

**Wards of Court Office Guidance on
Preparation of Functional Capacity Reports
for Part 6 Applications under the Assisted
Decision-Making (Capacity) Act, 2015 (as
amended)**

**This is not a legal document and has been
developed for **guidance purposes only.**
Italicised text is for guidance purposes only.**

Part A: Details of the Relevant Person

1. **Name of Person:**
2. **Date of Birth:**
3. **Address:**

Part B: Details of the Assessment and Decisions

This assessment is not dealing with specific decisions unless one has arisen coincidentally. It is intended to provide an indication of the relevant person's capacity under the separate headings of welfare and property & affairs. This will guide the Court in dealing with the Discharge from Wardship Application as required under Sections 54(1) and 54(2).

It is a legal requirement for every ward of court to be assessed for the purpose of discharge from wardship.

Decision(s) to be Made

1. **What is/are the particular decision(s) that need(s) to be made at this time?**

Summarise the information relevant to the decision(s) that was provided to the person.

Record the information about different options that the relevant person is required to understand, retain, respond to, and weigh in reaching their decision(s).

Include foreseeable consequences of each available choice or of choosing not to make a decision.

Ensure the information is given in a format that the relevant person can understand.

Part C: Assessor Details

1. **Name, Title, Specialty, and Organisation of the Assessor:**
2. **Role the Assessor has had in the Care and Treatment of the Person:**
3. **Expertise of the Assessor in Relation to the Assessment of Capacity in the Situation in Question**

Part D: Details of the Assessment

1. **Date and Duration of Assessment:**
2. **Place of Assessment:**
3. **Name, Details, and Role of Others Present to Support the Relevant Person (e.g., healthcare professionals, interpreter, advocate, supporters):**

For each of the following questions, the assessor must provide details of the lines of enquiry and responses, including quotes if appropriate, to show how they reached their conclusions.

D.1 Welfare

1. Understanding

Is the person able to understand the information relevant to the decision(s)?

Yes/No — Provide details.

A broad, general understanding of the most essential points in a person's individual circumstances is all that is required.

2. Retention

Can the person retain the information long enough to make a voluntary choice?

Yes/No — Provide details.

Retention for a short period does not prevent a person from being regarded as having capacity.

3. Use and Weighing

Can the person use and weigh the information as part of the decision-making process?

Yes/No — Provide details.

People use and weigh information in accordance with their own beliefs and values.

Different people may give varying weight to different factors.

4. Communication

Can the person communicate their decision(s)?

Yes/No — Provide details.

This includes talking, writing, sign language, assistive technology, or any other means.

D.2 Property and Affairs

Repeat the same four questions as above, tailored to decisions about property and affairs.

Part E: Conclusion of Assessment

E.1 Welfare: Does the person have capacity to make the decision(s)?

Provide details and reasons.

Conclusion: Yes/ No

E.2 Property and Affairs: Does the person have capacity to make the decision(s)?

Provide details and reasons.

Conclusion: Yes/No

Part F: Additional Considerations

Q: Would the person have capacity if the assistance of a suitable co-decision-maker were available?

Provide reasons and state if a suitable person is available.

Q: Would the person lack capacity even with the assistance of a co-decision-maker?

Provide reasons.

Part G: Recommendation to Court for Discharge

Declare that the ward:

- does not lack capacity, **OR** make one or more of the following declarations:
- The ward lacks capacity unless the assistance of a suitable co-decision-maker is available.
- The ward lacks capacity even if such assistance is available.

Part H: Will, Preferences, Beliefs, and Values

1. Past and Present Will and Preferences

Provide details of efforts to ascertain these.

2. Beliefs and Values Relevant to the Decision(s)

Provide details, especially those expressed in writing.

3. Consultations

Record outcomes of consultations with:

- Anyone named by the person to be consulted.
- Formal decision supporters.
- Others close to the person (e.g., family, friends).