



About this Guide

This is the second of a series of guides developed to assist people making a Capacity Application to the Circuit Court under the **Assisted Decision Making Capacity (ADMC) Act**.

This guide is for people who are completing the Capacity Application (Form 55A) and Statement of Particulars (Form 55B) forms. It provides you with some useful resources and information to help you to fill in these forms.



Guide 1
Before you
make a Capacity
Application



Guide 2
**Completing
your Capacity
Application forms**



Guide 3
After you have
completed
your Capacity
Application forms

1

Guidance to complete the Capacity Application (Form 55A) - Pages 3 -13 of this guide

2

Guidance to complete the Statement of Particulars (Form 55B) - Pages 14 - 23 of this guide

More information

You should consider getting **legal advice** to get a better understanding of what is involved. **Support services** are also available.

Scan below for more info about Assisted Decision Making Capacity





Useful tips to support you in completing the forms

Below are some useful tips to keep in mind when you are completing the forms:

1. There are some key terms you will encounter when you are making a Capacity Application. These terms are explained in [‘Before you make a Capacity Application’](#)
2. Some sections of the form will not be applicable to your application. In these sections, write “N/A” or “Not Applicable” and proceed to the next relevant section.
3. If you need more space, there are ‘Additional Information’ sections near the end of each form that you can use.
4. You should only provide information relating to the specific decisions in your application.
5. If you have any further questions or difficulties completing the forms after reading this guide, please email admc@courts.ie for support.



There are seven sections in the Capacity Application (Form 55A). These are detailed below.

Front Page

Names of the Relevant Person, Applicants and the Circuit and County you are making your application in.

Section A

Contact details for the Relevant Person and Applicants.

Section B

For more information see pages 5-8

Information about the types of declarations you are applying for.

Section C

For more information see pages 9-13

Information about the types of orders you are applying for.

Section D

Only complete this section if you need this space to include additional information.

Section E

Your signature or, if you are legally represented, your solicitor's signature.

Section F

Details of where and to whom you are sending your application.



Part 1 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Capacity Application form (Form 55A).

Front Page

On the first page of this form, enter four pieces of information in the spaces provided.

1. Circuit: Enter the circuit you are making your application in
2. County: Enter the county within the Circuit where you are making your application
3. Relevant Person's Name
4. Names of Applicants

The Relevant Person must live in, carry on business in, or have lived at any time in the last 3 years, in the county in the Circuit where you are making your application.

If you are unsure of what Circuit you are applying to, please refer to the table below:

Name of Circuit	Counties within the Circuit
Dublin Circuit	Dublin (County Borough and County)
Cork Circuit	Cork (City and County)
Eastern Circuit	Kildare Louth Meath Wicklow
Midland Circuit	Laois Roscommon Longford Sligo Offaly Westmeath
Northern Circuit	Cavan Leitrim Donegal Monaghan
South Eastern Circuit	Carlow Waterford Kilkenny Wexford Tipperary
South Western Circuit	Clare Limerick Kerry
Western Circuit	Galway Mayo



Please leave the 'Record Number' space and 'Court Office to complete' section blank. The Court Office will fill in those details after you have submitted your application.



Part 1 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Capacity Application form (Form 55A).

Section B: What declarations are you applying for? (Pages 3-4)

In this section, you are outlining to the court what declaration you would like to apply for.

A capacity declaration means that the court determines that a Relevant Person is not able to make certain decisions for themselves. It can state that the person lacks capacity in relation to these decisions and make an order for suitable arrangements to be made. A declaration must be made by the Court in relation to Capacity before a Decision Making Order can be made.

There are a number of declarations listed in this section of the form. In the spaces provided below each of the declarations listed, give the necessary details of the decisions that the Relevant Person needs support with. Also outline why there is a concern about the capacity of the Relevant Person to make these decisions at this time.

For declarations that are not applicable to your application, write “N/A” or “Not Applicable” and proceed to the next relevant section.



You can apply for a declaration about decisions relating to Personal Welfare or Property and Affairs, or both. It is possible to have multiple people appointed to support the Relevant Person with these decisions.

