



CC Art. 12

Grounds for Incapacity

TITLE 01 — PERSONS · CHAPTER 04 — INCAPACITY AND PROTECTIVE MEASURES

- 1** A person of full age may be declared incapable of managing their own affairs, in whole or in part, where they suffer from:
 - a. A mental illness or disorder that substantially impairs their judgement or volition.
 - b. A physical disability that renders them unable to express their will.
 - c. Habitual intoxication by alcohol or other substances, to the degree that their judgement or conduct is seriously and persistently impaired.
 - d. Any other condition that, by reason of its nature and severity, prevents the person from understanding the consequences of their acts or from acting in accordance with that understanding.

 - 2** A declaration of incapacity may be made only by decree of a competent authority, upon application by:
 - a. The person concerned.
 - b. The spouse or registered partner of the person.
 - c. A parent, child, or sibling of the person.
 - d. Any other close relative within the degrees prescribed by law.
 - e. A public officer designated by law to protect the interests of incapable persons.
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- 3** The proceedings for a declaration of incapacity shall observe the following safeguards:
- The person whose capacity is in question shall be heard in person by the competent authority, unless hearing is impossible by reason of their condition, in which case the authority shall visit or otherwise observe the person.
 - The competent authority shall obtain at least one independent medical or expert report on the person's condition.
 - The person may be assisted by counsel of their own choosing, or counsel shall be appointed for them if they are unable to arrange representation.
 - Any person with a legitimate interest may submit observations to the competent authority.
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- 4** A declaration of incapacity shall specify:
- Whether the incapacity is total or partial.
 - In the case of partial incapacity, the categories of acts that the person remains capable of performing independently, and those for which assistance is required.
 - The protective measure to be applied, guardianship or curatorship, and the identity of the person appointed.
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- 5** Every declaration of incapacity shall be reviewed at intervals not exceeding three years, or at any time upon application by the incapable person, their guardian or curator, or any person entitled to apply under paragraph 2. The declaration shall be revoked, modified, or confirmed following review.
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- 6** A declaration of incapacity shall be recorded in the civil status register and notified to the person concerned and to any person appointed as guardian or curator.
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| DOCUMENT INFORMATION | |
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| CITATION | CC Art. 12 — “Grounds for Incapacity”, <i>Civil Code of Kaharagia</i> (2026). |
| STATUS | In force |
| SOURCE | https://kahalex-v2.kaharagia.org/article/civil/12 |