

Your Guide to

# a Decision- Making Representation Order



seirbhís tacaíochta  
cinnteoireachta

decision support service

**IMPORTANT:** This guide does not constitute a statement of the law or the provisions under the Assisted Decision-Making (Capacity) Act 2015 (as amended) or any ancillary or related legislation. Please do not rely on it for legal advice.

# Contents

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<b>1. About this guide</b>	<b>4</b>
What is this guide about?	5
Who is this guide for?	5
When should you read this guide?	5

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<b>2. About the Decision Support Service</b>	<b>7</b>
What is capacity?	8
What are decision support arrangements?	8
What types of decision support arrangements are available?	9

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<b>3. Before an application is made to court</b>	<b>10</b>
What is a decision-making representation order?	11
What are the benefits of having a decision-making representation order?	11
Who can make one?	11
Would another arrangement be more suitable?	12
Can your family and friends still help you with decisions?	12
Can you have another decision support arrangement if you have a decision-making representation order?	12
Can you make decisions by yourself if you have a decision-making representation order?	13
How long does it last?	13

---

<b>4. Why people make applications to court</b>	<b>14</b>
Why would an application be made to court?	15
When would an application be made to court?	15
Who makes an application to court?	15

---

<b>5. About a capacity application to court</b>	<b>16</b>
How does the applicant make an application to court?	17
What information does the applicant need to give to the court?	17
Can you get legal aid?	17
What if you don't want a lawyer?	17

# Contents

Can you attend the court hearing?	18
Does anyone need to be told about the application?	18
How much does it cost to make one?	18
<hr/>	
<b>6. About a decision-making representation order</b>	<b>19</b>
What decisions can be included in a decision-making representation order?	20
What else can be included in a decision-making representation order?	20
<hr/>	
<b>7. About a decision-making representative</b>	<b>22</b>
Who is a decision-making representative?	23
What happens if you do not have someone to be your decision-making representative?	23
What happens if your decision-making representative is chosen from the panel?	23
What does a decision-making representative do?	24
Are there any decisions your decision-making representative cannot make?	24
Who supervises your decision-making representative's activities and how?	24
What happens if your decision-making representative is unwilling or unable to do their job?	25
Does a decision-making representative have to keep records?	25
Does a decision-making representative have to submit reports to the Decision Support Service?	25
Can your decision-making representative access your personal information?	26
What sort of information will your decision-making representative need to access?	26
Who will your decision-making representative need to contact?	27
Does your decision-making representative get paid?	27
<hr/>	
<b>8. After a decision-making representation order is made</b>	<b>28</b>
What happens after the court makes an order?	29
Can you get a copy of the order?	29
Who can find out if you have a decision-making representation order?	29

Can someone make a complaint about your decision-making representative?	30
Can you change or cancel the decision-making representation order?	30
Will the decision-making representation order be reviewed?	30
Are there any other circumstances where the decision-making representation order will end?	31
<hr/>	
<b>9. Other orders the court can make</b>	<b>32</b>
What if there is an urgent issue?	33
Can the court make any other orders?	33
What if the court thinks the person does not need a decision-making representative?	33
<hr/>	
<b>10. Where I can find further information</b>	<b>34</b>

# **1** About this guide

## What is this guide about?

At different times in our lives, we all need to make decisions. We make important decisions about our finances, property, employment, accommodation, healthcare and social supports.

Decision support arrangements are legally recognised arrangements made under the Assisted Decision-Making (Capacity) Act 2015 (as amended) (the Act) for people who need support to make certain decisions.

This guide tells you about what you need to know if you or your loved ones are the subject of a **decision-making representation order**, following a court application.

In this type of arrangement, following a declaration about a person's capacity to make certain decisions, the court may appoint a decision-making representative, giving them the legal authority to make certain decisions on the person's behalf.

## Who is this guide for?

This guide is written for people who are the subject of a capacity application to court, have had a decision-making representation order made about them, or want to know more about this type of decision support arrangement. It may also be helpful for the family, friends and carers of a person who has a decision-making representation

order or is in the process of applying for one.