There are three declarations included in Section B of the Capacity Application ([Form 55A](#)). More information on each of these declarations, can be found on the next three pages of this guide.



The declarations listed in this section are explained in more detail below.

Section B: What declarations are you applying for? (Pages 3-4)

If you are asking the court to make a declaration that the Relevant Person requires the support of a Co-Decision Maker (CDM) to jointly make decisions, tick the declaration under Section 37(1)(a), and the decision type your application relates to.

- Please provide as much specific information about the decisions your application relates to in the spaces provided.
- For example, if the Relevant Person requires support in accessing relevant information or records (this might involve contacting their bank or phone company), then you should outline the details in this section and tick 'Property and Affairs'.

B) What declarations are you applying for? (Tick all that apply)

A declaration under Section 37(1)(a), that the Relevant Person lacks capacity, unless the assistance of a suitable person as a co-decision maker is made available to him / her to make the below decisions jointly with him / her in relation to his / her:

Personal welfare

Property and affairs

Please give details below



The declarations listed in this section are explained in more detail below.

Section B: What declarations are you applying for? (Pages 3-4)

If you are asking the court to make a declaration that the Relevant Person requires the support of one or more than one Decision-Making Representative (DMR) to make decisions, tick the declaration under Section 37(1)(b) and the decision type your application relates to.

- The DMR can only make decisions that are written down in the decision-making representation order given by the Court.
- Please provide as much specific information about the decisions your application relates to in the spaces provided.
- For example, if the Relevant Person requires support from a DMR to change their living arrangements, then you should outline the details in this section and tick 'Personal welfare'.

For more information on the roles and responsibilities of [CDMs](#) and [DMRs](#), please see the relevant sections on the Decision Support Service Website.

A declaration under Section 37(1)(b), that the Relevant Person lacks capacity even if the assistance of a suitable person as a co-decision maker were made available to him / her to make the below decisions in relation to his / her:

Personal welfare

Property and affairs

Please give details below



The declarations listed in this section are explained in more detail below.

Section B: What declarations are you applying for? (Pages 3-4)

An intervention under this act, in relation to the Relevant Person means an action taken, or a direction given by a specified person.

If you are asking the court to make a declaration about the legality of an intervention, under Section 37(3) of the ADMC act, you should tick this declaration.

- A list of people eligible to apply for this declaration are listed on page 25 of the Statement of Particulars ([Form 55B](#)).

A declaration under section 37(3) of the Act as to the lawfulness of the following intervention in respect of the Relevant Person (please give details):



The orders listed in this section are explained in more detail below.

Section C: Which orders are you applying for? (Pages 5-6)

An order is a written direction from a Judge requiring a person or organisation to do something.

In this section you are outlining to the court what orders you would like to apply for, based on the information you have entered in Section B.

It is important to note that the court must make a declaration about the Relevant Person's capacity in relation to the decisions in your application before it can make an order.

- ⓘ You can apply for more than one of the following orders if you so wish. If any of the orders are not applicable to your application please write "N/A" or "Not Applicable" in the space provided and continue to the next section.

There are three orders included in Section C of the Capacity Application ([Form 55A](#)). More information on each of these orders, can be found on the next four pages of this guide.



The orders listed in this section are explained in more detail below.

Section C: Which orders are you applying for? (Pages 5-6)

If you are asking the court to make a specific decisions on behalf of the Relevant Person, tick the Order under Section 38(2)(a). These decisions would not require the appointment of a DMR.

- Please provide as much specific information about the decisions your application relates to and the reasons for needing immediate attention in the space provided.
- For example, if the Relevant Person requires support in accessing urgent medical treatment then you should outline the details in this section. The medical report or supporting documentation should also be attached to your supporting Affidavit ([Form 55](#)).

ⓘ The Court needs to be satisfied that the specific decisions required is urgent or expedient for the order to be granted.

