



## Interdiction Process

1. **Overview.** 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 them. This is called a “curator.” No one can be appointed curator who is a convicted felon or who owes the person to be interdicted any money. The interdiction process takes about **6 weeks or more.**
2. **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.
3. **What Happens After This Meeting.** Once we receive this information, we prepare the court paperwork. The curator and undercurator would sign the paperwork in our office. We would also mail an affidavit to the proposed interdict’s treating physician as stated above. After completing the court paperwork and receiving all signatures needed by the involved parties, we file the court paperwork with the Clerk of Court.
4. **Steps in the Interdiction Process.** The Interdiction Process contains a number of steps that are detailed below.
  - A. **Step 1: Service on the Defendant (Proposed Interdict).** Louisiana Code of Civil Procedure Article 4543 states that the proposed interdict **must be served personally by the Sheriff’s Department with Notice of the Interdiction Proceedings.** This is usually done by a Sheriff’s Deputy and may sometimes cause distress to the proposed interdict. Therefore, we believe that it is important that a plan is in place to ensure that the proposed interdict is not surprised or upset when the time comes for him or her to be served.
  - B. **Step #2: Appointment of an Attorney.** Louisiana Code of Civil Procedure Article 4544 states that an **attorney shall be appointed** to represent the interests of the proposed interdict. This **attorney will meet with the proposed interdict** and review any medical records.

- C. **Step #3: Hearing.** Louisiana Code of Civil Procedure Article 4547 states that a **hearing** must be held in order to determine whether an interdiction is needed. The proposed interdict, or defendant as described by the law in these proceedings, **has the right to attend the interdiction hearing.** However, they are **not required to be present** if it would cause distress of any kind. The court **may require the presence of the curator** for this interdiction proceeding.
  
- D. **Step #4: Judgment.** Louisiana Code of Civil Procedure Article 4551 states that the court shall appoint a **curator, undercurator, and determine the powers that the curator shall have over the proposed interdict.**
  
- E. **Step #5: Recordation of Judgment.** The Judgment of Interdiction will be filed with the **Parish Clerk of Court** where the interdiction proceeding is taking place.

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