Applicability of Ordinance.

12. Save as otherwise provided in this Law, the provisions of the Ordinance shall apply to the implementation of this Law as if the savings were a tax.

Implementation and regulations.

13. The Minister of Finance is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

Commencement.

14. This Law shall come into force on the day on which it is adopted by the Knesset.

David Ben-Gurion
Prime Minister

Levi Eshkol
Minister of Finance

Kadish Luz
Chairman of the Knesset
Acting President of the State

(Capacity in respect of rights and obligations. 
Capacity in respect of legal acts. 
Minority and majority. 
Acts of minor. 
Avoidance of acts of minor.

5. A legal act of a minor performed without the consent of his representative may be avoided —

(1) by his representative or, if he has no representative, by the Attorney-General, within a month after the act has come to the knowledge of the representative or the Attorney-General, as he case may be;

(2) if the act has not come to the knowledge of the representative or the Attorney-General — by the minor, within a month from his attaining full age.

6. A legal act of a minor of a kind commonly performed by minors of his age, or a legal act between a minor and a person who neither knew nor ought to have known that he was a minor, may not be avoided under section 5 even if performed without the consent of the representative of the minor, unless substantial harm to the minor or his property was caused thereby.

7. A legal act of a minor shall require the approval of the Court whenever such approval would be required if the act were performed by his representative; and such act shall be of no effect until it has been approved by the Court.

8. A person who, by reason of mental illness or a defect of mind, is incapable of looking after his affairs, may, upon application of his spouse or any of his relatives or upon application of the Attorney-General or his representative, and after such person or his representative has been heard, be declared by the Court to be legally incompetent.

9. The provisions of sections 4 to 7 shall apply mutatis mutandis to legal acts of persons who have been declared legally incompetent.

10. Where a person has been declared legally incompetent, the Court may, upon his application or upon application of his spouse or any of his relatives, or of the Attorney-General or his representative, and after hearing the legally incompetent person, revoke the declaration of incompetence if it appears that the declaration ought not to have been made or that the circumstances which led to its making no longer exist.

11. Wherever, by any expression, reference is made to a person of a specific age, that person's age shall, unless otherwise provided expressly or by implication, be calculated from the beginning of the day on which he was born. A day shall be deemed to begin at sunset of the preceding day and to end at sunset of that day.

12. Where the year, but not the day of the birth of a person is known, he shall be presumed to have been born on the 1st day of
CHAPTER TWO: PARENTS AND MINOR CHILDREN

Status of parents. 14. Parents shall be the natural guardians of their minor children.

Functions of parents. 15. The guardianship of the parents shall include the duty and the right to take care of the needs of the minor, including his education, studies, vocational and occupational training and work, and to preserve, manage and develop his property; it shall also include the right to the custody of the minor, to determine his place of residence and the authority to act on his behalf.

Duty of minor to obey. 16. The minor shall, by way of honouring father and mother, obey his parents in any matter within the scope of their guardianship.

Standard of parents' duties. 17. In the exercise of their guardianship, the parents shall act in the best interests of the minor in such manner as devoted parents would act in the circumstances.

Cooperation between parents. 18. In any matter within the scope of their guardianship the parents shall act in agreement. The consent of one of them to an act of the other or in an act of the other may be given in advance or subsequently, expressly or by implication, for a particular matter or generally. Either parent shall be presumed to have agreed to an act of the other unless the contrary be proved. In a matter admitting of no delay, either parent may act on his own.

Decision of the Court. 19. Where the parents have reached no agreement in a matter relating to the property of the minor, either of them may apply to the Court, which shall decide in the matter. Where the parents have reached agreement in any other matter within the scope of their guardianship, they may apply to the Court, and the Court, if it does not succeed in bringing about agreement between them and if it deems it appropriate to decide in the matter, shall either decide it itself or refer the matter for decision to whom it may think fit.

Acts requiring approval by Court. 20. In any of the following acts, the parents shall not be entitled to act on behalf of the minor unless the act has been previously approved by Court:

(1) the transfer, charging, partition or winding-up of an economic unit in agriculture, industry, handicraft or commerce, or of a dwelling;
(2) an act the validity of which is conditional upon registration in a register kept by virtue of Law;
(3) the making of a gift, other than a gift of contribution customarily made in similar circumstances;
(4) the giving of a guarantee;
(5) a legal act between the minor and his parents or relatives of his parents, other than the receipt of a gift made to the minor.

