



# MIRAMON LAW, INC.

*estate planning & probate*

## **Interdiction Process**

An interdiction is a legal process where a court is asked to determine, from testimony and other evidence presented, whether a person is unable, due to an infirmity, to consistently make decisions regarding his person and/or property, or to communicate those decisions and whose interests cannot be protected by less restrictive means. If such a finding is made, the court appoints someone (usually a family member) to make these decisions for him. The interdiction process takes about 6 weeks or more.

**Information about Interdict.** For the process, we will need the name, age, date of birth, parents' names, and education history. We will also need information regarding physical problems, medical history, and a letter from their treating doctor that they are not capable of handling their property or taking care of themselves without assistance.

**Court Proceedings.** Once we get this information, we prepare the court paperwork. The curator would sign the paperwork in our office. We would also mail an affidavit of the proposed interdict's treating physician. The proposed interdict has an attorney appointed to represent their interests. That attorney will meet with the proposed interdict and review any medical records. A hearing at the courthouse is held and a determination is made as to the ability of the interdict to make decisions.

**Curator and Under-Curator.** The court will appoint a curator or guardian and a second in charge, or under-curator. The curator is responsible for handling all of the matters for the interdict with the interdict's best interests in mind. The appointment of a properly qualified curator is reflected in the Letters of Curatorship. These letters evidence the legal ability and capacity of the curator to act on behalf of the interdict.

When in doubt, call us! We are here to help.