If you are applying to be a decision-making representative or have been nominated as one as part of an application to court, we recommend reading the *Code of Practice for Decision-Making Representatives* which is available on our website [decisionsupportservice.ie](http://decisionsupportservice.ie).

Guidance for professionals or organisations interacting with a person who has a decision-making representation order, or their decision-making representative, is also available on our website.

## When should you read this guide?

It may be useful for you to read this guide if there is currently or may shortly be an application to court about your capacity to make certain decisions. It may also be useful for you if the court has appointed a decision-making representative to make decisions on your behalf.

It might be a good idea to ask someone you trust to read through it with you. This is because it contains important information that you should know about:

- The things that need to be considered before an application is made to court

# 1. About this guide

- The types of decisions you can get help with
- What the person appointed to help you can and cannot do and what their responsibilities are
- What happens after a decision-making representation order is made
- Other things the court can do



# **2** About the Decision Support Service

## 2. About the Decision Support Service

The Decision Support Service was established under a law called the Assisted Decision-Making (Capacity) Act 2015 (as amended). We are part of the Mental Health Commission but have a separate role.

We provide an essential service for people who may need support to make certain decisions about their personal welfare, property and affairs.

This may include, for example, people with an intellectual disability, acquired brain injury, mental health difficulty or dementia.

The Decision Support Service also provides services for people who want to plan for a time when they might lose their capacity.

Some of our key functions include:

- Promoting awareness and providing information
- Registering decision support arrangements
- Supervising the actions of decision supporters
- Investigating complaints
- Maintaining a panel of suitable persons who assist us in our functions

You can find out more about the Decision Support Service and the new law on our website [decisionsupportservice.ie](http://decisionsupportservice.ie).

### What is capacity?

Capacity, or 'decision-making capacity' means your ability to make decisions. When we talk about capacity, we mean your ability to make a specific decision at a specific time.

Some people have capacity to make some decisions (for example, relating to their healthcare) but not others (for example, about their finances or selling a property). Some people need someone to help them to exercise their capacity, this may be by providing them with information, or helping them to communicate.

### What are decision support arrangements?

**Decision support arrangements** are legally recognised arrangements for people who need support to make certain decisions. This can include, for example, decisions about finances, property, employment, accommodation, healthcare and social supports.

There are five different decision support arrangements available. These arrangements are based on the different levels of support that a person requires to make a specific decision at a specific time.

Under these arrangements, people can be appointed as **decision supporters**. A decision supporter has the legal authority to help with certain decisions about a person's personal welfare, property and money matters. The type of support they can provide depends on the decision support arrangement in place.

A person's needs may change over time. The different levels of decision support arrangements available means they can be changed, cancelled or replaced by another type of arrangement, depending on the person's capacity and needs.

## What types of decision support arrangements are available?

There are three types of arrangements for people who currently, or may shortly, face challenges when making certain decisions:

- Decision-making assistance agreement
- Co-decision-making agreement
- Decision-making representation order

Each of these arrangements provide a different level of support, with a decision-making assistance agreement being the lowest and decision-making representation order being the highest.

There are also arrangements available for people who do not currently face difficulties when making decisions but wish to plan for a time when they might:

- Advance healthcare directive
- Enduring power of attorney

An advance healthcare directive can include decisions about a person's treatment decisions.

An enduring power of attorney can include decisions about the person's personal welfare and their property and money matters.

This guide tells you what you need to know about a decision-making representation order and how it is made. You can find out more about the other types of decision support arrangements on our website [decisionsupportservice.ie](https://www.decisionsupportservice.ie).

# **3** Before an application is made to court

## **What is a decision-making representation order?**

If the court finds that a person lacks capacity to make certain decisions, they may make a decision-making representation order, appointing a decision-making representative to make specific decisions on behalf of the person.

A decision-making representation order is a substitute decision-making arrangement. This means the decision-making representative is the person responsible for making the decisions included in the order.

The court makes the decision-making representation order and appoints a decision-making representative. The Decision Support Service is then responsible for registering the arrangement and supervising the decision-making representative.

## **What are the benefits of having a decision-making representation order?**

The benefit of a decision-making representation order is that if you are not able to make certain decisions yourself, a person is appointed to ensure those decisions are made on your behalf. Your decision-making representative acts as your agent.