Protection of third party. 21. An act of parents requiring approval under section 20(5) shall be valid even without such approval if performed vis-a-vis a person who neither knew nor ought to have known that the act required approval.

Liability of parents. 22. The parents shall not be liable for injury caused by them to the minor in the exercise of their duties as guardians except where they acted otherwise than in good faith or without proper intent for the best interests of the minor; they shall not be liable for damage to the property of the minor caused by them in the exercise of their duties as guardians, provided they acted in good faith and with proper intent for the best interests of the minor.

Income and property of minor. 23. Where a minor who lives with his parents has an income from employment or from any other source, his income shall, to an appropriate extent as may be customary in similar circumstances, be used for the maintenance of the family household and the supply of the needs of the minor; but the property of the minor shall not be used for these purposes, save insofar as the Court shall confirm that the parents are unable to maintain the family household and to supply the needs of the minor.

Agreement between parents who live separately. 24. Where the parents of the minor live separately — whether the marriage has been annulled or dissolved or still exists — they may agree between them as to which of them shall exercise the guardianship of the minor, wholly or in part, which shall have custody of the minor and what shall be rights of the other parent with regard to having contact with him. Such an agreement shall be subject to the approval of the Court, and upon such approval shall, for all purposes other than for the purpose of an appeal, have the effect of a judgment of the Court.

Determination by Court in absence of agreement between the parents. 25. Where the parents have not reached an agreement as provided in section 24, or where they have reached an agreement but it has not been carried out, the Court may determine the matters referred to in section 24 as may appear to it to be in the best interests of the minor.
CHAPTER THREE: GUARDIANS BY APPOINTMENT

33. The Court may appoint a guardian —

(1) for a minor whose parents have died or have been declared legally incompetent or deprived of the guardianship of the minor under section 27;
(2) for a minor under the circumstances referred to in section 28 or 29;
(3) for a legally incompetent person;
(4) for any other person who, permanently or temporarily, is unable to look after all or any of his affairs, there being no person authorised and willing to do so on his behalf;
(5) for a person whom it is not yet possible to identify;
(6) for a child en ventre sa mere.

34. There may be appointed as guardian —

(1) an individual; or
(2) a body corporate; or
(3) the Administrator-General.

Where the Court has appointed a body corporate as guardian, it may designate an individual to carry out the duties of the guardian on behalf of the body corporate.

35. The Court shall appoint as guardian the person who in the circumstances of the case seems to be most suitable in the best interests of the ward.

36. The Court shall, before appointing the guardian, consider the views of the ward provided he is capable of understanding the matter and his views can be ascertained.

37. No person shall be appointed guardian unless he has expressed to the Court his consent thereto.

38. Unless the Court has limited his duties, the guardian of a minor shall take care of the needs of the minor, including his education, studies, vocational and occupational training and work, shall preserve, manage and develop his property, shall have the right to the custody of the minor and to determine his place of residence, and shall be authorised to act on his behalf. The guardian of a legally incompetent person shall, mutatis mutandis, have the same duties and powers.

39. A guardian other than of a minor or a legally incompetent person shall take care of the matters specified by the Court.

When guardian may be appointed.

Who can be guardian.

Priority in choice of guardian.

Hearing of ward by Court.

Consent of guardian.

Functions of guardian of minor or legally incompetent person.

Functions of other guardian
minor: Provided that children up to the age of six shall be with their mother unless there are special reasons for directing otherwise.

26. Where a parent is incapable of carrying out his duties under this chapter as to the property of the minor child, or neglects those duties, or is likely to endanger the property of the minor, the Court may direct that all or any of the provisions applying to guardians according to sections 44, 50-54, 58 and 59 shall, mutatis mutandis, apply to him.

27. Where a Magistrate’s Court has adopted any measure mentioned in sections 3(3) or (4) of the Youth (Care and Supervision) Law, 5720-1960), in respect of a minor, the Court may deprive his parent of the guardianship or restrict that guardianship.

28. Upon the death of one parent, the guardianship of the minor shall vest in the surviving parent; however, the Court may, in addition to that parent, appoint a guardian for the minor in respect of matters to be specified by the Court. The same shall apply where one of the parents has been declared legally incompetent or is incapable of carrying out his duties under this chapter or has been deprived by the Court of his guardianship of the minor or where one of the parents is not known or is not married to the other parent and has not recognised the minor as his/his child.

29. Where the guardianship of one parent has been restricted, the Court may, in addition to the parents, appoint a guardian for the minor in respect of matters to be specified by the Court.

