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# OPPORTUNITIES IN CURATORSHIP WORK FOR FIDUCIARY PRACTITIONERS IN SOUTH AFRICA

PRACTICAL PATHWAYS, REVENUE MODELS, AND RISK CONTROLS

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# AGENDA

- Curatorship 101 (types, roles, legal framework)
- Where the opportunities are
- How to get appointed
- Operations: duties & compliance
- Revenue models & collaborations
- Further points to consider

# CURATORSHIP 101

- *Curator bonis*
  - Manages property/finances
- *Curator ad litem*
  - Represents interests in litigation
- *Curator ad personam*
  - Personal care & welfare
- Administrator (MHCA): Master appointed\*


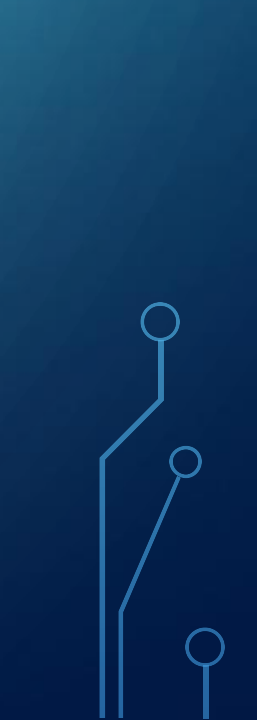
# LEGAL FRAMEWORK

- Uniform Rule 57
  - Court process
- Administration of Estates Act
  - Regulates curators
- Mental Health Care Act
  - Administrators by Master
- Children's Act
  - Best interests of minors

# WHERE CURATORSHIP ARISES

- Dementia / age-related issues
- Traumatic brain injury
- Minors with damages awards
- High-net-worth incapacitated adults
- Absent persons needing interim measures

# MARKET DRIVERS: DEMOGRAPHICS

- Ageing population → rising dementia
  - Under-diagnosis = latent demand
  - Families need guidance vs POAs
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# MARKET DRIVERS: SETTLEMENTS

- RAF & med negligence require curators
- Insurance / Disability Claims
- Courts prefer independent curators

# APPOINTMENT UNDER RULE 57

- Phase 1: *Curator ad litem*
  - Evidence & investigation
- Phase 2: *Curator bonis*
  - Court appoints, Master issues letters of curatorship

\* Importance of application process – Court Order

# CORE DUTIES OF CURATOR BONIS

- Inventory assets/liabilities
- Budget & investment plan
- Pay care & living expenses
- Maintain accounts & report annually

# OPERATIONAL WORKFLOW

- Intake
  - Triage, conflicts, mandate
- Evidence
  - Medical & financial
- Court/Master
  - Applications, security
- Admin
  - Banking, payments, reporting
- Review
  - Annual accounts, audits

# RISK & COMPLIANCE

- Independence/conflict checks
- Security & insurance
- Documented decisions
- Data protection & secure comms
- Formal compliance (Master's Office)

# WHAT COURTS & MASTERS EXPECT

- Independent reports & nominees
- Adequate security
- Clear budgets & investment plans
- Best-interests principle

## WHERE THE REVENUE SITS

- Ongoing administration (income based)
  - 6% on income
- Value-add (investments, budgeting)
- Liquidation / repatriation of assets
- Associated entities (Pty's, trusts)
- Termination fee
  - 2% of capital at termination

# WHERE THE REVENUE SITS

- Special Fees
  - Clear scope & duties
  - Request Master's direction

# COLLABORATION & REFERRALS

- PI/RAF attorneys
- Medical/rehab professionals
- Care facilities & NGOs
- Financial advisers/asset managers
- The Master

# NICHE OPPORTUNITIES

- Complex asset recovery
- Letters of wishes
- Training/templates and consultation

# TOOLS & SYSTEMS

- Accounting ledgers / System capturing administration data
- Investment dashboards / Financial data access
- Workflow deadlines
- Client / Patient contact & correspondence

## CASE STUDY: DEMENTIA ESTATE

- Protect accounts immediately
- Liquidate with approval
- Restructure & optimise
- Care-cost modelling & contracts

# ETHICAL ISSUES

- Fluctuating capacity
- Family conflicts
- Ending curatorship gracefully

## FURTHER READING

- Uniform Rule 57
- Administration of Estates Act
- Mental Health Care Act
- Children's Act
- Recent SAFLII judgments