



An tSeirbhís Chúirteanna  
Courts Service

## Courts Service are accepting ADMC Applications since 26<sup>th</sup> April 2023

The Courts Service process for accepting 'Capacity Applications' under the Assisted Decision Making (Capacity) legislation is in operation over 3 months now.

To support understanding of the new ADMC process we have developed this guide to the key steps involved in making a Capacity Application.

The **process for making a** Capacity Applications is as follows:

- 1 Solicitors/Applicants must submit completed application forms:
  - **Form 55A** – Capacity Application – Court Fee €130
  - **Form 55B** – Statement of Particulars – No fee
  - **Form 55I** – Affidavit in support of application (exhibiting Capacity Assessment) – Court Fee €15

This documentation must be sent to the appropriate court office for issue. Unlike other Notice of Motions, a solicitor **cannot** choose their date of court for ADMC applications.

**Please Note:** If a Capacity Application is being made for the purposes of the Nursing Home Support Scheme, please consider the entire circumstances of the Relevant Person to ensure that any decision-making representation order arising from the application deals with all the necessary personal welfare and/or property and affairs decisions that the decision-making representative may be required to make.

- 2 On receipt of the completed application, the court office will check the documents. If all the required documents and information has been provided, the court office will (i) provide a court date, (ii) enter it on the application forms and (iii) issue the application.

**Please Note:** The Relevant Person and any Notice Parties must be served with a copy of the issued Capacity Application and all supporting documents at least 21 days before the court date. The court office will list the capacity application for a date that allows for the statutory notice periods.

- 3 The issued application is then returned to the solicitor/applicant for service on appropriate persons, including the Relevant Person.

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After serving the Capacity Application on the Relevant Person and any Notice Parties, you must file the following documents in the Court Office at least 4 days before the hearing date of the Capacity Application:

- The original Form 55D – Affidavit of Service on the Relevant Person – Court Fee €15
- The original affidavit(s) of service on any Notice Parties - Court Fee €15 per affidavit
- An indexed booklet containing copies of documents to be relied upon at the hearing of the application

For **more information** on the ADMC process, editable forms, and the associated fees, please visit: <https://www.courts.ie/assisted-decision-making-circuit-court>.



Please send any queries on the above to the ADMC Support Desk:  
[admc@courts.ie](mailto:admc@courts.ie)