Your decision-making representative must at all times respect and try to give effect to your will and preference. This means they must make best efforts to find out what decision you would have made in the same situation.

A decision-making representation order can provide certainty to your family and loved ones, as it is clear who has responsibility to make decisions on your behalf.

A decision-making representation order may help to ensure your property and assets are preserved if you are no longer or unexpectedly unable to maintain them yourself. A decision-making representative may also be given responsibility to provide for the needs of others, as you would have done.

The benefit of a decision-making representation order is that it is as limited in scope and duration as is strictly necessary. It is not a full authorisation for someone to make all decisions on your behalf.

## **Who can make one?**

Only the court can make a decision-making representation order. The court may consider making a decision-making representation order following a declaration that you do not have the capacity to make certain decisions.

## 3. Before an application is made to court

### Would another arrangement be more suitable?

Before an application is made to court, the person making the application must make sure all steps have been taken to provide you with the support you need in a less intrusive manner. This may include through supported decision-making arrangements such as a decision-making assistance agreement or co-decision-making agreement or through other informal mechanisms that would allow you to keep control of those decisions in your life.

The court must be satisfied that this is the only appropriate and practical option remaining before they will consider making an order.

### Can your family and friends still help you with decisions?

If you do not have a decision-making representation order, your family and friends may still be able to help when you are making decisions. They may also be able to help you with decisions that are not covered by the decision-making representation order. For example, they may be able to help you get information about your options and help you to understand information about the decisions you are making.

However, they may not have the legal authority to do certain things for you. For example, they will not be able to request your information from a bank or a service provider for you unless they are given specific permission. They will not be able to make decisions for you, or together with you.

### Can you have another decision support arrangement if you have a decision-making representation order?

You can have a decision-making representation order even if you already have another decision support arrangement registered with us, so long as the specific decision is not already covered.

If your decision-making representation order covers the same decision you have in an existing decision-making assistance agreement or co-decision-making agreement, the decision-making representation order will **nullify** the existing agreement, or part of the agreement. This means it will no longer be valid.

The court cannot include a decision in your decision-making representation order that is already covered by an enduring power of attorney or an advance healthcare directive that you have made.

## **Can you make decisions by yourself if you have a decision-making representation order?**

The law says that any of the decisions that are included in the decision-making representation order must be made by your decision-making representative. If you make any of these decisions by yourself, they will not be valid.

You can still make decisions that are not included in the order by yourself unless these decisions are separately covered by another arrangement, such as a co-decision-making agreement (where decisions must be made jointly).

## **How long does it last?**

The law says the court may state in the order how long it will last for. The court's declaration that the person lacks capacity and needs a decision-making representative is reviewed periodically by the court.

A decision-making representation order is kept under review to ensure that it is working well and to consider whether it needs to be changed or cancelled.

# **4** Why people make applications to court



## Why would an application be made to court?

If a person lacks capacity to make certain decisions, the court may appoint a decision-making representative to make decisions on their behalf.

This means, if there is a concern that a person is unable to make certain decisions which need to be made, even with the support of a decision-making assistant, or co-decision-maker, and that person has not previously made an enduring power of attorney or advance healthcare directive for those particular decisions, the court may be required to take action.

## When would an application be made to court?

This is an action of last resort. It may be necessary from time to time to ensure that the person's will and preferences are respected and that their property and affairs are preserved for their benefit.

An application to court may be made when the applicant believes that a person no longer has the capacity to make decisions within an existing decision support arrangement.

An application to court may also be made when a person suddenly and unexpectedly loses capacity to decide about certain matters, for example, as a result of an accident or injury and has not put an enduring power

of attorney or advance healthcare directive in place.

An application to court may be needed if the person who was providing support is no longer willing or able to continue providing such support for any reason, including illness or death, and the person is not able to make certain decisions without support. Where no other person is willing or able to provide support, an application may need to be made to court.

## Who makes an application to court?

The law sets out a list of people who can make an application to court for a declaration about a person's capacity without needing to get the court's permission first. These are:

- the relevant person
- the Director of the Decision Support Service
- the person's spouse, civil partner or cohabitant
- the person's adult child
- an existing decision supporter for the relevant person

The law says any other adult with a genuine interest in the welfare of the person can make an application to court, but they must get the permission of the court first.

