



ADM Conference
Cork- December 2024

Reflections on ADMCA Applications in the
Dublin Circuit Court

with His Honour Dr. Judge John O'Connor

Assisted Decision- Making (Capacity) Act 2015 (as amended)

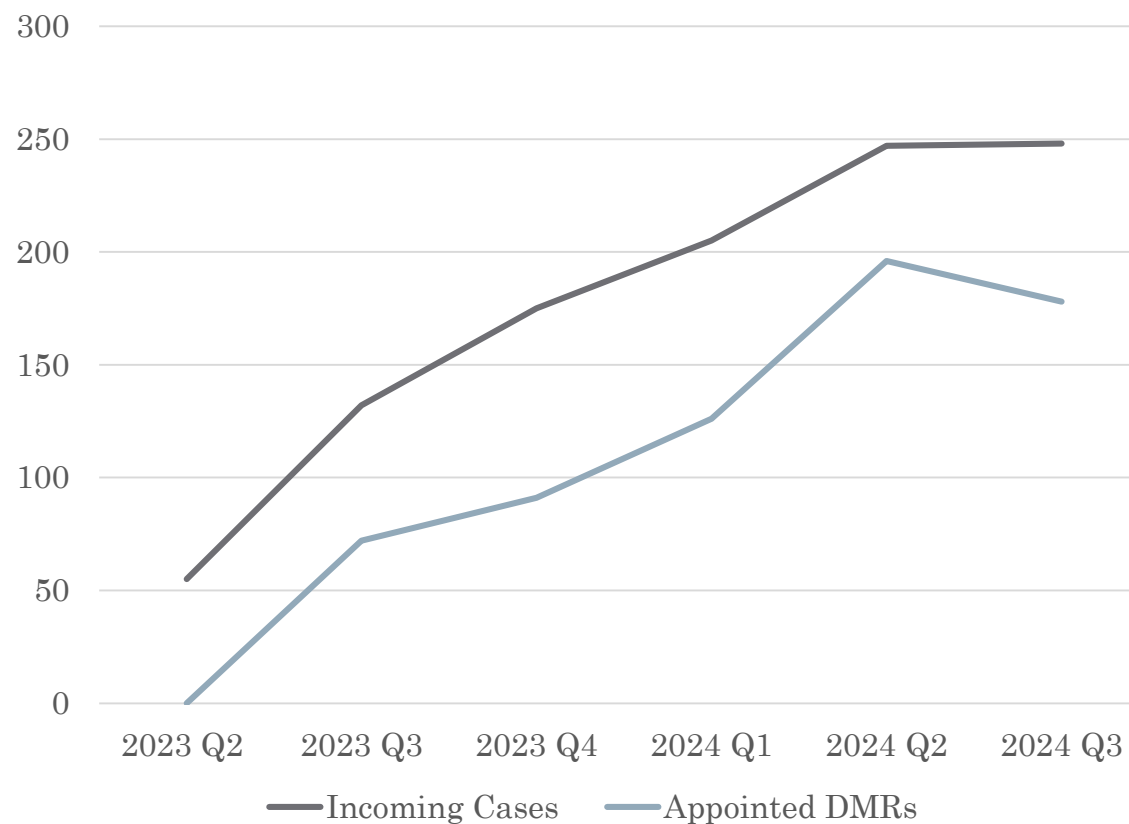
An insight into the courtroom

His Honour Dr. Judge John O'Connor

Dublin Circuit

Assisted Decision-Making (ADM) Cases – Ireland National Overview

- Total incoming Assisted Decision-Making (ADM) cases: **1,062**
- Total appointed Decision-Making Representatives (DMRs): **663**

