Assisted Decision Making Bill -

the impact on the ground
“the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. **His own good, either physical or moral, is not a sufficient warrant.**”
Assessment of capacity - Lunacy Regulation 1871

And the words "alleged lunatic" shall be construed to mean any "Alleged lunatic."
Cases

J.
Cases

J.

569 days
Cases

A.
Cases

A.

308 days
Cases

D.
Cases

D.

266 days
Impact on Hospital

- average 9 at any one time
- average 18 months to process
- 3,285 bed-days per annum (=470 average medical admissions)
- €2.95 million per annum
Capacity Assessment

- Status approach
- Outcomes approach
- Functional approach
• Capacity to go decide on going home
• Capacity to create an enduring power of attorney
• Capacity to create a will - *testamentary capacity*
• Capacity to engage in Fair Deal (=financial capacity)
• Capacity to refuse treatment
• Capacity to go decide on going home

• Capacity to create an enduring power of attorney

• Capacity to create a will - *testamentary capacity*

• Capacity to engage in Fair Deal (=financial capacity)

• Capacity to refuse treatment
"Best interests" vs -

Dignity
Bodily integrity
Privacy
Autonomy
Beliefs and values
Preferences
In Irish Law -

Everyone has capacity until shown otherwise

Autonomy vs welfare? Anatomy of a risky discharge.