# **5** About a capacity application to court

## How does the applicant make an application to court?

An application to court is made by an **originating application** to court. The process for making an application is written down in Court Rules.

There is a specific application form called a Capacity Application that must be completed, which includes information about:

- who is making the application and their connection to you
- the reason for the application
- the benefit to you in making the application
- why less intrusive options cannot be taken

Most applications are made to the Circuit Court. However, if the application relates to specific matters, it must be made to the High Court. These include:

- a decision relating to organ donation
- a decision relating to the withdrawal of life sustaining treatment

For further information, you can contact the Courts Service, or look on their website [courts.ie](https://courts.ie).

## What information does the applicant need to give the court?

A number of different documents will be required as part of the court application. These are described in Court Rules and may include:

- the Capacity Application
- an affidavit (a sworn statement) by the person making the application
- a report by a doctor or other healthcare professional
- a report by any other person that might be relevant or helpful to the court

## Can you get legal aid?

Legal aid is available for you as the subject of the court application.

There may be provision for legal aid for other applicants and people involved in court proceedings relating to the Act.

For further information, you can contact the Legal Aid Board, or look on their website [legalaidboard.ie](https://legalaidboard.ie).

## What if you don't want a lawyer?

If you do not want a lawyer to help you, you may be able to ask your decision supporter, or another person (like an independent advocate) to help you throughout the court process.

## 5. About a capacity application to court

### Can you attend the court hearing?

You have the right to go along to any court hearing where you are the subject of an application to determine or review your capacity to make certain decisions.

You can let the judge know your views and if you have any preferences about who your decision-making representative should be.

### Does anyone need to be told about the application?

Yes, the law says certain people must be told about the application to court. This includes:

- you as the relevant person
- your spouse or civil partner
- any existing decision supporter you may have
- any other person specified by the court in an existing order

### How much does it cost to make one?

The fees for a court application are set by the Courts Service. The specific fee for a Capacity Application is the same as a standard civil application. There may be other fees and costs relating to the other reports and documents required. These fees may be covered by legal aid if you are eligible.

More information on fees can be found on the Courts Service website [courts.ie/court-fees](https://courts.ie/court-fees).

# **6** About a decision-making representation order

## 6. About a decision-making representation order

### What decisions can be included in a decision-making representation order?

The decisions your decision-making representative may be required to make on your behalf come under two categories:

- **personal welfare** decisions
- **property and affairs** decisions

If the court has asked your decision-making representative to make personal welfare decisions for you, they will say which decisions they are responsible for.

This may include decisions about where you live, where you work, social activities you are involved in, or medical treatment you need. The court may ask your decision-making representative to make a specific decision, for example, about moving into a nursing home or care facility.

If the court has asked your decision-making representative to make property and financial decisions for you, they will say which decisions they are responsible for.

This may include decisions about your day-to-day spending and your property, managing your debts, or benefits you may be entitled to. The court may ask your decision-making representative to make a specific decision, for example, about the sale of a property you own.

If your decision-making representative is responsible for decisions about your property and money matters, they may have to make sure your rent or mortgage gets paid and set up direct debits for your bills.

If you were awarded a sum of money, for example through court proceedings, or an inheritance, your decision-making representative may have to make decisions about how that money is spent or invested.

### What else can be included in a decision-making representation order?

The court will say what functions your decision-making representative will have and the decisions they have to make.

The court order will be as limited in scope and duration as possible. This means it will only last for the length of time that it is really needed and will only include decisions you cannot make for yourself.

The court order will include:

- The relevant decisions your decision-making representative is responsible for
- The powers given to your decision-making representative
- The duties imposed on your decision-making representative

- Any special conditions or rules they need to follow
- How long they will be your decision-making representative for, where relevant
- Whether or not they will be paid for their role

# **7** About a decision-making representative



## Who is a decision-making representative?

If the court finds that you lack capacity to make certain decisions, they may appoint a person to be your decision-making representative, to make those decisions for you. Generally, the court will try to appoint someone you know and trust as your decision-making representative.

