

The International Protection of Adults

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It was with great anticipation, and some trepidation, that I began navigating this tome of over 800 pages for this review.

Having written professionally on the emerging area of dealing with mental incapacity and the 'mobile client', with a view to developing an international perspective on this critical subject, and in light of the relative dearth of legal literature on the topic, it was with welcome arms that I greeted this new work.

And more timely it could not be, as we increasingly grapple with clients who are mobile, and live for extended periods outside their 'home' jurisdiction – if they even truly have one anymore. As they age, some are subject to the legal challenge of losing capacity within a multijurisdictional context. We now have at hand an excellent reference work that simply did not exist before to help us meet these challenges.

Case in point: soon after this work arrived on my desk from the STEP offices, a client inquired about how to deal with their incapable relative's assets in Malta and whether there was a form of guardianship available through the court

process. In short order, I reached behind me, picked up this book, and read the concise and comprehensive chapter dealing with Malta and its form of protective proceedings. This allowed me to provide a ready response to the client. Simply put: any trust and estate practitioner who deals with issues of incapacity will find this text invaluable.

The text includes a useful summary of the key concepts in private international law involved in the cross-border protection of adults. Further chapters cover civil-law and common-law approaches to mental incapacity law and adult guardianship, as well as related human rights issues, cross-border protection of property and the person, and the different legal regimes and concepts involved.

A primary aim of the work is to provide an overview of the *Hague Convention of 13 January 2000 on the International Protection of Adults* (Hague 35), which came into force on 1 January 2009. Currently there are eight contracting states, and a further seven states that have signed the Convention. There is a detailed analysis of how Hague 35 may be interpreted and applied, identifying some of its definitional ambiguities and

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shortcomings, while recognising the importance of wider ratification of Hague 35 to achieve its goal of increased international cooperation.

Approximately three-quarters of this work form a survey of the existing law of adult protection in over 40 jurisdictions, including many in continental Europe, England and Wales, and Scotland, but further abroad too, including Australia, New Zealand, five Canadian jurisdictions, China, Japan, Singapore and Brazil. This is the first edition, so one envisages future editions addressing many more jurisdictions in order that this work will have a truly global reach.

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for the concise, functional and practical approach to what are often very dense and thorny issues.

This is a book aimed at helping the practitioner, but it is also an enriching one because of its ‘360’ approach to the fascinating topic of adult protection, including its historical legal origins.

This specialised book will no doubt become a core reference work for trust and estate practitioners and fills a significant existing void in the subject area.

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