

Legal protection

Some adults cannot or can no longer take decisions for themselves and must be supported accordingly. The legislator has provided for a protected status to cater for this situation.

What does legal protection mean?

When there is no extrajudicial protection (see info sheet) or this is no longer adequate, the justice of the peace will order legal protection. The justice of the peace will provide a tailor-made solution for the protected person and appoint an administrator.

The protection can apply to the person and/or their property. The justice of the peace determines which processes the protected person cannot handle. In this regard, he considers the protected person's capacity and takes account of his state of health and personal situation.

In his ruling, the justice of the peace must offer a precise summary of all processes for which a protection measure is required. Processes that were not included in the order are considered to be within the person's capability.

He determines whether just support or some form of representation is required for the protected person.

Support means that a person can take action themselves but that the administrator must confirm that this is valid.

Representation means that the administrator acts in the place of the person. He must involve the person concerned and provide updates on each process.

For whom?

If you are an adult and, as a result of your state of health, are incapable of acting in your own best interests (regarding your property or your physical self) without support or another protection measure, you can request a protection measure from the justice of the peace. The incapacity can be total (all processes) or partial (certain processes) and may be permanent or temporary. This protective measure can be requested from the age of 17 and if it has been established that your state of health will not change when you reach adulthood.

How to submit a request.

Anyone can submit a statement of preference with the name of a preferred confidant and/or administrator, in the event that a legal measure is required in the future (see also info sheet on Extrajudicial Protection).

Any person, but also stakeholders (parent, friend, family), can submit an electronic petition via the central register for the protection of persons (CRBP)¹ and via www.rechterlijkebescherming.be. You log in with

¹ CRBP: this is an information database for managing, monitoring and processing cases regarding protected persons.

your electronic identity card and pin code or use the Itsme app. You can also submit the petition during an appointment via the kiosk at the offices of every justice of the peace.

The electronic petition contains questions regarding the social network and morale of the protected person but also on the family, financial and material situation. You can also make a suggestion with regard to the administrator or the person who will act as confidant.

The [medical certificate can be uploaded via the online](#) Central register of protected persons

If you are registered here already, you can consult the protected person's file. The administrator or confidant can also consult this. This register can be used to submit documents (requests, reports...) online to the competent justice of the peace; they will also be returned electronically.

The competent justice of the peace is the justice of the peace in the protected person's place of residence.

The justice of the peace will call all persons to be heard. On this basis, he will then appoint an administrator. The justice of the peace will always give preference to the parents or the cohabitants. He may also appoint a lawyer or notary at law. He will clearly describe the task of the administrator. The justice of the peace can also appoint a confidant. They will provide personal support to the protected person and function as spokesperson and contact person vis a vis the administrator. The administrator must draft an annual report (on the property and/or person) and submit this to the justice of the peace; this is also provided to the protected person and confidant. The justice of the peace checks the report and approves it. The roles of the administrator and confidant are unpaid except when someone is appointed as a professional administrator. The remuneration is limited to a maximum of 3% of the income of the protected person and will be set by the justice of the peace.

Are there any costs for the procedure?

When you submit a request for legal protection, you must pay a fee of EUR 20 to the fund for second line legal support. You may choose between a bank transfer or cash payment. If you have can provide evidence of second line legal support (you are using a pro deo lawyer), you are exempt from this payment.

Need more information?

- Office of the justice of the peace
- Doctor (medical report)
- Healthcare insurance fund Social Work service (general information, www.cm.be/zorglijn)
- Care line
 - Care line Province Limburg - 011 280 281 - zorglijn.limburg@cm.be
 - Care line Province Antwerp - 03 221 95 95 - zorglijn.antwerpen@cm.be
 - Care line Province East-Flanders, 078 152 152 - zorglijn.oostvlaanderen@cm.be
 - Care line Province Flemish Brabant (& Brussels)– 078 15 34 00 - zorglijn.vlaamsbrabantbrussel@cm.be
 - Care line Province West-Flanders, 050 20 76 76– zorglijn.westvlaanderen@cm.be
- Social service Public Social Welfare Centre (general information)
- Submit online via www.rechterlijkebescherming.be
- [Sample petition Detailed Medical Petition](#)
- - [Brochure: Practical guide for family administrators \(KBS\)](#)