

MISSING PEOPLE: GUARDIANSHIP (MISSING PERSONS) ACT 2017 ("CLAUDIA'S LAW")

Before 31 July 2019 there was no legal framework specifically designed to protect the property and financial affairs of a missing person.

The Guardianship (Missing Persons) Act 2017 ("the Act") now gives the court the power to make such a declaration.

Who can make an application to be a Guardian?

Anyone over the age of 18 and can show they have sufficient interest and connection to the missing person. The missing person's spouse, civil partner, parent, child, sibling and half sibling automatically have the ability to apply but others can apply depending on the purpose of making or taking part in the application and that person's relationship.

How can I make an application?

A claim form with supporting evidence must to be submitted to the High Court which also has to be sent to the closest relatives of the missing person and interested parties. An advertisement also needs to be placed in the missing person's local newspaper within certain timeframes.

Applicants may need to attend a court hearing.

**Please note that this information sheet provides only a brief summary.
For more detailed advice please contact our Specialist Missing Person's Team at**

When can the Court make a Guardianship Order?

When the Court is satisfied that the person has been missing (eg if their whereabouts are unknown or not known sufficiently precise to be contacted or being able to communicate such decisions due to something beyond their control) for 90 days and that an appointment of a guardian is in their best interests and there is a suitable person.

What can a Guardian do?

- Sell, let or mortgage the missing person's property;
- Make investments;
- Execute deeds and other documents;
- Recover money owed to the missing person;
- Discharge debts and other obligations of the missing person;
- Resign trusteeships held by the missing person;
- Bring or conduct legal proceedings.

How long does the Court Order last for?

The Court can grant an order for a maximum of four years. After the order has expired a new Guardianship Order will need to be applied for with the Court.

What if I wish to intervene in an application?

If you have received a claim form served from the claimant or learn of a claim from the advertisement, you may be entitled to intervene and become a party to the claim if you wish to take part in it.

Presumption of death or Guardianship Order?

It is for the individuals concerned to decide whether an application for presumption of death or a guardianship order should be made. This will depend on the circumstances of the missing person's disappearance and reflect the family's preference.

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