

**Assisted Decision-Making (Capacity)
Act 2015: Discharge from Wardship
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An tSeirbhís Chúirteanna
Courts Service

Office of the General Solicitor for Minors and Wards of Court

- General Solicitor is Committee for over 1,000 Wards of Court
- Independent Committee appointed by the Court in certain circumstances
- Marked increase in cases from 2016 onward
- Appointed in 92 cases in 2023
- Usually requested by the HSE or CFA to act
- Deprivation of Liberty – including detention and treatment abroad
- Separate to the Wards of Court Office
- Two teams working at present – main office and ADMCA discharges

What to expect in a Part 6 case where the GS is Committee

- An independent social worker will visit.
- GSO lodges the application with WOC office.
- Our office will send a letter to the RP, introducing the process and providing easy to read information.
- NOK/ Family/Carer/Keyworker etc informed of the commencement of the process.
- Medical Visitor will attend with RP to assess functional capacity.
- Report is sent to the RP.
- GSO writes to the RP to explain the report and recommendations.

What to expect in a case where the GS is Committee

- The RP is served the papers:
 - Notice of Motion
 - Grounding Affidavit
 - Other reports as applicable
- Process is explained clearly.
- Discusses Decision Supporter.
- Any reaction is recorded in an Affidavit of Service.
- Will and Preference.
- Encourages participation – court requirement.
- May be visited on two occasions.

The Court Hearing

- Notice of the Court Date is given in advance - when serving the RP the papers.
- Judge sitting in the Four Courts in Dublin.
- Hybrid hearings – can attend in person or online.
- Link and approximate time provided.
- Three Judges currently hearing discharge applications.
- Informality of the Court.
- Opportunity to speak to the Judge.

How you can support the Relevant Person

- Help them to engage with the process early on – familiar with the phasing out of the old system of wardship to new system of decision support.
- Encourage conversations around decision supporters.
- Reassure about change - this is the biggest anxiety most people express.
- Engage with us on any views you have – as persons with an interest in the welfare of the RP you are important!!
- Support with Court hearing online or in person.
- Support with expression of will and preference – can be in any format.
- This is a positive event!

The voice of the Relevant Person – Will and Preference

- Extremely important in the process.
- Best interests v Will and Preference.
- s.8(7)(b)(c) – enquire as to Will and Preference.
- Required by the Court to be evidenced, where possible to do so.
- Can be evidenced throughout the process – remember your views are also important under s8(8)
- RP can address the Judge in Court also if they wish.
- Important to record in areas of:
 - decision supporter/supportive arrangements
 - accommodation
 - leaving wardship

Practical considerations

- Does the RP have a bank account?
- Day to day financial management.
- Current welfare needs.
- Impact of the service of the Functional Capacity Report – supports!
- If they are subject to DOL orders – the structure of that may change.
- Interagency involvement – care planning
- Suitability of persons who may wish to be involved as decision supporters.

How do I support a RP to start this process?

- RP expresses wish to exit wardship – contact our office.
- Can RP make the application themselves with support – absolutely!
- Legal Aid available.
- We can support you and the RP in the process.
- You will need to keep us informed.
- Family to make application?

Remember...

- ✓ Information and discussion is key
- ✓ RP should feel involved and comfortable with the process
- ✓ Will and Preference 😊
- ✓ Assurances around change
- ✓ Encourage participation

Questions?

- www.courts.ie
- www.decisionsupportservice.ie
- gsoadmca@courts.ie

