



éducaloi

HOMOLOGATION: USING A PROTECTION MANDATE

Where to Get Started?

A guide to help mandataries homologate
a protection mandate for a person who is incapacitated



Éducaloi is a Quebec registered charity whose mission is to make the law accessible, easy to understand, and easy to use in everyday life.

Important Notice

This guide offers general legal information on Québec law. For advice specific to your situation, contact a legal professional.

This guide is free! It's meant to be shared. You may print it or distribute it as is. You may not modify or sell it.

© Éducaloi. All rights reserved.

November 2025 edition

Make sure you have this guide's most recent version by visiting:
educaloi.qc.ca/en/publications/

Made possible with the financial support of:



Department of Justice
Canada

Table of Contents

Homologation: Your responsibility as a mandatory	4
How much does it cost?	5
How long does it take?	5
<hr/>	
Why should you have the mandate homologated?	6
<hr/>	
When should you homologate the mandate?	7
<hr/>	
What is the procedure for homologating a protection mandate?	8
Procedure before a notary	9
Procedure before the courts without opposition	10
<hr/>	
Which documents will you need?	11
<hr/>	
Resources	17
<hr/>	
Appendix	
1 – Procedure before a notary	18
2 – Procedure before the courts without opposition	20

Homologation: Your responsibility as a mandatary

Have you been named as the mandatary in a protection mandate? A protection mandate gives the mandatary powers to take care of a person and manage their finances if they become incapacitated.

To use a protection mandate, you must first complete a procedure with a notary or the court. This procedure is called the “homologation” of the protection mandate.

Homologation allows you to obtain a judgement that activates and makes the mandate official. You will need this judgement if you wish to use the powers given to you in the mandate (such as managing bank accounts and deciding on medical treatments).

As the mandatary, you’re responsible for carrying out these steps when the person who named you becomes incapacitated.



WHAT ABOUT MANDATES IN CASE OF INCAPACITY?

Protection mandates used to be called “mandates in case of incapacity”. The name has changed, but the rules are the same.

How much does it cost?



Homologating a protection mandate can cost anywhere between several hundred to several thousand dollars. The costs include the court and bailiff fees to send your homologation request to the person who named you as their mandatary. If you hire a notary or lawyer to assist you, you may also have to pay their fees.

As mandatary, you're responsible for paying these fees. However, once the mandate has been homologated, you will normally be reimbursed out of the funds of the incapacitated person.

How long does it take?



It takes at least six months to obtain all the documents you'll need for the homologation procedure.

Once you have all the necessary documents, the homologation procedure itself usually takes three to six months.

Why should you have the mandate homologated?



You can't use the protection mandate automatically, even if a doctor has concluded that the person is incapacitated. You must have the mandate homologated before being able to carry out the powers you've been granted.

For example, the mandate must be homologated so you can access bank accounts that belong to the incapacitated person and manage their finances. Banks can insist that you have the protection mandate homologated.

Homologation is necessary even if you have power of attorney to represent the incapacitated person. A power of attorney is no longer valid once the person has become incapacitated.

You won't be able to choose medical treatments for the incapacitated person under the protection mandate if it hasn't been homologated. Therefore, homologation is essential step if you want to be able to intervene in decisions concerning the incapacitated person.

When should you homologate the mandate?

In general, you need to homologate a protection mandate when the person is no longer able to look after their own well-being or finances. In other words, when the person becomes incapacitated.

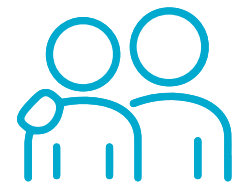
Incapacity can be progressive, for example, when it results from age-related deterioration of mental or physical abilities.

The person's family doctor or professionals at their health-care facility can help you determine if the person has become incapacitated.

The incapacitated person's opinion

If it's possible, you should have a discussion with the incapacitated person to find out if they agree with having the protection mandate homologated. The person's opinion is important, even if their mental or physical abilities have declined.

You can also discuss the homologation procedure with family members and other people close to the incapacitated person.



What is the procedure for homologating a protection mandate?

The homologation procedure can be carried out in two different ways:



Before a notary



Before the court



OPPOSITION TO THE REQUEST FOR HOMOLOGATION

The incapacitated person, or other interested people such as family members, can oppose a request for homologation. For example, they might oppose it if they feel that you're not the best person to represent the incapacitated person.

