



MCS CASE MANAGEMENT LTD
Case Management | Expert Witness

DSS Decision Support Service Information put together by MCS Case Management Ltd – June 2023

Siobhan and I have been keeping a keen eye on the development of the Decision Support Service since our last newsletter. We have attended many courses and webinars. Here is a link to the most informative information we came across. <https://youtu.be/tlcFWOkv8SY>.

Previously, if a person was unable to make decisions about their property, money and other affairs, because of capacity difficulties, their only option was to be made a Ward of Court. This was a legal process set out under the Lunacy Regulation (Ireland) Act 1871.

An application for a person to be made a Ward of Court was made to the High Court. The courts considered whether the person was of 'unsound mind' and 'incapable of managing their own affairs'. When a person was made a Ward of Court, they were no longer legally allowed to make decisions about their lives. This included everyday decisions.

A committee was appointed by the High Court to control the ward's property and money and their overall care. The President of the High Court was required to consent to medical treatment for the ward. A Ward of Court could not leave the country or make a will without the permission of the President of the High Court.

The 2015 Act abolishes the Wards of Court system for adults and replaces it with a regulated and rights-based support framework overseen by the Decision Support Service (the DSS).

The DSS opened their doors on the 26th April 2023. You can find their website here: <https://decisionsupportservice.ie/> <https://decisionsupportservice.ie/news-events/decision-support-service-publishes-codes-practice>

The Office of the Wards of Court continues to be responsible for all ongoing wardship matters during this period of transition.

What will happen to current Wards of Court now?

People over 18 years of age can no longer be made a Ward of Court. All current Wards of Court are currently undergoing review and will be discharged from wardship within three years. As part of this review, the courts must decide whether a current Ward of Court needs a [decision supporter](#). For further information on Wards of Court and the ongoing review process, you can contact the [Office of Wards of Court](#) in the Courts Service.

We will then work with our Wards and their committee to make sure that the transition is as seamless and painless as possible. We have built an excellent team to help us make sure this is the case.

What about wards under the age of 18?

Wards who are aged under 18 will also have their cases reviewed at the appropriate time. If a ward reaches the age of 18 within two and a half years after commencement of the Act, then their case will also be reviewed. This review will be conducted before the end of the three-year transitional period.

Once the three-year transitional period has expired, any ward who subsequently reaches the age of 18, will have their case reviewed within six months.

What next?

As the whole process is still in its infancy, we will continue to monitor the situation and keep you informed.

Visit our website at <https://mcscasemanagement.ie/> or call Natalie on 01 493 6948 for more information about our Case Management Services Nationwide.