The court must consider your will and preferences when deciding who should be your decision-making representative. The court must consider your family relationships and whether a person who is proposed as your decision-making representative has a conflict of interest.

The court must also consider how complex the decisions are and whether a proposed decision-making representative will have expert help available if they need it.

Your decision-making representative acts as your agent. That means they can take certain actions on your behalf, like signing documents and giving consent.

The court will say what types of decisions your decision-making representative can make.

Even though your decision-making representative is required to make decisions on your behalf, they must give effect to your wishes and preference and values and beliefs as much as possible. They are also

required to support and encourage you to participate in the decision-making process as much as you are able.

## What happens if you do not have someone to be your decision-making representative?

If you do not have a suitable and willing person to act as your decision-making representative, the court may ask us, the Decision Support Service, to nominate two people from our panel of decision-making representatives. The court will choose one of these people to act as your decision-making representative.

## What happens if your decision-making representative is chosen from the panel?

If a decision-making representative is chosen by the court from our panel, that person will contact you to explain what their role will be. This will be a good opportunity for you and your decision-making representative to get to know each other.

A decision-making representative appointed from the panel has the same functions and responsibilities as a decision-making representative who is known to you.

You should talk openly about your wishes and preferences with your decision-making representative. This will help them in their role.

## 7. About a decision-making representative

Your decision-making representative will also talk to relevant people in your life to gain an understanding of your past and present wishes and preferences and the things that are important to you.

If your decision-making representative is on our panel, they will have to follow our Code of Conduct and it is our role to supervise them.

### What does a decision-making representative do?

Your decision-making representative will try to make the decisions you would have made if you were able to. It does not matter what their personal views are, or whether they disagree with your wishes.

Your decision-making representative, as far as possible, must respect and carry out your **will** (wishes) and **preferences** for any relevant decisions. Your decision-making representative should also help you to communicate your wishes as much as you are able.

A decision-making representative will make the relevant decisions for you and take steps to ensure they are acted on.

### Are there any decisions your decision-making representative cannot make?

Your decision-making representative cannot make any decisions that were not included in your decision-

making representation order made by the court. For example, if your decision-making representation order only says that your decision-making representative can make personal welfare decisions for you, then they are not allowed to make any decisions about your property and affairs.

Your decision-making representative cannot make decisions that would result in a **conflict of interest**. This means they cannot, for example, invest your money in a business they own, unless this was clearly stated as your will and preference.

Your decision-making representative cannot prevent you from having contact with a particular person. They cannot make decisions about life-sustaining treatment. They need the permission of the court to make certain types of decisions about your property. They do not have authority to detain or restrain you.

### Who supervises your decision-making representative's activities and how?

The Decision Support Service supervises your decision-making representative's activities, by having them send reports to us. We will review these reports and may take further steps if we identify any issues or concerns.

We can send a **special visitor** or **general visitor** to visit you and your decision-making representative to check if the arrangement is working the way it should. They can check whether the decision-making representative is doing their job as set out in the decision-making representation order and whether they are following the law and the *Code of Practice for Decision-Making Representatives*.

The visitor may request specific information from your decision-making representative, including documentation relating to expenses or payment they have claimed or specific decisions they have made for you to make sure they are doing their job.

### **What happens if your decision-making representative is unwilling or unable to do their job?**

If your decision-making representative is no longer willing or able to do their job, they will need to inform the court and let us know in writing. The court will determine whether or not the decision-making representation order will need to be discharged. This means it will be cancelled.

The court will also consider whether they need to make a new order or appoint a new decision-making representative to help you to make sure you have continued support if required.

### **Does a decision-making representative have to keep records?**

Yes, your decision-making representative must keep a record of their functions and activities supporting you and making decisions on your behalf. They must keep a record of key decisions made and who was consulted as part of the decision-making process.

They must keep a record of transactions made on your behalf and expenses and payment claimed as part of their role.

They must keep a record of how they involved you in the decision-making process and the steps they took to ensure they were making decisions in line with your will and preferences, to the greatest extent possible.

### **Does a decision-making representative have to submit reports to the Decision Support Service?**

Yes, your decision-making representative will have to submit regular reports to us. They will let us know about the activities undertaken and transactions made across the reporting period.

