



Country reports: Liechtenstein

Josef Thaler, Liechtenstein

Country/State: Principality of Liechtenstein

Area: 160 km²

Population: 37 468

Number of people under Guardianship: 160 (0.43% of Population)

Association of guardianship: 74

related party: 76

Relevant legislation:

All the following acts came into force on 1st of January 2011

§§ 269 to 284 g ABGB

Art 117 to 139 AussStrG

Art 1 – 18 VSG

Key terminology:

Klient (client) disabled person

Sachwalter (Guardian or deputy)

Sachwalterschaft (Guardianship)

What types of guardianship do exist? (personal/financial affairs)?

Guardians can be appointed for specific matters e.g. representing the client in signing a contract, financial affairs, ... The certain affairs are listed in the court order.

Personal welfare is always a matter.

Guardianship for all matters has to be a last resort.

Who has the power to appoint an adult guardian?

The court (Fürstliches Landgericht) procedure is started up by a report to the court from anybody being involved or in worry about the client.

Only the nominated judge of the court of the principality for Liechtenstein can appoint a Guardian

What criteria do the court need to consider when deciding the need for a guardian?

§ 269 Abs 1 ABGB

If an adult Person suffering from mental illness or is mentally handicapped, AND unable to settle his matters without being in danger of disadvantage, a guardian may be appointed.

An authorised expert is providing a medical report to proof evidence of disability, while the court is proofing matters with which the person requires a substitute decision-maker.

Can a person under guardianship seek review of a guardian's appointment and/or guardian decisions?

YES. The person can appeal to court at any stage of court procedure. After the appointment of a guardian the person can make an application to revoke guardian's appointment. Only the nominated judge of the court can render a judgement.

There are three levels of jurisdiction

Organisationskomitee
organizing committee

Prof. Dr. Dagmar Brosey
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Bankverbindung
bank account

Bank für Sozialwirtschaft Köln
BIC: BFSWDE33XXX
IBAN:
DE73 3702 0500 0008 2767 01

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

YES

What are the responsibilities of not-for-profit guardianship organisations (eg support of family and volunteer guardians, recruitment and education of volunteer guardians...)?

- Guardianship
- Assessment for court procedure, in question:
 1. Matters
 2. Alternative solutions to guardianship
 3. Naming of people who would be willing and able to carry out guardianship
- Counseling and practical help for Relatives carrying out guardianship
- Recruiting of Volunteers, training and counseling

What costs are associated with guardianship and who pays? (e.g. application costs, court costs, yearly service fees)

The client might be charged by the court for the medical report. Only if very well off the client also has to pay the court fees. For low-income clients with no savings all these costs may be dispensed by court.

The guardian has to put forward a yearly report of the social and medical welfare and accounting. The guardian may apply to the court for compensation for undertaking this role. Usually they are awarded 5 per cent of the ward's annual net income, excluding benefits such as care benefit.

The guardian may also apply for reimbursement of expenses incurred undertaking the role. These payments may be reduced or dispensed by the judge (for low-income clients)

Describe your Organisation:

Name: Sachwalterverein Liechtenstein

Founding date: 1st September 2011

Historical background (state organisation):

Change of law in 2011. The Parliament of Principality of Liechtenstein decided to quit the old law. A paradigm change took place. People with lack of capacity were no longer seen as someone with no rights. With the new law they are under special care and still able to bring their will forward. Since the law is young, the new modern sense of the law gradually starts growing in the society.

The organisation is carried by an association, which is the link to the state

Number of staff:

1 Managing director/Guardian (full-time)

2 Guardians (part-time)

1 Secretary (part-time)

6 Volunteer Guardians

Location: Village of Triesen

Who is funding your organisation: Subvention of the State, Payment of clients, Donations

How many clients: 78 (increasing)

Assessment approx. 30 cases/year

How many support for family guardians: Counseling is free

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