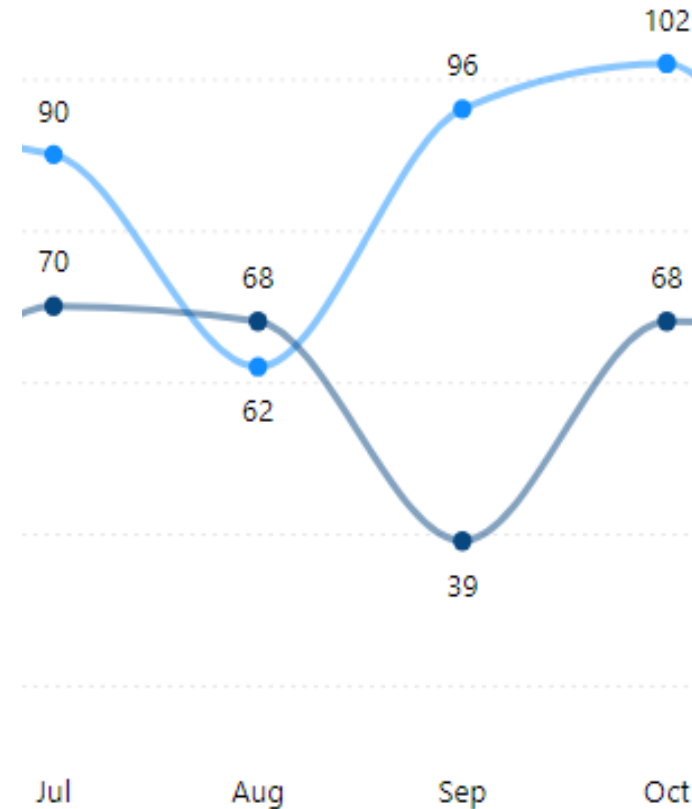


*Quarter 2 2023 to Quarter 3 2024

Ireland National Overview Quarter 3 2024

The most recent quarter
has seen a national total of:

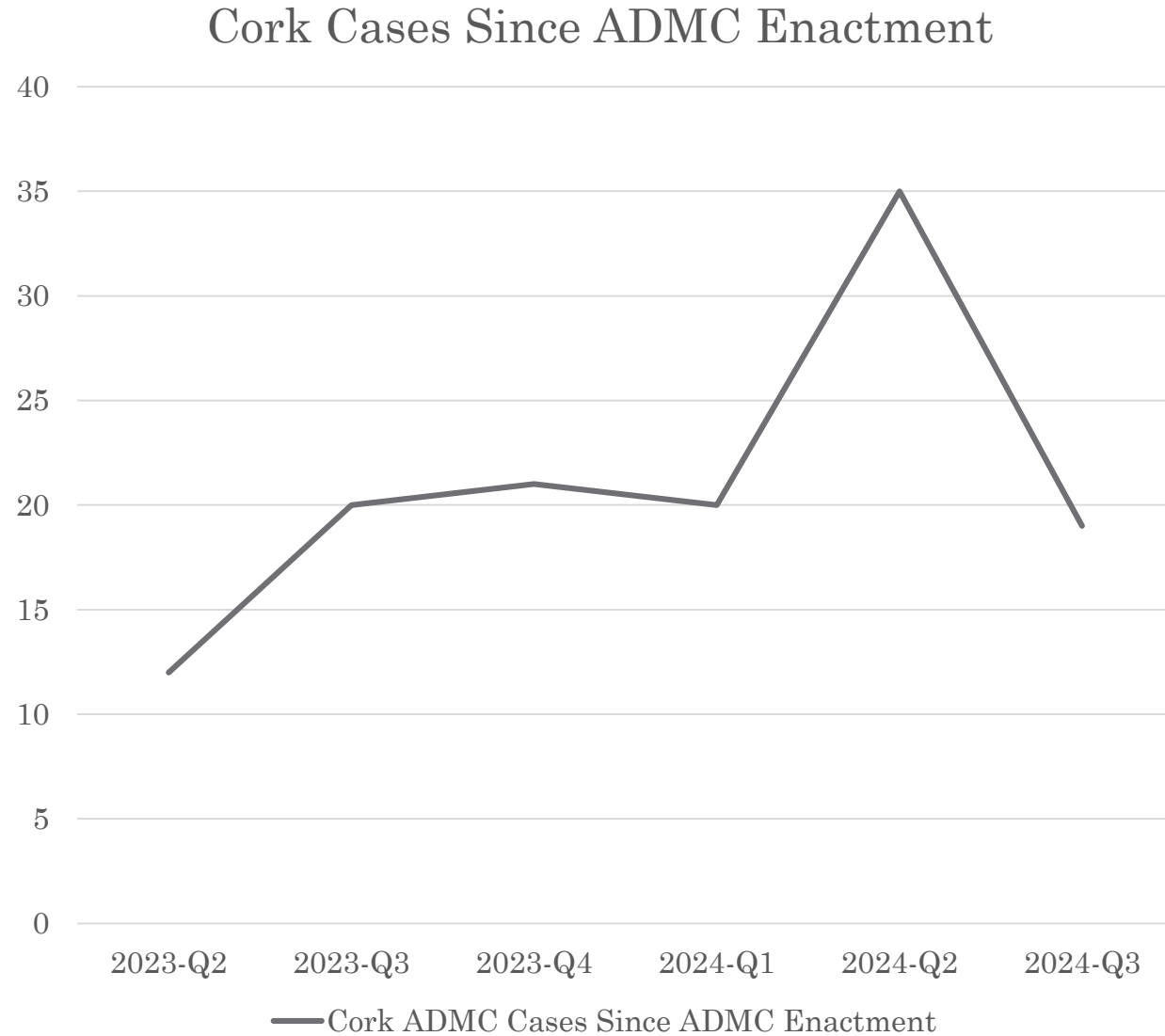
- 248 Incoming Cases
- 178 Appointed DMRs
- 104 Consent Applications