30. The Court shall not appoint a guardian in addition to a parent unless it sees special reasons for doing so in the best interests of the minor and the parent has been given an opportunity to be heard: where a guardian is appointed as aforesaid, the provisions of sections 45 and 46 shall apply mutatis mutandis.

31. Where a person has conferred any property on a minor by way of gift or by will, and has stipulated that such property be managed by only one of the minor’s parents or by a person other than his parents, the stipulation shall be valid notwithstanding anything provided in this chapter: where a person other than the parents has been designated to manage such property, the provisions of Chapter Three, including section 64, shall apply to him.

32. The provisions of this chapter shall not derogate from the duty of parents to pay maintenance for their minor children under the provisions of the Family Law Amendment (Maintenance) Law, 5719-1959.

33. The Court may appoint a guardian —
(1) for a minor whose parents have died or have been declared legally incompetent or deprived of the guardianship of the minor under section 27;
(2) for a minor under the circumstances referred to in section 28 or 29;
(3) for a legally incompetent person;
(4) for any other person who, permanently or temporarily, is unable to look after all or any of his affairs, there being no person authorised and willing to do so on his behalf;
(5) for a person whom it is not yet possible to identify;
(6) for a child en ventre sa mere.

34. There may be appointed as guardian —
(1) an individual; or
(2) a body corporate; or
(3) the Administrator-General.

35. The Court shall appoint as guardian the person who in the circumstances of the case seems to be most suitable in the best interests of the ward.

36. The Court shall, before appointing the guardian, consider the views of the ward provided he is capable of understanding the matter and his views can be ascertained.

37. No person shall be appointed guardian unless he has expressed to the Court his consent thereto.

38. Unless the Court has limited his duties, the guardian of a minor shall take care of the needs of the minor, including his education, studies, vocational and occupational training and work, shall preserve, manage and develop his property, shall have the right to the custody of the minor and to determine his place of residence, and shall be authorised to act on his behalf. The guardian of a legally incompetent person shall, mutatis mutandis, have the same duties and powers.

39. A guardian other than of a minor or a legally incompetent person shall take care of the matters specified by the Court.
40. The appointment of a person as a guardian shall not make him liable for the maintenance of the ward.

41. In carrying out his duties the guardian shall act in the best interests of the ward in such manner as a devoted person would act in the circumstances.

42. In guardianship matters the guardian shall consider the views of the ward provided he is capable of understanding the matter and his views can beascertained.

43. The ward shall comply with the directions of the guardian in guardianship matters specified by the Court.

44. The Court may, at any time, on application of the guardian or of the Attorney-General or his representative or of an interested party, or of its own motion, issue directions to the guardian in any matter relating to the carrying out of his duties. The Court may also, on the application of the guardian, approve an act performed by him.

45. The Court may, for special reasons, appoint for a ward more than one guardian; upon doing so, the Court shall decide whether to impose the duties of guardianship on the guardians jointly or to divide them between them.

46. Save as the Court may otherwise direct, where the Court has imposed duties of guardianship on two or more guardians jointly, the following provisions shall apply:

   1. The guardians shall act in agreement; in a matter on which they disagree, they shall act as the Court may decide;
   2. any act of one or several of the guardians shall require the consent of the others or the approval of the Court, to be given in advance or subsequently;
   3. in a matter admitting of no delay, any one of the guardians may act on his own;
   4. the guardians shall be jointly and severally responsible to the ward;
   5. where the office of one of the guardians has become vacant, or one of the guardians has ceased to act, either temporarily or permanently, the others shall forthwith notify the fact to the Court and shall be bound and competent to continue in their functions until the Court directs otherwise.

47. The guardian may do whatever is required for carrying out his duties; in any of the following acts, he shall not be entitled to act on behalf of the ward unless such act has been previously approved by the Court —

   1. the transfer, charging, partition or winding-up of an economic unit in agriculture, industry, handicraft or commerce, or of a dwelling;
   2. a letting to which the Tenants' Protection Laws apply;
   3. an act the validity of which is conditional upon registration in a register kept by virtue of Law;
   4. the making of a gift, other than a gift or contribution customarily made in similar circumstances;
   5. the giving of a guarantee;
   6. any act which the Court, in the order of appointment or subsequently, has specified as requiring approval as aforesaid.