This guide only explains the homologation procedure when there is no opposition. The procedure for homologating a mandate is different when there's an opposition, and it's advisable to consult a lawyer in such a situation.



Procedure before a notary

See [Appendix 1](#) for a flow chart illustrating the procedure (p. 18).

The first step of the process is to hire a notary of your choice. You can choose one that works close to the incapacitated person's home. The homologation procedure is usually presented at the courthouse closest to where the incapacitated person lives.

To find a notary, you can use the "Find a Notary" tool on the [website of Quebec's notaries' association, called the Chambre des notaires du Québec](#).

The notary you hired can then begin the homologation procedure. This involves:

- drawing up the request for homologation;
- sending the request to the incapacitated person and to other interested parties;
- obtaining all necessary documents;
- meeting with the incapacitated person;
- filing all necessary documents to the court.

Appendix 1, p. 18, describes the procedure to follow before a notary. As mentioned previously, you can't get a protection mandate homologated by a notary if someone opposes the homologation. In such a case, the file is transferred to court and the notary stops working on it.

If you believe someone is going to oppose the homologation, you can choose to homologate it in court to avoid delays.



Procedure before the court without opposition

See [Appendix 2](#) for a flow chart illustrating the procedure (p. 20).

You can carry out the homologation procedure in court by yourself or with the help of a notary or lawyer. The procedure is usually presented at the courthouse nearest the incapacitated person's residence.

There are several steps:

- preparing the homologation request,
- sending the request to the incapacitated person and to other interested parties,
- going to court to present the request,
- filing all necessary documents in court, usually online using the portal for non-contentious proceedings (French only).

Appendix 2, p. 20, describes the procedure in court if no one is against the request. If someone is against it, the procedure still takes place in court, but the steps are different and it's best to consult a lawyer or notary in this situation.

Which documents will you need?

- 1. **Medical** assessment of the incapacitated person;
- 2. **Psychosocial** assessment of the incapacitated person;
- 3. **Protection mandate**;
- 4. Search certificates for a protection mandate from the **Chambre des notaires** (Quebec's notaries' association) and the **Barreau du Québec** (Quebec bar);
- 5. **Birth certificate** of the incapacitated person.

Other documents are sometimes necessary. For example, if the incapacitated person is married, you may need the marriage certificate.

If you hired a notary or a lawyer to carry out the homologation procedure, they can obtain the documents for you.

1. Medical assessment

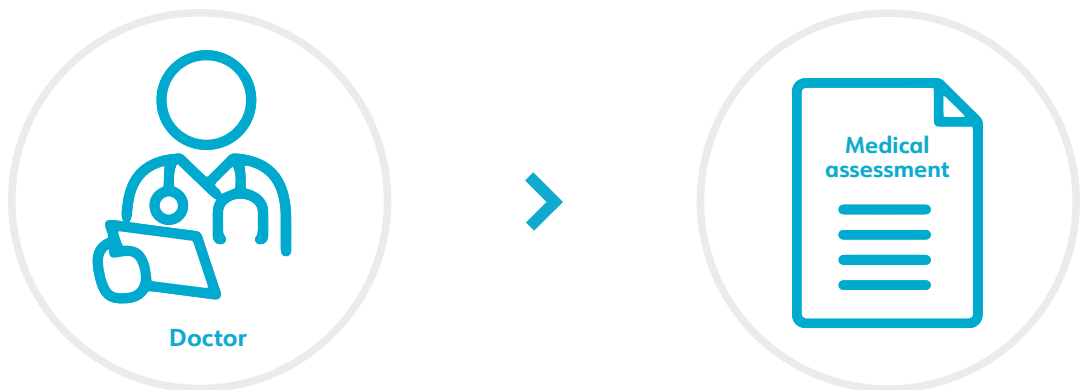
You'll need a **medical assessment** confirming that the person is incapacitated. You can ask the person's family doctor to complete the assessment free of charge. You can also ask the person's health-care facility (ex: a Long-Term Care Centre, CHSLD) to do it for free.

The doctor will evaluate the incapacitated person's health and their ability to look after themselves and their finances. The assessment must conclude that the person is truly incapacitated.

For more information

You can call **Info-Social** at 811 for more information about the medical assessment.