Cork Overview

Cork saw the following incoming case numbers since the enactment of the Assisted Decision-Making (Capacity) Act 2015

- **12** cases in Quarter 2 2023
- **20** cases in Quarter 3 2023
- **21** cases in Quarter 4 2023
- **20** cases in Quarter 1 2024
- **35** cases in Quarter 2 2024
- **19** cases in Quarter 3 2024



Overview of Judge O'Connor's cases

Total number of cases before the Court to date: **334**

DMROs granted to date: **253**

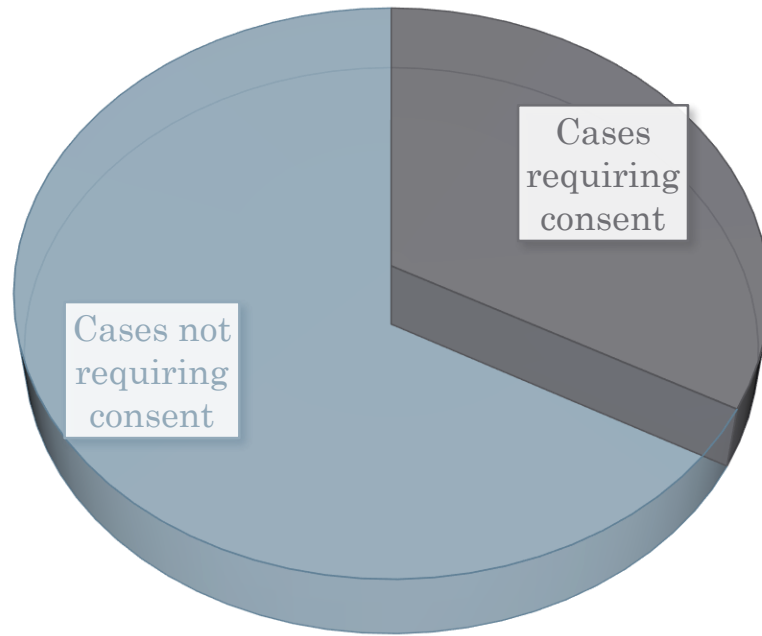
What occurred in the other 66 cases?

- Ex-parte consent application successful but no Capacity Application lodged
- The Relevant Person (RP) passed away
- Co-Decision-Making agreement entered (5 cases)
- Presumption of capacity was not displaced (3 cases)
- Adjourned for further proofs
- Adjourned for Service of Notice Parties