If your decision-making representative has been appointed to make decisions about your property and affairs, they will also have to submit certain reports about your finances and accounts.

## 7. About a decision-making representative

We will review these reports and may ask for further information, if needed.

### Can your decision-making representative access your personal information?

Your decision-making representative may need to access some of your confidential information to make decisions on your behalf that are included in the decision-making representation order. For example, they may need to see information or records from your bank or a service provider.

However, they must only get information that is needed to make the decision and only use it for that purpose. They must also keep your information safe and secure.

### What sort of information will your decision-making representative need to access?

Your decision-making representative may need to gather certain information about you and your life. They will only access information that they need to allow them to do their job. If the decision-making representation order only covers a limited number of decisions, they may not need as much information.

If your decision-making representative is responsible for a range of decisions relating to your property and affairs and/or personal welfare, they may

need to access a range of documents and information. This may include:

- Important documents, like your will, birth certificate, passport insurance papers, deeds to property etc.
- Details of your doctor, dentist, lawyer, accountant and any other professionals you use
- Details of relevant medications, treatments and therapies you need
- Social supports or health and social care services you use
- Any people or professionals you have previously engaged with to make relevant decisions
- Details of your bank and bank accounts and any investments you have
- Details of any mortgages, loans or debts you have
- Details of regular payments you make to provide for the needs of other people
- Regular gifts or donations you make to charity

Your decision-making representative may involve people who know you well when gathering information. This is a helpful way for them to get to know you better.

If you have a condition or long-lasting difficulty which affects your decision-making capacity. Your decision-

making representative should find out about any particular difficulties that you have in making or communicating decisions so that they can support you as much as possible.

Your decision-making representative should gather information about any services you are receiving. For example, medical treatment, training programmes, and social groups.

### **Who will your decision-making representative need to contact?**

Your decision-making representative will need to contact people and organisations you are involved with to let them know that they are the person who will be making decisions for you.

For example, your decision-making representative may need to contact your bank, accountant, solicitor, doctor, or other healthcare providers.

Your decision-making representative will only share information with these people and organisations if your decision-making representation order says they can.

Your decision-making representative must also tell these people and organisations where your decision-making representation order does not apply. If you have capacity for certain decisions, your decision-making representative must ensure that your decisions are respected.

### **Does your decision-making representative get paid?**

The court will decide whether or not your decision-making representative should be paid for their role.

The court can allow a decision-making representative to be paid for work done or services provided in line with their business or profession. For example, this means if your decision-making representative is a lawyer or an accountant and does work for you as part of their job, they may be paid for that work.

In general, if payment is allowed it will be taken from your estate and assets. We will supervise and monitor all payments to ensure they are appropriate and in line with the court order and our guidelines.

They can also be repaid for any reasonable costs and travel expenses they incur when performing their functions. This money is taken from your assets. They must keep receipts and records in relation to any costs and expenses and submit these as part of their regular reports to us.

The court may decide that it would not be appropriate for a decision-making representative who is appointed from our panel to be paid and reimbursed from your estate and assets. Instead, the court can order that the panel decision-making representative is paid and reimbursed by the Decision Support Service.

# 8 After a decision-making representation order is made



## **What happens after the court makes an order?**

After the court makes the order, they will send us a copy within the next few days. We will review the order and make a record of it. The order will be added to our register, called the *Decision Support Service Register of Decision-Making Representation Orders*.

Your decision-making representative's authority to make decisions on your behalf is taken from the court order. If a third party or organisation needs proof that your decision-making representative has the authority to support you, either you or your decision-making representative can provide them with a copy of the order.

If you have other decision support arrangements in place, like a decision-making assistance agreement or co-decision-making agreement, we will review these arrangements and check whether or not they can remain in place or will need to be cancelled.

## **Can you get a copy of the order?**

We will send you and your decision-making representative a copy of the decision-making representation order as registered on our system. It will look a bit different from the original court order but contains all the same information.

You or your decision-making representative can download a certified copy of your decision-making representation order at any time on our online portal by logging into your accounts.

## **Who can find out if you have a decision-making representation order?**

We will maintain a register of decision-making representation orders. The purpose of the register is to make people aware of your decision-making representation order and the authority of your decision-making representative, where appropriate.

