



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an tUas. Pat Bennett,
Príomhoifigeach, Eagraíocht Cúram
Sláinte Pobail, Lár Tíre, An Lú, An Mhí
Feidhmeannacht na Seirbhíse Sláinte,
Oifig Cheantair, Bóthar Ardáin, An
Tulach Mhór, Co. Uíbh Fhailí.

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26th April, 2019

Mr. Fergus O'Dowd T.D.,
Dáil Éireann,
Leinster House,
Kildare Street,
Dublin 2.

Re: Parliamentary Question – 5824/19

To ask the Minister for Health the number of persons in counties Laois and Offaly for which the HSE has applied for wardship in each of the years 2010 to 2018; and if he will make a statement on the matter. – Fergus O'Dowd

Dear Deputy O'Dowd,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question, which you submitted to the Minister for Health for response. I have examined the matter and outline the position as follows.

The High Court has jurisdiction in wards of courts matters and management of the courts is the responsibility of the Courts Service, which is independent in exercising its functions under the Courts Service Act 1998.

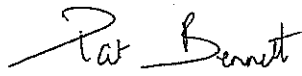
As you will be aware, a person over the age of 18 years may be taken into wardship where the court is satisfied that the person is, on the basis of medical evidence available, mentally incapacitated and incapable of managing his or her affairs, and that it is necessary for the protection of his or her person or property that he or she be taken into wardship. Typically wardship applications are sought by the HSE in instances where a service user is vulnerable, unable to make decisions on their own behalf and where they do not have a suitable friend or relative to make a decision on their behalf and in their best interests. An application for wardship requires an Affidavit declaring incapacity from two medical practitioners following a recent assessment. It is often the case that a family member, a friend or legal representative will make a petition. However, if there is no such person available to make the petition, and if there is a concern over the ability of the vulnerable person to make decisions on their own behalf in their best interests, then a representative of the HSE e.g. Social Worker or treating Physician, will make the application.

The President of the High Court pays meticulous attention to the evidence upon which such applications are made and considers carefully the interests of the individual concerned before making a determination as to whether or not the individual should be admitted to wardship. Once a person has been admitted into wardship, the needs of the Ward will be kept under review by the Office of the Wards of Court and by the President of the High Court, and this may include the President of the High Court requesting updated medical reviews by an independent medical practitioner.

Midlands Louth Meath CHO does not collate the information you have requested. The CHO's Solicitors who manage applications on behalf of the CHO since early 2016 do not have the records back to 2010 and have also advised that it may be an act in contempt of an Order of the President of the High Court for me to release identifying information in respect of any Ward of Court based on geographic considerations. I would suggest you contact Mr. Jim Finn, Registrar, High Court, Office of Wards of Court on this matter. I hope this information is helpful for you.

I trust the above is in order but please do not hesitate to contact me should you have any further queries in this regard.

Yours sincerely,

A handwritten signature in black ink that reads "Pat Bennett". The signature is written in a cursive style with a horizontal line underneath it.

Pat Bennett
Chief Officer
Midlands Louth Meath CHO