To help you understand the assessment, you can also refer to the form used by doctors. The form, entitled "Medical assessment related to an application to institute a tutorship to a person of full age or to homologate a protection mandate", is available at Quebec.ca.



2. Psychosocial assessment

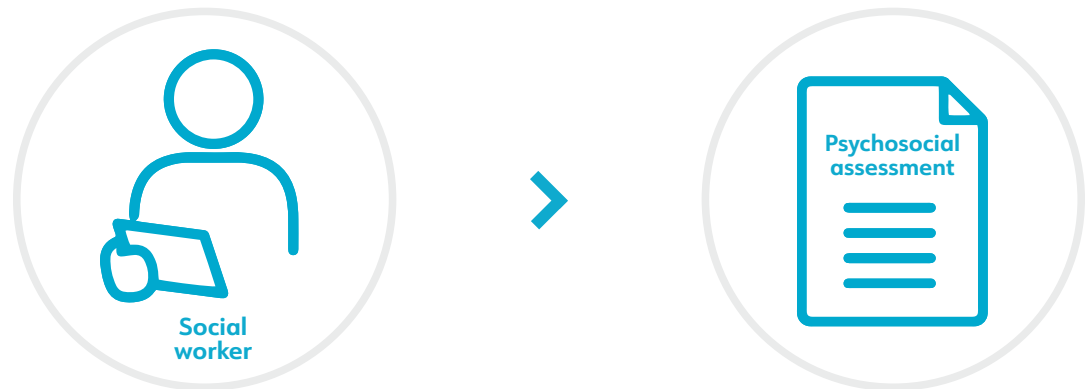
In addition to the medical assessment, you'll need to obtain a **psychosocial** assessment confirming that the person is incapacitated. A social worker must carry out this assessment. You can ask the person's health-care facility (ex: a Long-Term Care Centre, CHSLD) to perform the assessment free of charge.

The social worker will assess the person's psychosocial situation, by analyzing aspects such as their daily routine and family situation. They will also evaluate how independent the person is when carrying out daily activities. The assessment must conclude that the person is truly incapacitated.

For more information

You can call **Info-Social** at 811 for more information about the psychosocial assessment.

To help you understand the assessment, you can also refer to the form used by social workers. The form entitled "Psychosocial assessment for the homologation of a protection mandate", is available at Quebec.ca.



3. Protection mandate

If the mandate was prepared by a notary, you'll need a certified copy of the **protection mandate**. Otherwise, you'll need the original and a sworn declaration from one of the witnesses present at the time of signature. A photocopy of the mandate isn't enough.

You can ask the incapacitated person where they've kept the protection mandate.

If you don't have a certified copy of the protection mandated prepared by notary, you can obtain one by requesting a mandate search from the notaries' association, called the *Chambre des notaires du Québec*. This search allows you to locate the notary who has the original mandate.



4. Search certificate for a protection mandate from the **Chambre des notaires** and the **Barreau du Québec** (Quebec’s notaries association and Quebec bar)

These certificates are necessary to confirm that the protection mandate you have is the most recent one. You must make a request and obtain these certificates even if you believe you have the most recent version of the mandate.

To obtain these certificates, you must fill out and print the form “[Unified Search Request](#)” available on the [Quebec Register of Wills and Mandates website](#).

Next, you must send your request, along with the documents indicated on the form, to the following address:



Registers of Testamentary Dispositions and Mandates
2045 Stanley Street, Suite 101
Montreal, Quebec H3A 2V4

You can contact the Registers of Testamentary Dispositions and Mandates by calling 1-800-263-1793 for more information.

Once you make your request, you will receive two certificates (one from the notaries’ association and another from the Quebec bar), according to the rules of each register.

The search certificate of the notaries’ association is a PDF form sent by email. You will receive a link to download the certificate unless you’ve asked to receive the certificate by mail.

The search certificate of the Quebec bar is usually mailed a few days after the notaries’ association’s certificate is received.

5. Birth certificate of the incapacitated person

You'll need the original birth certificate of the incapacitated person. If they have it, you can ask them to hand it to you.

If the incapacitated person doesn't have their birth certificate, you must request one from the [Directeur de l'état civil du Québec](#) (registrar of civil status).