Section 36

Ex-Parte Consent Applications

SECTION 36(3) EX-PARTE CONSENT

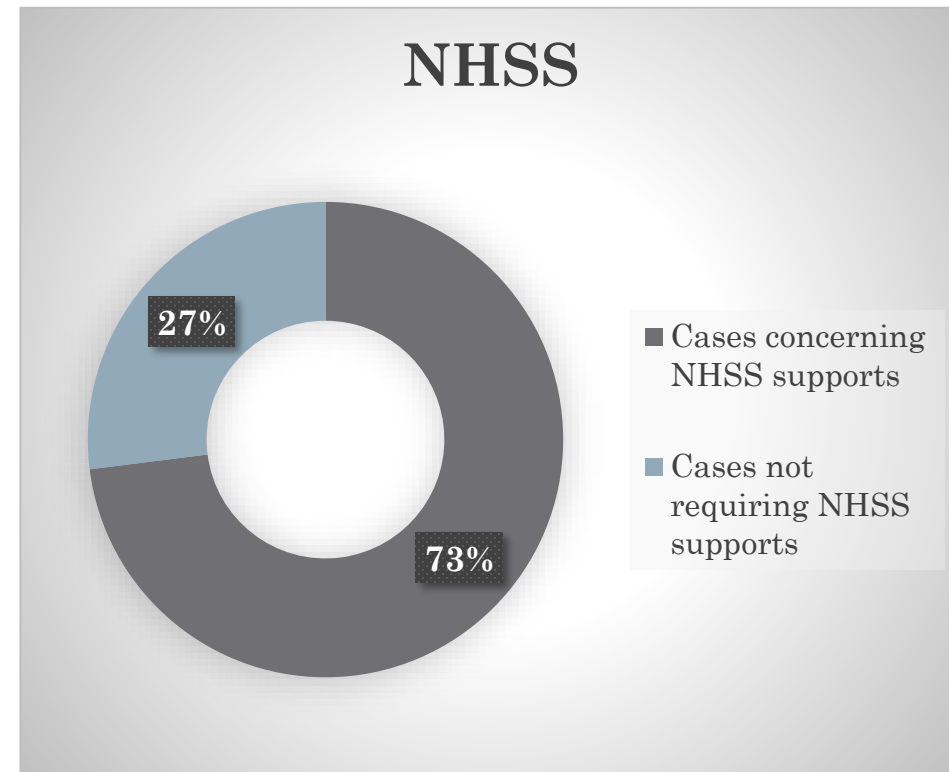


Overview

- 33% of the cases before the Court required the consent of the Court prior to issuing the Capacity Application
- Applications made by hospitals or the HSE account for 44.6 % of the total ex-parte applications
- Other groups included parents, siblings, aunts, cousins, nieces and nephews, sisters-in-law, social workers, and neighbours

