

Section 90 a. Appointment of a provisional guardian

A person of full age and legal capacity who because of unsoundness of mind, other mental disorders, senile dementia, retarded mental development, or physical disability cannot manage his own affairs may if necessary have a provisional guardian appointed.

Before the appointment takes place, the following are required:

1. An application for such an appointment from a person or a body that may apply for a declaration that a person is legally incapable of managing his own affairs pursuant to section 3, first paragraph, of the Declaration of Legal Incapacity Act, or from a responsible medical practitioner or medical supervisor at a public health institution to which the person concerned has been admitted. As regards the duty to report incumbent on a psychiatric hospital or institution or home providing twenty-four hour care or nursing, section 3, second paragraph, of the Declaration of Legal Incapacity Act applies.
2. A satisfactory medical certificate to the effect that the person concerned because of unsoundness of mind, other mental disorders, senile dementia, retarded mental development, or physical disability cannot manage his own affairs.
3. The consent of the person who shall have a provisional guardian appointed unless it is evident from the medical certificate that it is impossible to obtain his consent or for special reasons inadvisable to do so.

The appointment shall otherwise be made pursuant to the provisions of section 14. In the event of a judicial review of a decision to appoint a provisional guardian the court may try all aspects of the decision.

Section 90 B.       The task of the provisional guardian

The provisional guardian may be authorized to manage the client's affairs in general or in some special cases. His sphere of authority shall be expressly designated at his appointment, and such sphere of authority should not be made more comprehensive than is necessary.

Section 90 c.       Rules relating to the provisional guardian's activity

The provisions of section 7, first and third paragraphs, sections 8 to 15, 17, 18, 49 cf. sections 41 and 42, sections 54, 56 and 61 shall apply correspondingly to the person who is appointed provisional guardian. Unless it is otherwise decided by the appointing authorities, sections 50 to 52, 55, 58 and 77 to 81 shall also apply to the provisional guardian as far as is appropriate.

Section 90 d.       Registration and administration in the event of provisional guardianship

The public guardian's office may order the provisional guardian to ensure that the client's estate is registered and valued as soon as possible and to send the registration proceedings to the public guardian's office.

The public guardian's office may at the time of appointment or subsequently decide that funds subject to the provisional guardian's authority shall be administered by the public guardian's office pursuant to the same rules as apply to the funds of a person who is legally incapable of managing his own affairs.

The Ministry may issue further rules concerning the practical application of the first and second paragraphs.

Section 90 e.           The spouse as provisional guardian

The provisions of this Act relating to supervision and administration by the public guardian's office, registration, and the duty to keep accounts shall not apply when the spouse of the person concerned is appointed provisional guardian. Consent of the public guardian's office pursuant to sections 49, 55 and 58 is necessary even though the spouse is appointed provisional guardian. Moreover in these cases participation by the public guardian's office in the provisional guardians's dispositions pursuant to chapter 5 of the Act is not required.

Section 90 f.           Termination of provisional guardianship

The appointment of a provisional guardian shall be terminated as soon as the reason for the appointment has ceased.