For more information on protection mandates

Visit Éducaloi's website:

educaloi.qc.ca/en

Contact the Curateur public du Québec (public curator):

www.quebec.ca/en/government/departments-and-agencies/curateur-public

To meet with a notary or lawyer free of charge

Contact your nearest Centre Info-Justice (local community justice centre):

<https://info-justice.ca>

To find out if you qualify for legal aid

Call the nearest [legal aid office](#) to make an appointment.

To find a notary

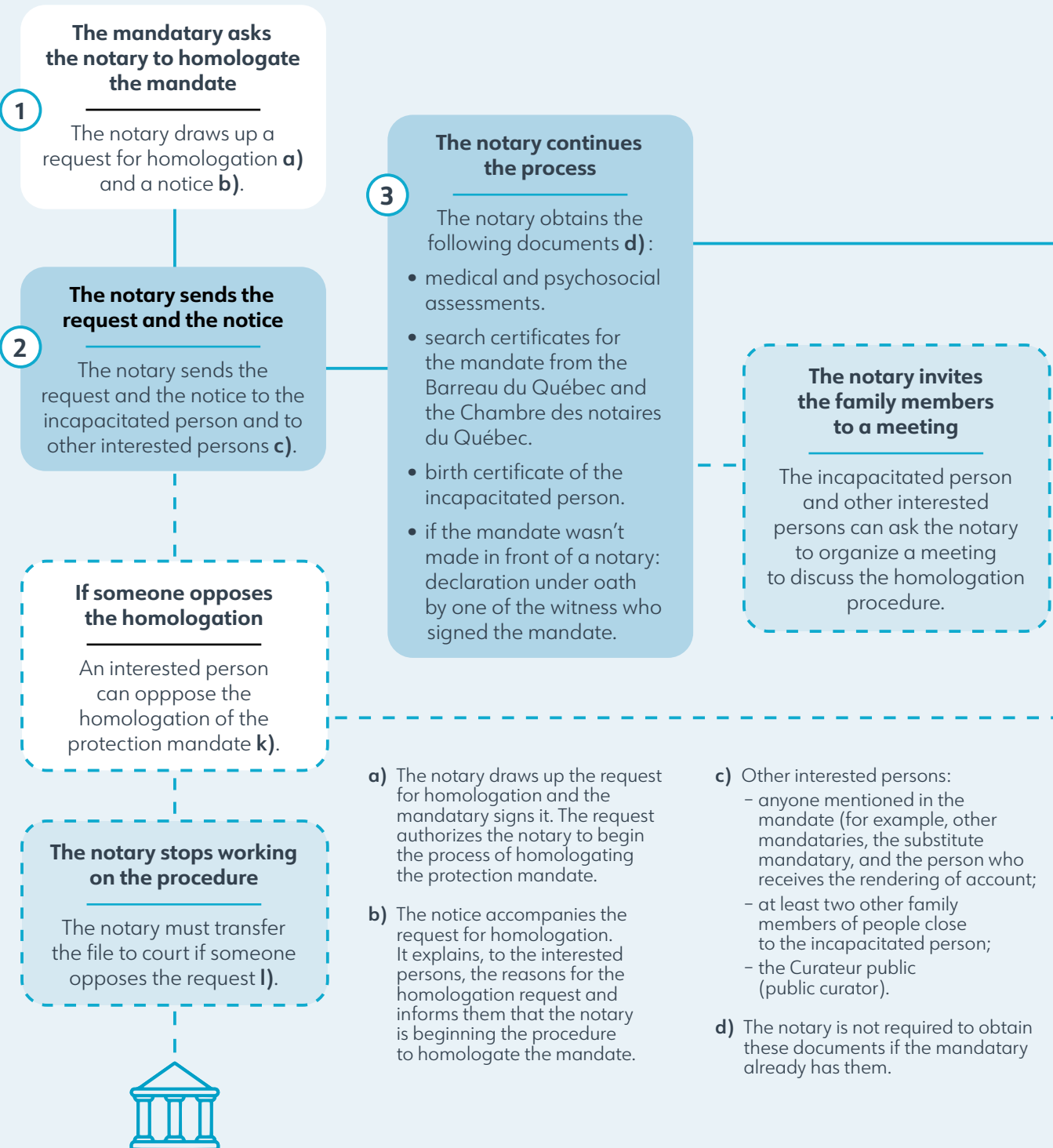
Visit the website of the [Chambre des notaires' referral service](#).