C) Which order are you applying for? (Tick all that apply)

- An order under section 38(2)(a) of the Act making the following decision(s) as outlined below, on behalf of the Relevant Person, where the court is satisfied that the matter is urgent or expedient (please give details):




The orders listed in this section are explained in more detail below.

Section C: Which orders are you applying for? (Pages 5-6)

If you are asking the court to make a Decision Making Representation Order (DMRO) to appoint one or more than one DMR to make specific decisions on behalf of the Relevant Person, tick the Order under Section 38(2)(b).

- Please provide as much specific information about the decisions your application relates to in the space provided.
- For example, if the Relevant Person requires support from a DMR to change their living arrangements, then you should outline the details in this section.

 You can use the details you provided in Section B (Declarations) to fill out this section.

An order under section 38(2)(b) of the Act to appoint a decision-making representative for the Relevant Person for the following decisions (please give details):



The orders listed in this section are explained in more detail below.

Section C: Which orders are you applying for? (Pages 5-6)

If you are asking the court to give an Interim Order, tick the order under Section 48.

- Current wording: Interim orders are temporary orders while the Court makes its decision. They are usually made when there is an urgent issue that needs to be dealt with. This needs to happen before further measures (decision supports or orders) are put in place, while the court process is going on.
- Please provide as much specific information about the decisions requiring interim orders that your application relates to in the space provided.
- For example, with the sale of a house, bills may need to be paid before the sale can be completed, in advance of a DMR being appointed.

An interim order under section 48 of the Act providing for (please give details):



The orders listed in this section are explained in more detail below.

Section C: Which orders are you applying for? (Pages 5-6)

If you are applying for a DMRO, confirm whether or not you know of a suitable person who is willing to act as a DMR for the Relevant Person by ticking 'Yes' or 'No'.

A suitable DMR must be capable of carrying out the functions of a DMR including interacting with, and providing annual reports to, the [Decision Support Service](#).

If there is a person who is suitable and willing to act as a DMR, the details of this person must be entered on pages 23 and 24 of the Statement of Particulars ([Form 55B](#)).

If you do not know a suitable person to act as a DMR, they can be appointed from a Decision Support Service panel.

Do you know of a suitable person who would be willing to act as a decision-making representative for the Relevant Person?

If yes, please provide details of this person in Form 55B.

Yes

No



There are **twenty three sections** in the Statement of Particulars (Form 55B).

A summary of sections A to K is provided below. You only need to fill in the sections that are relevant to the decisions in your application.

Section A

Details and some contact information for the Relevant Person.

Sections B to E

For more information see pages 16-18

Your relationship to the Relevant Person, any previous discussions with them about this application, and if you were given consent from the Court to make the application.

Sections F to G

For more information see pages 19-20

Information about the benefits and the reasons for this application.

Section H

Information about agreements, instruments or Court Orders affecting the Relevant Person.

Section I

Information about the will and preference of the Relevant Person.

Section J

Information about the values and beliefs of the Relevant Person.

Section K

For more information see page 21

Information about the Personal Welfare decision needs, that you are applying for, that impact the Relevant Person.



There are **twenty three sections** in the Statement of Particulars (Form 55B).

A summary of sections L to W is provided below. You only need to fill in the sections that are relevant to the decisions in your application.

Sections L to P

For more information see pages 21-23

Information about the Property and Affairs decision needs, that you are applying for, that impact the Relevant Person.

Section Q

Information about the dependants of the Relevant Person to support the Property and Affairs decision needs.

Section R

Details of a possible CDM and reasons why they would be suitable.

Section S

Details of a possible DMR and reasons why they would be suitable.

Section T

Only complete this section if you are asking the court to make a declaration as to the lawfulness of a proposed intervention.

Sections U to V

Additional information you would like to include in your application.

Section W

Your signature or, if you are legally represented, your solicitor's signature including their details.




Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section B: Relationship of the Applicants to the Relevant Person (Page 1)

In this section there is a list of people who can make a Capacity Application in respect of the Relevant Person.


Tick the option that describes your relationship with the Relevant Person.

 You should only tick more than one option if there are multiple Applicants.