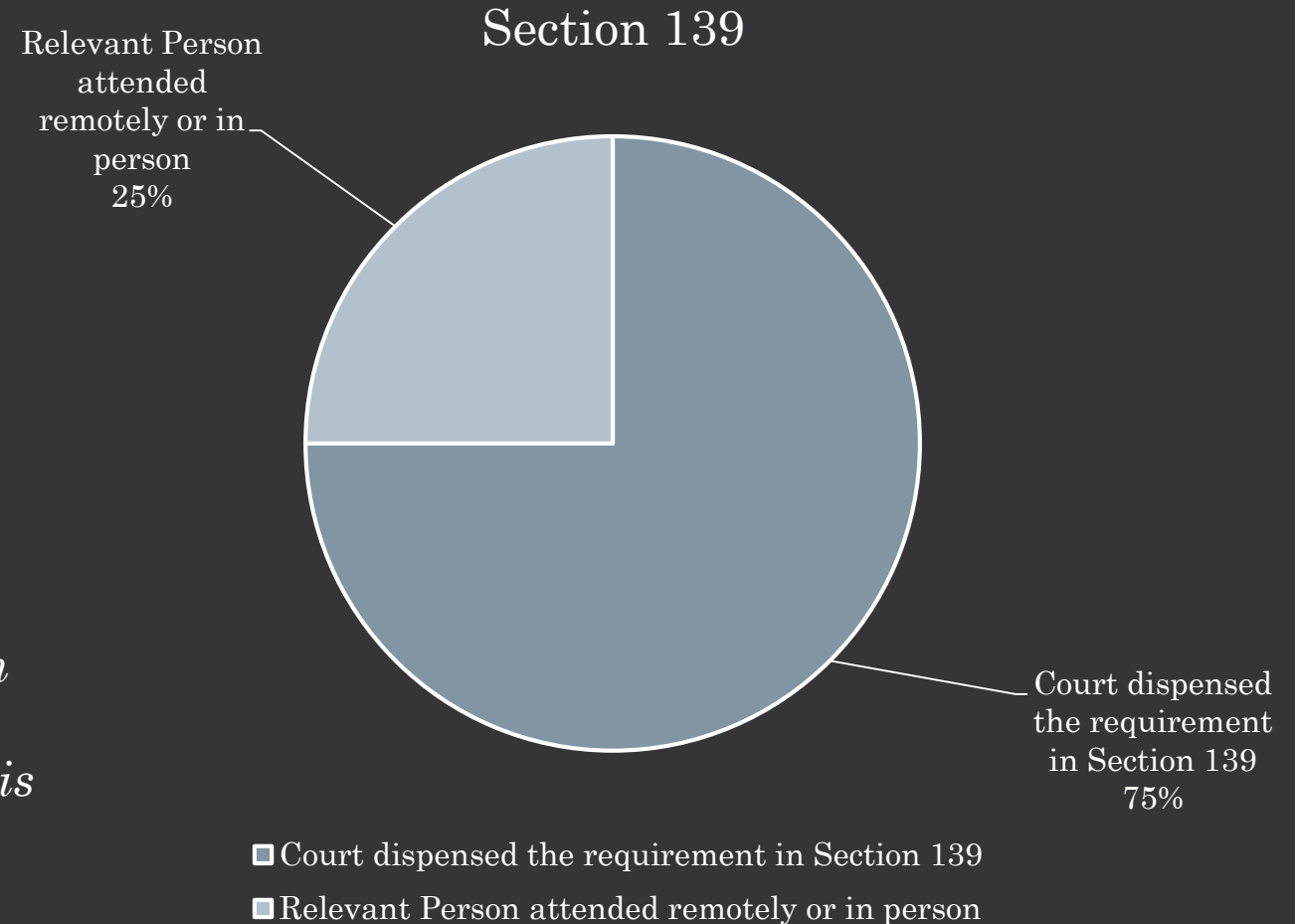
Nursing Home Support Scheme

Of the 334 cases before the Court, **245** applicants sought orders which included, among other powers sought, capability to apply for the Nursing Home Support Scheme