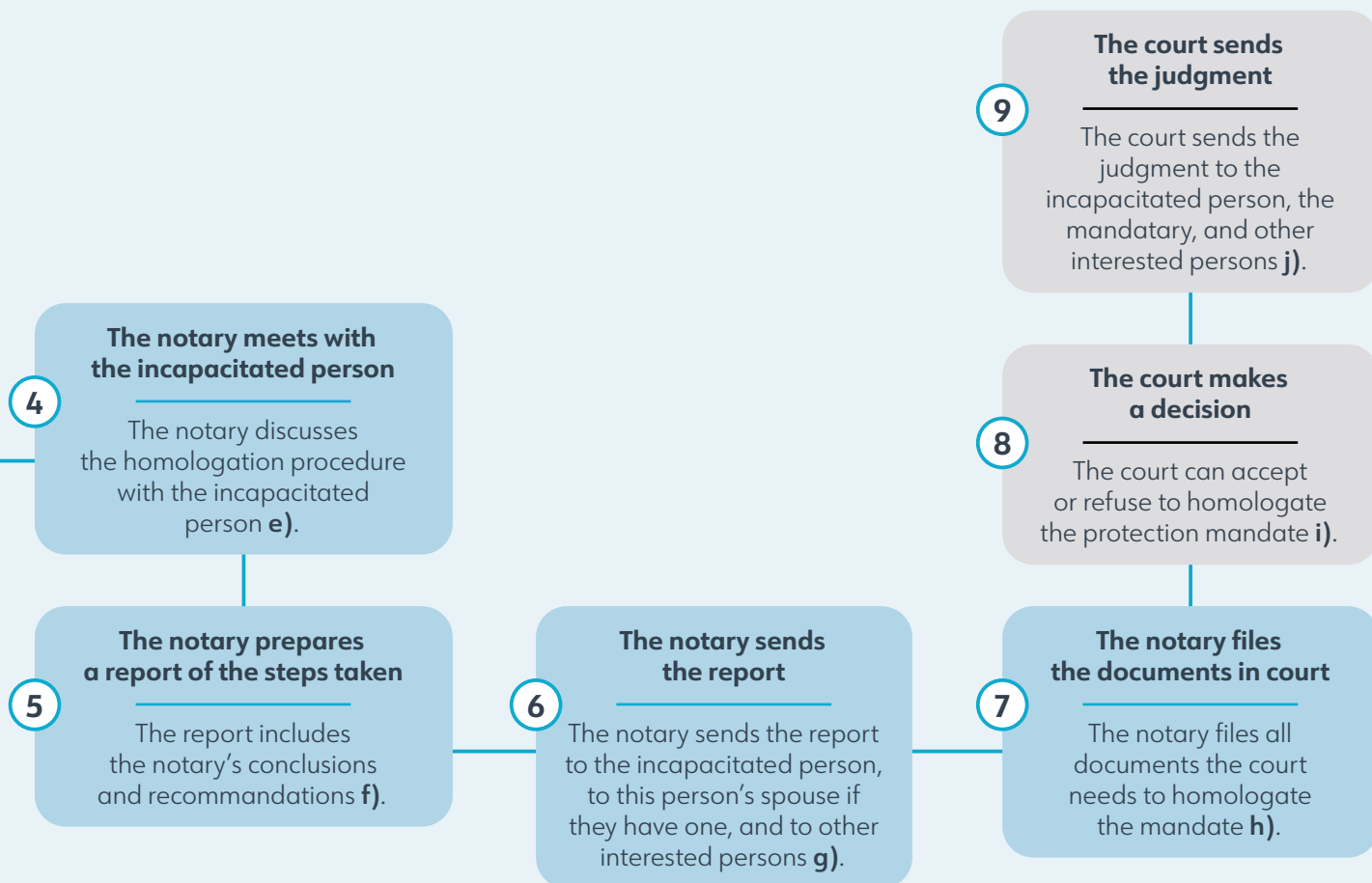
To find a lawyer

Visit the website of the [Barreau du Québec's referral services](#).