48. In a legal act between the ward and the guardian, his spouse or his relatives, other than a gift made to the ward, and in a legal act between the ward and another ward of the same guardian, the guardian shall not be entitled to act on behalf of the ward unless such act has been previously approved by the Court or another guardian appointed for that purpose.

49. An act of a guardian requiring consent or approval under section 46(2) or 47(6) shall be valid even without such consent or approval if performed vis-à-vis a person who neither knew nor ought to have known that such act required consent or approval.

50. As far as the means of the ward are not required for his current needs, the guardian shall keep or invest them, as may be necessary to preserve the capital and produce an income, in one of the ways prescribed by the Minister of Justice by regulations or in such manner as the Court may direct.

51. The guardian shall submit to the Court, within thirty days from his appointment, an inventory of the property of the ward, including his debts, unless the Court has exempted him from this duty or has prescribed a different time for the submission of the inventory. The Court may direct the inventory to be drawn up by the Administrator-General or with his approval.

52. The Court may direct —

   1. that the guardian submit to it, at such time as it may order, a valuation of the property of the ward, made up to such date as the Court may order;
   2. that the valuation be made by a valuer or by another person, as the Court may order.
CHAPTER THREE: TERMINATION OF GUARDIANSHIP

53. The guardian shall, in respect of all guardianship matters, keep accounts, submit to the Court a report as it may direct, and may assign functions to the Administrator-General.

54. In examining inventories, accounts, reports and information under sections 51 to 53, the Court may obtain the assistance of whom it may think fit, and may assign functions to the Administrator-General.

55. Reasonable expenses incurred by the guardian in carrying out his duties shall be borne by the ward, and the guardian may recoup himself for them out of the ward’s property.

56. The Court may fix a remuneration for the guardian if it deems it justified to do so in the circumstances of the case. The remuneration shall be borne by the ward and the guardian may receive it out of the ward’s property.

57. The guardian shall be liable for damage caused by him to the ward or to his property. The Court may relieve him of the whole or any part of his liability if he acted in good faith and with proper intent to the best interests of the ward. The guardian shall not be liable if he acted in good faith in accordance with directions of the Court or obtained its approval, either in advance or subsequently.

58. The Court may, before or after the appointment of a guardian, require the guardian to charge property or furnish guarantee as security for the carrying out of his functions and duties, and the Court may, at any time, require additional security or release the whole or any part of security given.

59. Security under section 58 shall be given in favour of the ward, and the Administrator-General shall be entitled to represent him in any matter relating to its realisation.

60. The guardian may resign by notice in writing to the Court. The resignation shall be effective only if approved by the Court and from the day fixed in the approval.

61. The Court may dismiss a guardian if he fails to carry out his duties properly or if the Court sees any other reason for dismissing him.

62. The guardianship over a minor shall expire upon his coming of age. The guardianship over a legally incompetent person shall expire upon the revocation of his incompetence by the Court. The guardianship over a person other than a minor or a legally incompetent person shall expire if the Court finds that the grounds for the guardianship have ceased to exist or that its object has been achieved; such a guardianship shall expire on the day fixed by the Court. The guardianship over any person shall expire upon the death of the ward.

63. Upon the resignation or dismissal of the guardian or upon the expiration of guardianship, the guardian or, in the event of his death, his heirs shall hand over to the ward or to a person designated by the Court the property of the ward which is in his or their possession or under his or their control and the documents relating to such property. The Court may direct that the guardian be bound and competent to complete acts specified by the Court in so far as necessary in the best interests of the ward or of his property.

64. Where the parents or one of the parents or the spouse of the ward have died, and in their will have indicated the name of a guardian or have given directions as to any of the matters committed by this chapter to the discretion of the Court or guardian, the Court or guardian shall act in accordance with those directions of the will when duly probated, unless it or he considers that the best interests of the ward require deviating therefrom. This section shall derogate from the provisions of section 28 concerning the guardianship of the surviving spouse.

65. Where the Administrator-General has been appointed guardian, the provisions of sections 37, 51 (closing passage), 54 (closing passage), 58, 59 and 60 shall not apply.

66. An act of the guardian shall be valid notwithstanding a defect in his appointment if performed vis-à-vis a person who neither knew nor ought to have known of the defect.

67. Where a person acts as guardian, his duties and liability towards the ward shall be in accordance with the provision of this chapter even if he was not appointed or there was a defect in his appointment or he has resigned or been dismissed or his guardianship has expired.