If there are multiple Applicants, please list each Applicant's relationship to the Relevant Person in Section V (Additional Information).

If your relationship to the Relevant Person is not listed, leave this section blank and continue to Section C.

Section C: If the Applicants relationship type was not listed in the previous section (Page 2)

 Only complete Section C of this form if your relationship to the Relevant Person is not listed in Section B on page 1 of the form. Otherwise, continue to Section D.

If your relationship to the Relevant Person was not listed in Section B of the form, the Court Office cannot process your application until you get permission (consent) from the Court. For more information on the consent application process, please see the [Consent Application](#) information under the [ADMC section](#) on the Courts website.

Once you have received consent from the Court, Tick 'Yes' and enter details of your interest in the Relevant Person's welfare in the space provided.



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section D: Previous Discussions (Page 3)

In the initial part of this section, confirm whether or not you have discussed this application with the Relevant Person by ticking 'Yes' or 'No'.

- If you ticked 'Yes', enter details of the Relevant Person's response.

D) Previous discussions:

Has the applicant discussed or considered the making of this application with the Relevant Person? Yes No

Please give details including their response, if any:

In the subsequent part of this section, confirm whether or not the Applicant has considered making this application with any other persons (mentioned in Section B of this form) in the past by ticking 'Yes' or 'No'.

- If you ticked 'Yes', enter details of the other person's response. (Not the Relevant Person's response)

Has the applicant(s) discussed or considered the making of this application with any other person(s) mentioned in B above? Yes No

Please give details including their response, if any:



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section E: Details of the Relevant Person (Pages 4-5)

In this section, you should provide facts about the Relevant Person that explains why they do not have the capacity to make the decisions included in this application on their own behalf. You should also, where possible, identify the source of this supporting information (For example, an eyesight report from the Relevant Person's optician).

In the initial part of Section E, provide information relating to the health of the Relevant Person.

- There are some examples included on the form; other examples of information you could include would be information about mobility issues or allergy requirements that the Relevant Person may have.

E) Details of the Relevant Person:

Set out a summary of the material facts (and identify the source of any such information) relevant to this application which will assist the Court in making a declaration as to the capacity of the Relevant Person.

Please provide information in relation to the following if relevant to the application:

The health of the Relevant Person (example: eyesight, hearing, dietary requirements):

In the next part of Section E, provide information relating to the living arrangements or individual circumstances of the Relevant Person.

- There are some examples included on the form; other examples of information you could include whether or not the Relevant Person lives in an adapted house or in a supported home or hospital.

The current living arrangements and individual circumstances of the Relevant Person (example: do they live at home, alone or with someone, and if so, have they a carer or other support? Are they in a hospital or nursing home?):

In the third part of Section E, tick 'Yes' if the Relevant Person has ever been a Ward of court and provide details in the space provided. Otherwise, tick 'No'.

- In the final part of Section E, provide any other information which you think may be relevant to this application.



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section F: Benefits of this application (Page 6)

In this section, explain how you expect this application to benefit the Relevant Person.

- Explain why it is necessary for the Relevant Person that the declarations and orders requested in this application are granted.
- This includes details on what improvements will be made to the Relevant Person's existing arrangements if they have a CDM or DMR appointed on their behalf.



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section G: Reasons for this application (Page 7)

In the first part of this section, please outline the decision support arrangements that have been used to assist the Relevant Person before making this application.

- Please provide details as to why they have not been successful in supporting the Relevant Person.
- For example, I used to assist my mother when accessing her monies to pay her bills, however I can no longer do this as she is in hospital and I have been told I have no legal authority to do this.

G) Reasons for this application:

In the case of an application under Part 5 of the Assisted Decision-Making (Capacity) Act 2015, explain the reason why the benefit to the Relevant Person sought to be achieved has failed to be achieved in any other appropriate, practicable and less intrusive manner (example: assisted decision-making; co-decision-making) taken prior to the making of this application:

In the subsequent space provided, please explain why you believe no other appropriate type of decision support arrangement is suitable to support the Relevant Person.

