



About this Guide

This is the final in 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 have filled in, printed and signed their Capacity Application and Statement of Particular forms. It provides you with some helpful information and outlines the four steps you need to take once you have completed the 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

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Submit your Capacity Application forms to the Court Office

Locate the relevant Court Office

You must make your application to the Court Office within the county, where the Relevant Person is either:

- Residing (living) or carrying on business in or
- Has resided (lived) at any time within the last three years.

A list of the Court Offices can be found on the [Find us](#) section of the Courts website.

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





Gather your documentation

Gather originals and copies of the following documents:

1. Your completed Capacity Application ([Form 55A](#)).
2. Your completed Statement of Particulars ([Form 55B](#)).
3. Your supporting Affidavit ([Form 55I](#)) with the Capacity Assessment and any other relevant documents attached.

⚠ You should keep a copy of your application for your own records.

Pay your Court fees

The Court fees for each form are outlined below and can be paid by card or cash in your local Court Office or at the Stamping Office in Dublin.

Document	Court Fee
Capacity Application (Form 55A)	€130
Statement of Particulars (Form 55B)	No Fee
Supporting Affidavit (Form 55I)	€15
Reply to Capacity Application (Form 55C)	No Fee
Affidavit of Service on a Relevant Person (Form 55D)	€15
All Affidavits	€15

Send your documentation to the relevant Court Office

You can send your documents by registered post or deliver them by hand to the Court Office.

Your documents will then be checked by a Courts Service staff member. If there are any issues or omissions in the documents, they will be returned to you for correction.

If your documents are correct, the original will be kept by the Court Office. The copies will be given back to you.

⚠ The Court Office will fill in the record number and the date and time of the court hearing on the Capacity Application.



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Serve your application to the Relevant Person and Notice Parties

At least 21 days before the court hearing date you must do the following:

1. Hand to, known as serve, a copy of your complete application (Forms [55A](#), [55B](#), [55I](#) and any other supporting documents) along with a blank Reply to Capacity Application (Form [55C](#)) to the Relevant Person.
2. Explain your application to the Relevant Person, using any appropriate communication aids to assist the person to understand.
3. Send by registered post or hand a copy of your completed application (Forms [55A](#), [55B](#), [55I](#) and any other supporting documents), also known as serving, to the Notice Parties. More information on Notice Parties is included below.

ⓘ For more information on serving a court document, see the [Serving section](#) under the Civil Law area of the Courts website.

More information on Notice Parties

The people you need to tell that you are making your Capacity Application are called Notice Parties. A Notice Party is a person who is not directly involved, but is likely to be affected, by a court application or court order.

The Notice Parties for your Capacity Application are:

- the spouse or civil partner of the Relevant Person,
- the cohabitant of the Relevant Person,
- a child of the Relevant Person who is aged of 18 years or more, and
- Any of the below current decision-supporters for the Relevant Person:
 - Decision-Making Assistant,
 - Co-Decision-Maker,
 - Decision-Making Representative,
 - An Attorney appointed under an Enduring Power of Attorney,
 - Designated Healthcare Representative.

ⓘ If you are unsure about who is a current decision supporter for the Relevant Person, you can contact the [Decision Support Service](#).



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After you serve your application

The Court will require evidence that you have served your application on the Relevant Person and Notice Parties. This evidence is given by the person who served the documents, by completing an Affidavit of Service on a Relevant Person ([Form 55D](#)).

You must also include the response of the Relevant Person or state that they were unable to or chose not to respond if relevant.

- ⓘ If the Relevant Person has responded using [Form 55C](#) and does not consent to your Capacity Application, then you must send a copy of their Reply to Capacity Application ([Form 55C](#)) by registered post to the Notice Parties.

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Preparing for your Court Appearance

Submit your documents to the relevant Court Office.

Four calendar days before the hearing date, you must submit the following documents to the appropriate Court Office.

1. Affidavit of service on the Relevant Person ([Form 55D](#)).
2. Affidavit(s) of service on any other Notice Parties.
3. A booklet containing copies of:
 - The completed Capacity Application ([Form 55A](#)).
 - The completed Statement of Particulars ([Form 55B](#)).
 - Supporting (grounding) Affidavit ([Form 55I](#)) and any exhibits attached such as any medical or other report or copy of the consent order, if relevant.
 - Any Affidavit or response received including the Reply to Capacity Application ([Form 55C](#)), if received.
 - Any other document to be used at the hearing of the application.

You can submit these documents to the Court Office by hand. You can also send the documents by post, as long as they are received by the Court Office four calendar days before the hearing date.

- ⓘ An Affidavit must be sworn and signed in the presence of either, a commissioner for oaths, or a practicing solicitor (but not your own solicitor).




Discuss any relevant requirements for attending Court

Please contact the Court Office to discuss any requirements you or the Relevant Person may have in advance of the court hearing date.

For example if the Relevant Person has additional mobility needs, or cannot attend in person, arrangements can be made to meet their needs.

Please see the [Civil Law section](#) of the Courts website for information and videos about what to expect when attending a Civil Court.

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