CHAPTER FOUR: MISCELLANEOUS PROVISIONS

68. The Court may, at any time, on application of the Attorney-General or his representative or of an interested party or of its own motion, take temporary measures which seem to it appropriate for protecting the interests of a minor, a legally incompetent person, a ward or a person in need of guardianship, either by appointing a
temporary guardian or a guardian ad litem, or otherwise. The Court may also do so on application of the minor, the legally incompetent person, the ward or the person in need of guardianship himself.

69. The Attorney-General or his representative may, if he considers that the interests of a minor, a legally incompetent person, a ward or a person in need of guardianship, or the public interest so require, institute legal proceedings, including appeals, under this Law, and appear and plead in any such proceedings.

70. A welfare officer appointed for the purposes of the Welfare (Procedure in Matters of Minors, Mentally Sick Persons and Missing Persons) Law, 5715-1955), may, in a matter under this Law which is not pending in the Court and if he deems it necessary so to do for the protection of a minor, a legally incompetent person, a ward or a person in need of guardianship, examine any person who he thinks may have information regarding that minor, legally incompetent person, ward or person in need of guardianship, and the person examined shall give truthful and complete answers to the welfare officer unless the answer is likely to incriminate him; and the welfare officer may, if authorised to do so by an order of the Court, enter any place where a minor, legally incompetent person, ward or person in need of guardianship is or is likely to be.


72. In any matter under this Law, the Court may, of its own motion or otherwise, hear the relatives of the minor, legally incompetent person or ward, whenever the Court thinks fit to do so.

73. The Court may hold hearings under this Law in camera if it deems it necessary so to do for protecting a minor, legally incompetent person or ward or the spouse or relative of any of them. This provision shall not derogate from the provisions of sections 38 to 40 of the Courts Law, 5717-1957.

74. The Court may vary or rescind its decisions under this Law if circumstances have changed or new facts have come to light after the decision was given.

75. A decision of the Court under section 8, 10, 26, 27, 28, 29, 33, 45 or 61 shall be appealable as specified in subsection (a) of section 19 of the Courts Law, 5717-1957; any other decision of the Court under this Law shall be appealable as specified in subsection (b) of that section.

76. The courts in Israel shall be competent —

1) to declare a person legally incompetent or revoke a declaration of incompetence if the person concerned is domiciled or resident in Israel;

2) to act under Chapters Two and Three of this Law wherever the need to do so arises in Israel.

77. Matters of this Law shall be governed by the law of the domicile of the minor, legally incompetent person or ward; Provided that —

1) a legal act performed in Israel by a person whose capacity is restricted or who has been deprived of capacity, being an act of a kind commonly performed by such persons, or a legal act performed in Israel between such a person and a person who neither knew nor ought to have known of the restriction or deprivation, shall be valid unless substantial harm was caused thereby to the first-mentioned person or his property;

2) in respect of an act performed in Israel by the parents of a minor or by a guardian, it may not be pleaded vis-a-vis a third party that the powers of the parents or the guardian were more limited than the powers vested in them under this Law, unless that party knew or should have known such fact.

78. Subject to the provisions of section 79, the powers vested under this Law in the Court shall be exercised by the District Court.

79. This Law shall not affect any law relating to marriage and divorce; it shall neither add to nor derogate from any jurisdictional power of religious courts, Where a religious court is competent by law, any provision of this Law which refers to a court — except section 75 — shall be deemed to refer to a religious court.

80. In this Law —

"representative", in relation to any person, means his parents or his appointed guardian, according to the provisions of Chapters Two and Three;

"relative" means father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson and granddaughter;

"domicile", in relation to any person, means the place where the centre of his life is; a minor, a legally incompetent person or a ward shall be presumed to have his domicile at the domi-
81. A person declared legally incompetent before the coming into force of this Law shall thenceforth be deemed to have been declared legally incompetent under this Law. A person appointed guardian by a court or competent religious court before the coming into force of this Law shall thenceforth be deemed to have been appointed under this Law.

82. There are hereby repealed —

   (1) articles 941 to 947 and 957 to 997 of the Mejelle;
   (2) articles 50 to 53 of the Ottoman Land Code;
   (3) article 2 of the Ottoman Commercial Code;
   (4) article 5 of the Ottoman Law of Societies;
   (5) section 5 of the Partnership Ordinance 1).

83. The Minister of Justice is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation.

84. This Law shall come into force three months after its adoption by the Knesset.

DAVID BEN-GURION
Prime Minister

DOV JOSEPH
Minister of Justice

KADISH LUZ
Chairman of the Knesset
Acting President of the State