

GUARDIANSHIP IN ARUBA

What is Guardianship (“Curatele”)?

Guardianship is a legal measure used to protect an adult who is no longer able to properly manage their personal, financial, or legal affairs due to illness, cognitive decline, intellectual disability, psychiatric illness, addiction, or another serious condition. When a person is placed under guardianship (“onder curatele”), the Court appoints a guardian (“curator”) to make decisions and act in that person's best interests.



What Does a Guardian Do?

A guardian may:

- Manage finances and property and protect the person from financial abuse or exploitation
- Handle legal and administrative matters and assist with important healthcare or living decisions
- Represent the person before institutions and authorities

The guardian must always act carefully and in the best interests of the protected person.

When Can Guardianship Be Requested?

Guardianship may be appropriate if a person:

- Has dementia or severe memory problems or has a psychiatric condition affecting judgment
- Is unable to understand important decisions or is vulnerable to abuse or manipulation
- Can no longer safely manage money or daily affairs

Guardianship is usually considered only when less restrictive options are insufficient.

THE PROCESS

1. Request to the Court

A request (“verzoekschrift”) is submitted to the Court of First Instance of Aruba (“Gerecht in Eerste Aanleg van Aruba”).

The request may be submitted by:

- The person concerned
- A spouse or family member
- A legal representative

2. Medical Information

The Court usually requires recent medical information describing the person’s mental and/or physical condition and ability to make decisions.

This may include:

- A medical letter or a Cognitive assessment
- Information from a physician or specialist

3. Court Hearing

The Judge reviews the request and may hear:

- The person concerned
- Family members and/or the proposed guardian
- Medical or supporting information

4. Court Decision

If the Court determines guardianship is necessary, a guardian is officially appointed.

The guardian then becomes legally authorized to act on behalf of the protected person within the limits set by the Court.

NOTE: This flyer provides general information only and does not replace legal advice.