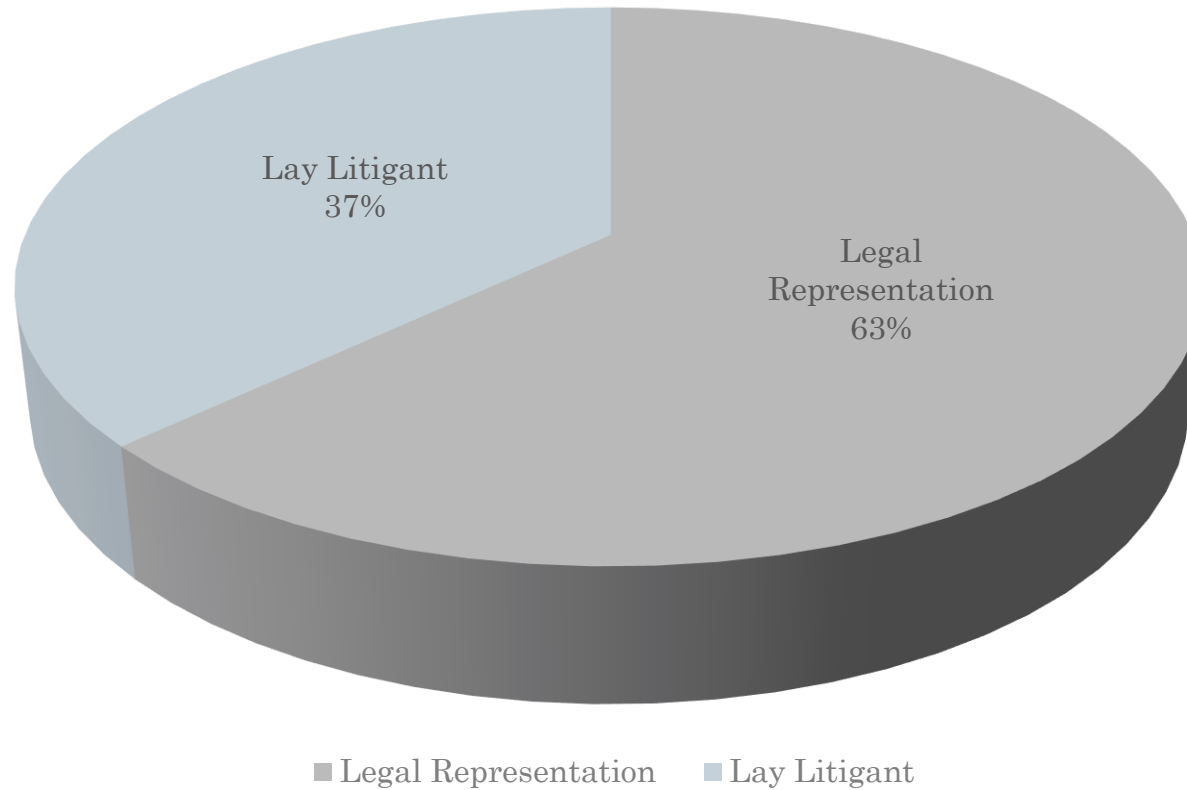


Section 139

*An application to the Circuit Court or the High Court **shall** be heard in the presence of the relevant person, **unless** the Court dispenses this requirement*



Legal Representation - Applicants

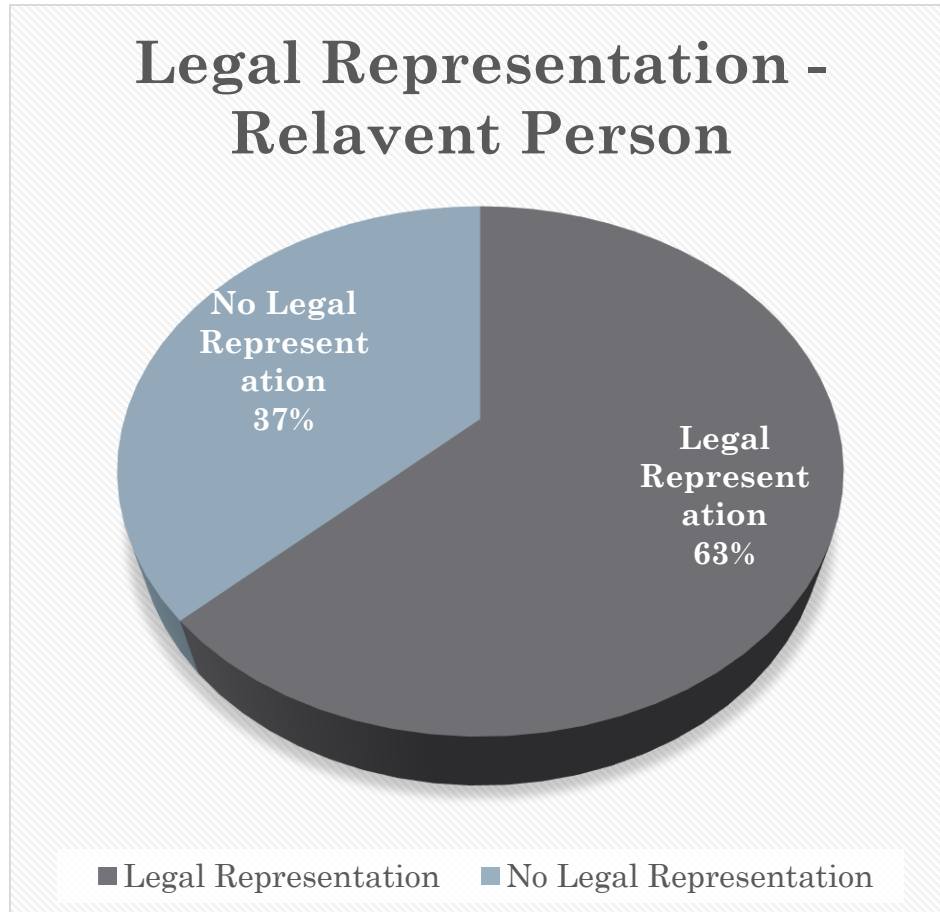


Legal Representation for the Applicant

*Cases before Judge O'Connor from ADMC date of enactment to 31 October 2024

Legal Representation

Relevant Person



The data assessed concerns cases where a DMRO was granted

Legal representation has been held to be distinct from the voice of the RP following the decision of