Approved persons and organisations can apply to have access to search the register, for example, lawyers, healthcare professionals, finance professionals, registered nursing homes, banks and general practitioner practices. Approved persons and organisations will be able to view details of your decision-making representation order, or get a copy of the arrangement, as needed.

In addition, any person may request to search the register on the grounds that they have a legitimate interest in a decision, or in the arrangement. We will review each request to determine whether to grant access to the arrangement, or certain decisions in the arrangement.

## 8. After a decision-making representation order is made

We will keep a record of any person or organisation that searches the register or receives a certified copy of an arrangement.

### Can someone make a complaint about your decision-making representative?

Yes. Any person, including you, can make a complaint about your decision-making representative.

A complaint about your decision-making representative or about your decision-making representation order must be for one of the following reasons:

- the decision-making representative is acting in a way that the law or the decision-making representation order does not allow, for example, by trying to make decisions that are not included in the decision-making representation order
- the decision-making representative is not suitable or is no longer eligible for the role

### Can you change or cancel the decision-making representation order?

Only the court can change or cancel the court order.

If the decision-making representation order is about you, you can ask the court to review the declaration they made about your capacity at any time after the order has been made.

You or the people who had to be notified about the application to court may apply to the court to ask the court to change or cancel the decision-making representation order.

### Will the decision-making representation order be reviewed?

Yes, the court will review the declaration they made about your capacity when the decision-making representation order was made. They will do this 12-months after they made it and again at least every 3 years.

The court can then make the following orders:

- change or cancel the declaration about your capacity
- change or cancel the decision-making representation order
- give directions to make the order more effective



## Are there any other circumstances where the decision-making representation order will end?

Your decision-making representation order will end:

- the day after the end date or duration written down in the order
- if your decision-making representative becomes disqualified or is otherwise prevented from continuing in their role. In this case, the court will consider whether or not another decision-making representative should be appointed
- If your decision-making representative is your spouse, partner or cohabitant and your marriage, civil partnership or cohabitation ends
- if your decision-making representation order says that you can make a co-decision-making agreement if you find someone willing and able to be your co-decision-maker

# 9 Other orders the court can make

## What if there is an urgent issue?

If an urgent issue is identified as part of an application to court and the court has reason to believe the person lacks capacity in relation to that issue, the court may make an **interim order**.

If the court makes an interim order, they will make sure they limit the time and matters within the order.

An interim order may be needed if there is a serious risk to the person or their property and the person is unable to make relevant decisions. For example, it may be a risk:

- to the person's property or affairs, perhaps due to payment arrears
- of the person becoming homeless
- that the person has received an offer of accommodation that will soon expire
- of the person being physically abused or neglected or being exposed to harm
- of the person requiring or refusing medical treatment or services

## Can the court make any other orders?

If the court declares that a person lacks capacity to make certain decisions, they may make an order, in effect making the decision on behalf of the person. This is called a **decision-making order**.

A decision-making order may be made by the court if they believe that the relevant decision is urgent or that it would be practical to do so, for example, if it is the only decision that needs to be made.

## What if the court thinks the person does not need a decision-making representative?

Having reviewed a capacity application the court may decide that a person doesn't need a decision-making representative. The court may decide that the person is capable of making their own decisions.

The court may also declare that the person may be able to make decisions if they had the support of a **co-decision maker**.

A co-decision-maker makes decisions jointly with the person and supports them through the decision-making process. Following such a declaration, the court may pause the court proceedings and offer the person an opportunity to register a co-decision-making agreement.

If the person does not or is not able to register a co-decision-making agreement, the court may make a decision-making representation order and appoint a decision-making representative. In these circumstances the court may say that the decision-making representative needs to make decisions jointly with the person, where possible.

# 10 Where I can find further information

You can find more information about a capacity application and the steps involved in making an application to court on the Courts Service website [www.courts.ie](http://www.courts.ie).

You can contact our Information Services Team on **01 211 9750**.

You can also ask a question on our website, through our online portal **myDSS** or by email to [queries@decisionsupportservice.ie](mailto:queries@decisionsupportservice.ie).





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