

Slovenia

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Slovenia has ratified the CRPD and its Optional Protocol, but not also the Hague Convention 2000.

New Family Code (FC, in use from 15 April 2019) abolished deprivation of contractual capacity and the prolongation of parental rights. It adapted the institution of guardianship of adults to the individual's need for assistance. Under the new regulation, the institution of guardianship has become a graded and differentiated institution of care for an adult person of unsound mind. The guardian's responsibility is to conclude legal transactions (in this case the legal transaction of a ward are null) or to give consent to them (in this case the legal transaction concluded without the consent of a guardian can be challenged). Placement under guardianship is entered into the register of births, marriages and deaths. In the case of a person owning real estate, introduction of the procedure, entry of the decision on the appointment of a guardian and the decision on termination of the guardian's function are also noted in the land register. In this way, third parties do not lose their security with the abolishment of deprivation of contractual capacity, and an adult of unsound mind under the new arrangement gains effective protection of her or his personality. The only problem with the new arrangement remains the prolongation of parental rights, about which it was decided *res judicata* before the commencement of use of FC, because the effects of these decisions are assessed under FC according to the rules governing the contractual capacity of a child. A person under the prolongation of parental rights needs a consent of parents for all the important legal transaction (legal transactions concluded without parents' consent can be challenged), unless she or he is put in position of a minor under 15 years. In this case, she or he cannot conclude any valid legal transaction. It is also unacceptable, namely, for the state to treat an adult person as a child and, in addition to representing her or him, as assistance that she or he really needs, also imposes the cover of parental rights, which signifies not only legal care, but above all actual care.