Appendix 1

Procedure before a notary





e) The meeting allows the notary to verify that the powers granted to the mandatory in the protection mandate are reasonable given the person's level of incapacity.

f) The notary can recommend homologation of the protection mandate. The notary can also recommend not to homologate the mandate if the notary believes it's not in the best interests of the incapacitated person.

g) The incapacitated person and other interested persons can oppose the request for homologation if they don't agree with the notary's conclusions or recommendations.

h) Documents required:

- protection mandate;
- medical and psychosocial assessments;
- search certificates for the mandate from the Barreau du Québec and the Chambre des notaires du Québec;
- birth certificate of the incapacitated person;
- rendering of account and conclusions of the steps take by the notary;
- other documents may be required, depending on the situation.

i) The court can homologate the mandate by issuing a judgment confirming the person's incapacity and authorizing the mandatory to exercise the powers granted under the protection mandate. The court can also refuse to homologate the mandate, for example, if it concludes there's no incapacity.

j) The judgment allows the mandatory to exercise the powers granted under the mandate.

k) For example, people can oppose the homologation request if they believe the mandatory isn't able to take on the responsibilities involved in this role.

l) The homologation procedure is different if someone opposes the homologation. In this case you should consult a lawyer to continue the homologation procedure.

Appendix 2

Procedure before the courts without opposition

The mandatory* prepares a request to homologate the protection mandate

- 1** The homologation request **a)** must be accompanied by a notice of presentation **b)**.

* The mandatory can also ask a notary or a lawyer to carry out all the steps shown in the infographic.

The mandatory files the documents required for the homologation in court

- 2** The documents **c)** are usually filed at the courthouse closest to where the incapacitated person lives.

The mandatory sends the request and the notice to interested persons

- 3**
- The incapacitated person **d)**;
 - All people mentioned in the mandate (for example, the other mandataries or the substitute mandatory);
 - At least two other family members or people close to the incapacitated person;
 - The Curateur public (public curator).

- a)** The homologation request contains information that explains why the mandatory is asking the court to homologate the protection mandate.
- b)** The notice indicates the date and time when the homologation request will be presented and the address of the courthouse. The notice also contains a list of the documents the parties will use as evidence.
- c)** The following documents are required for homologation:
- copy of the homologation request and notice of presentation;
 - protection mandate;
 - medical and psychosocial assessments;
 - search certificates for the mandate from the Barreau du Québec and the Chambre des notaires du Québec;
- d)** The request and notice must be sent to the incapacitated person by bailiff but can be sent by registered mail to the other interested persons.
- e)** The incapacitated person must go to court if they're able to. Other interested persons don't have to go to court if they have nothing to say to the judge.
- f)** This testimony helps the court to verify that the powers granted to the mandatory are reasonable given the person's level of incapacity.
- g)** The court sends a notice that gives the date and time of the meeting and the address of the courthouse where it will take place.
- h)** The court can homologate the mandate if it considers the person to be incapacitated and considers that homologation is in the person's best interests. The court can also refuse to homologate the mandate, for example, if the evidence shows there's no incapacity.
- i)** The court sends the judgment to the incapacitated person, the mandatory, and other interested persons.
- j)** The court can rule that the person is incapacitated but refuse to homologate the protection mandate because it concludes the mandatory is unable to carry out their duties.

APPEARANCE IN COURT

4

The interested persons go to court

Persons who have received the request for homologation go to court on the date and time shown in the notice of presentation **e**).

5

The incapacitated person testifies in court

If the incapacitated person isn't able to go to court, the court clerk can travel to meet with the person and get their testimony **f**).

The court may decide to hold a meeting of the family and other people close to the incapacitated person

The meeting allows family members and other people close to the incapacitated person to discuss the need to homologate the protection mandate **g**).

6

The court renders a judgment

The court either accepts or refuses to homologate the protection mandate **h**).

X

If the court refuses to homologate the mandate

The court can protect the person by rendering a judgment confirming their incapacity but refusing homologation of the mandate. In this case the court orders tutorship **i**).

✓

If the court agrees to homologate the mandate

The court renders a judgment confirming the person's incapacity and authorizing the mandatory to exercise the powers granted under the protection mandate **j**).



OUR LIVES AS CITIZENS

The law is at the heart of life in society. So knowing your rights and responsibilities is key.



THE LAW IS EVERYWHERE

It's part of everyday situations, not just conflicts.



HANDLE WHAT COMES YOUR WAY

By explaining the law, Éducaloi helps Quebecers make informed decisions.

Facebook [@Éducaloi](#)

Instagram [@educaloi](#) / [@educaloi_en](#)

Twitter [@educaloi](#)

LinkedIn [@Éducaloi](#)

educaloi.qc.ca