- Please provide details as to why the Relevant Person would not be able to make the decisions in your application, even with the support of a CDM or Decision-Making Assistant or any other less intrusive arrangement

Explain the reason why you believe that no other appropriate, practicable and less intrusive manner to achieve that benefit (example: assisted decision-making; co-decision-making) remains to be taken prior to the making of this application:

For further information on other decision support arrangements, as well as information on the roles and responsibilities of decision supporters, please visit the [Decision Support Service](#) website.



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B)

! Personal Welfare Decisions (Pages 11-12)

Only complete Section K if your application relates to decisions relating to the Relevant Person's personal welfare. Otherwise continue to Section L.

Section K: Relevant Persons needs - Personal Welfare decisions (Pages 11-12)

- Please provide specific details about the Relevant Person's needs relating to personal welfare decisions in the space provided.
- Examples of relevant types of decisions are listed in Section K on the form.

! Property and Affairs Decisions (Pages 13-20)

Only complete Sections L-Q if your application relates to decisions about the Relevant Person's property and affairs. Otherwise continue to Section R.

If you are providing property and financial information on your form, please include specific details, for example, if relevant, any Folio and Account number(s).

Section L: Relevant Person's needs - Property and Affairs Decisions (Pages 13-18)

- Spaces are provided for a number of different types of decisions in Section L.
- Examples of types of decisions are listed on the form in each part of this section.

If any part of Section L is not applicable, enter "N/A" or "Not applicable" in the spaces provided and continue to the next part of the section.



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section M: Relevant Person’s assets (Page 18)

An asset is something that holds financial value.

- To the best of your knowledge, enter details of the Relevant Person’s assets in the spaces provided.

Examples of assets could include a house, land, vehicles, cash (bank account), shares, insurance or pension plans, jewellery or art.

If any of these assets have payments outstanding, are subject to a mortgage, loan or hire purchase agreement, or are not fully owned by the Relevant Person, tick ‘Yes’ and provide details in the space provided.

M) Please provide a summary, so far as you know, of the nature and approximate value of the Relevant Person’s assets:

Description of asset:	Estimated value (€):
Total Estimated value (€):	

Are any of these assets subject to a mortgage, charge or third party rights? Yes No

If yes, please give details:

Section N: Relevant Person’s liabilities (Page 19)

A liability is any debt or obligation that the Relevant Person owes.

- To the best of your knowledge, enter details of the Relevant Person’s liabilities in the spaces provided.

Examples of liabilities could include a loan, mortgage or debts.



Part 2 of this guide provides some useful resources and guidance to help you complete some of the complex sections of the Statement of Particulars form (Form 55B).

Section O: Relevant Person's income (Page 19)

To the best of your knowledge, enter details of the Relevant Person's monthly income in the spaces provided.

Examples of income could include payments received in the form of wages, social protection, pension, rent or subsidies.

When completing Section O and Section P of the form, enter the Relevant Person's income and outgoings in monthly amounts.

If they have payslips or bills that come every two weeks, each month, or at a different interval, use the table to the right to help you figure out how to convert those numbers in to monthly amounts using a calculator.

Calculating Monthly Amounts	
If you have weekly figures	Multiply by 4.3
If you have fortnightly figures	Multiply by 2
If you have quarterly figures	Multiply by 3
If you have yearly/ annual figures	Divide by 12

Section P: Relevant Person's monthly outgoings (Page 20)

To the best of your knowledge, enter details of the nature and approximate amount of the Relevant Person's monthly spending in the spaces provided.

Examples of monthly spending could include household bills, nursing home care costs, rent or monthly loan or mortgage repayments.



For more information on what happens after you complete your Capacity Application forms, including preparing for Court, please see [After you have completed your Capacity Application forms](#)



Guide 1
Before you
make a Capacity
Application



Guide 2
Completing
your Capacity
Application forms



Guide 3
**After you have
completed
your Capacity
Application forms**



For more information about ADMC, please visit the [ADMC section](#) of the Courts website.