


## Guardianship by Country:

### Resource for Second World Congress on Adult Guardianship

	<b>Country:</b> Israel <b>Population:</b> 7.7 million <b>Number of people under Adult Guardian/Guardianship:</b> approximately 28,000 (in 2003). Annual statistics not publically available.
<b>Relevant legislation</b>	The Legal Capacity and Guardianship Act 1962
<b>Key terminology</b>	Incompetent Person; mentally incompetent
<b>What types of guardianship exist? (personal welfare/financial affairs)</b>	Plenary; Health-Care Affairs; Property-Financial Affairs; or tailored. In reality, most guardianships are plenary.
<b>Aside from personal appointments, who has the power to appoint an adult guardian?</b>	Only the Family Court has the power to appoint an adult guardian.
<b>What criteria do the court need to consider when deciding the need for a guardian?</b>	The court must be convinced that the person suffers from mental incompetence and the functional inability to manage their daily affairs.
<b>What is the potential duration of an order?</b>	This is according to the court's discretion: it can be temporary, or limited in time, or unlimited. However, at any given time, one can apply to the court to terminate or change the guardianship order. In any case, the guardianship terminates at the time of death of the ward. In reality, the majority of adult guardianship orders are unlimited in time.
<b>Can a person under guardianship seek review of a guardian's appointment and/or a guardian's decisions?</b>	Yes.
<b>Who can be appointed as guardian? (eg family members, private guardian, private body, public body)</b>	Family members; private guardians; private bodies; non-for-profit organisations
<b>What are the responsibilities of an adult guardian? (eg what principles or guidelines must they comply with)</b>	The legal principle is that guardians need to act in the ward's "best interests".
<b>How are adult guardians monitored and/or supported? (eg overseeing body, support for volunteer guardians)</b>	The country's Public Guardian is responsible for supervision and monitoring of all

guardians. The supervision includes an annual report submitted by the guardian to the Public Guardian. This report is mostly on financial/property affairs as very little supervision exists with regard to personal or health care.

**Does an existing enduring Power of Attorney (personal welfare/financial) remove the need for guardianship when capacity is lost?**

Yes. However in Israel there is still no "enduring" power of attorney for property, only for medical treatment and health care decisions.

If, for whatever reason, the court decides to appoint a guardian the court-appointed guardian overrides the authority of the person appointed by the Power of Attorney.

One exception is made in the case of a dying patient. Under Israel's Dying Patient Act the Power of Attorney for health care decisions overrides any court-appointed guardian authority.

**What costs are associated with guardianship and who pays? (eg application costs, court costs, yearly service fees)**

There is a court fee (about \$300 American) and there is a cost for the medical certificate (varies dramatically) and there is only a very small payment for the guardian. The person under guardianship meets these costs unless they apply for an exemption from court fees due to lack of funds.

**Additional comments (Interesting elements of your country's system than are not covered above)**

There is no mandatory legal representation in court at guardianship hearings and, in most cases, the wards are not represented.