- In the Matter of KK [2023] IEHC 306

The provision of legal aid for RPs has radically changed the position from the previous analysis of ADMC cases up to the end of January 2024 which saw only 38% of RPs legally represented

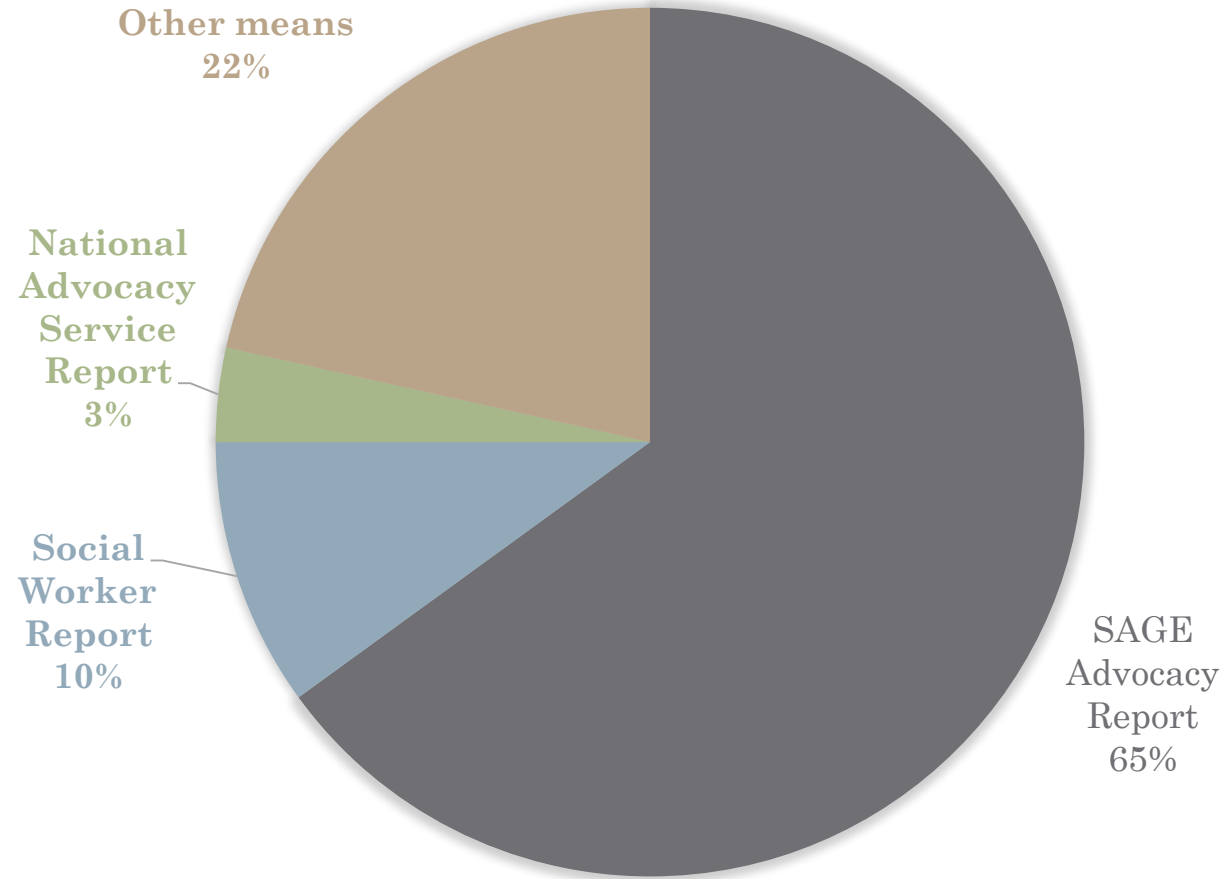
Voice of the Relevant Person

Of the 253 cases where a DMRO was granted, the voice of the RP was communicated via

- SAGE Report in 164 cases
- Social Worker's Report in 26 cases
- National Advocacy Report in 9 cases

