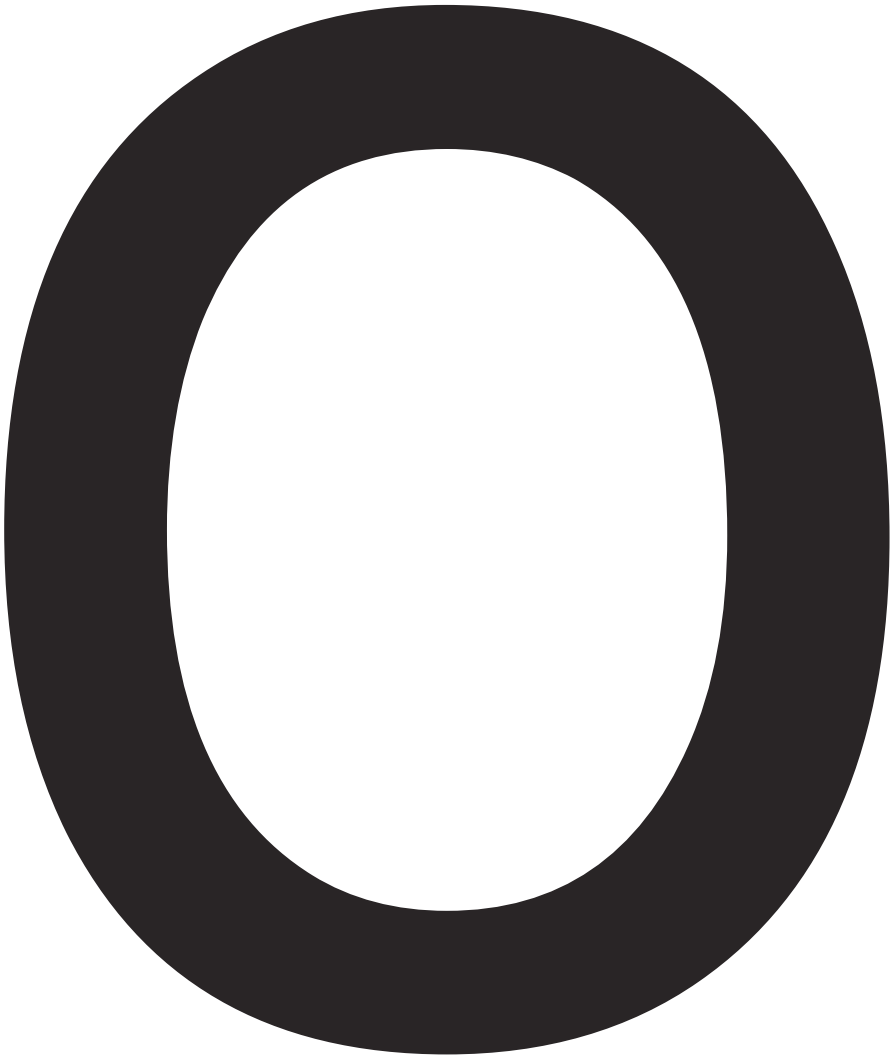
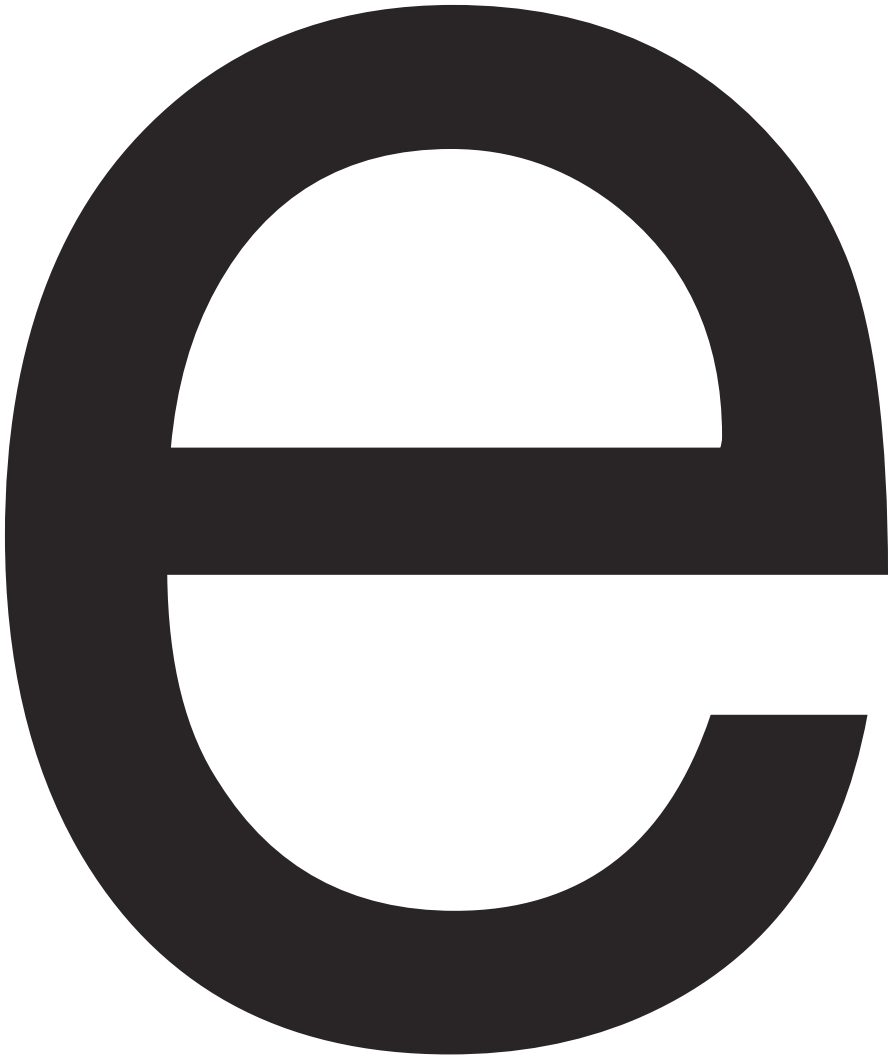


d









C