In some cases, the RP's voice was heard via a combination of means

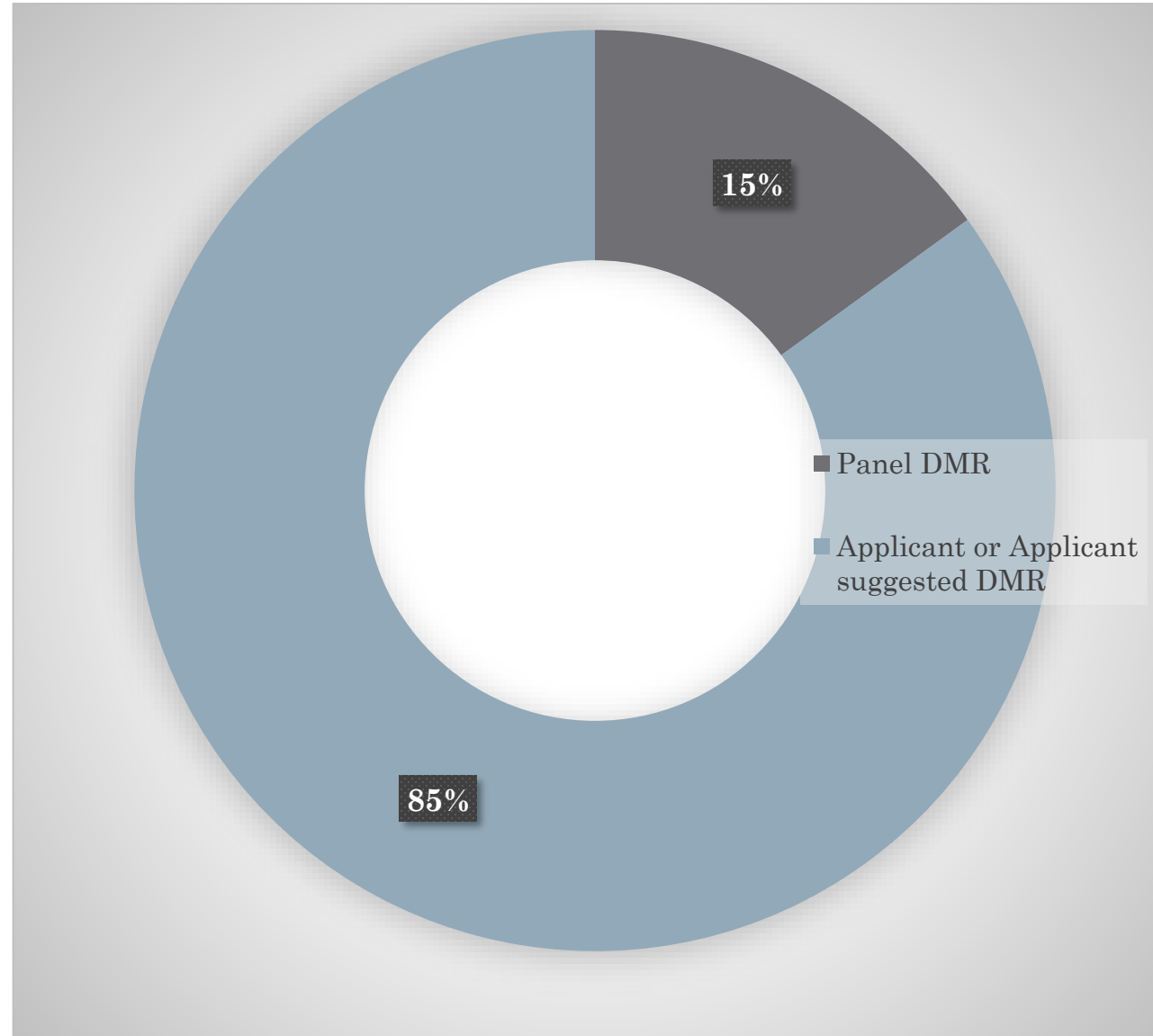
VOICE



DSS Panel Member Appointments

15 % of cases involved the appointment of a panel DMR, either for all decisions or for specified decisions.

In some cases Panel Appointed DMRs were assigned to specific areas, such as legal proceedings or specific financial actions.



Published ADMC Cases

- In the matter of the Assisted Decision-Making (Capacity) Act 2015 and in the matter of AB [2024] IECC 16.
- In the matter of the Assisted Decision-Making (Capacity) Act 2015 and in the matter of Joan Doe [2023] IECC 10.