

## Frequently Asked Questions for Assisted Deputyship Application Programme (ADAP)

### 1. Can I continue to manage the matters for my child with special needs after he is 21 years old?

Your child is considered an adult when he/she turns 21 years old. If he is assessed to lack mental capacity to manage his own matters, you will need to apply to Court for authority to help him manage his personal welfare and property & affairs matters as his/her deputy.

### 2. What is the difference between a Lasting Power of Attorney and a deputyship order?

- a. A Lasting Power of Attorney (LPA) is a legal document that a person (a “Donor”), uses to appoint a trusted person(s) (a “Donee(s)”) to make decisions about his personal welfare and/or property & affairs matters on his behalf if he loses mental capacity. Your child can make an LPA if he/she is at least 21 years old and has been assessed by the certificate issuer for example, an accredited medical practitioner, lawyer or psychiatrist to have the mental capacity to make one. You may refer to the [Office of the Public Guardian’s website](#) for more information.
- b. A deputyship order is an order made by the Court under the Mental Capacity Act appointing a person (a “deputy”) to make decisions on behalf of another person who is assessed to lack mental capacity for certain matters (a “P”). If your child has been assessed to lack mental capacity to manage his/her own matters, you will need to consider applying to be your child’s deputy.

### 3. What is ADAP?

ADAP aims to make it simpler and cheaper for parents of graduating cohorts in Special Education (SPED) schools to apply to Court to be appointed as deputies for their child. This allows parents to continue making legal decisions for their child after he/she turns 21 years old. ADAP is offered to students in the graduating cohort of the SPED School.

### 4. What are the criteria that I need to meet before I can be on-board ADAP?

Under ADAP the criteria are:

- i. all family members must agree for you to make the application,
- ii. you request only for standard powers such as managing bank and CPF accounts, making care and treatment decisions. If other powers are required, you have to seek your own legal advice.

### 5. Why is it good for me to come on-board ADAP?

ADAP is developed to make the process cheaper and easier for you when applying to be appointed as your child’s deputy. The psychologist from your child’s SPED School will provide the mental capacity assessment report which will be valid for 3 years, while legal assistance is provided for your application.

### 6. Who can apply to Court to be appointed as my child’s deputy?

Anyone above the age of 21 can apply to Court to be appointed as your child’s deputy as long as they are able to make decisions in the best interests of your child. For children from SPED Schools, parents are usually the parties who will make the application.

**7. What are some decisions that I can or cannot make for my child under the court order?**

The court order will state the matters that you can help your child to manage. In general, you can make decisions with regard to your child's personal welfare and property & affairs matters. It is important to note that you have the responsibility to ensure that decisions are made with the child's best interest in mind and to maintain his/her personal rights at all times.

**8. Do we need to make all decisions together at all times if we are appointed as our child's deputies?**

It depends on the manner of appointment and authority granted by the Court where you may need to make all decisions together (Jointly) or you can make the decision either together or separately (Jointly and Severally).

**9. What happens to my child if we pass away or lose mental capacity in future?**

You can appoint a family member or friend to be your child's successor deputy so that he/she can continue to manage your child's matters if you pass on or lose mental capacity.

However, if you do not have anyone to appoint as your child's successor deputy, you may consider engaging a professional deputy to manage your child's matters in the future. A professional deputy includes professionals such as lawyers and accountants, and licensed trust companies, that are registered with the Public Guardian. More information about Professional Deputy can be found on [Office of the Public Guardian's website](#).

**10. Can my child who is a current student of the Special Education School (SPED School), but not graduating this year, benefit from ADAP?**

ADAP has been extended to 15 SPED Schools and your child will be able to benefit from ADAP in the year he/she graduates. For now, if you are the legal guardian of your child, you are still able to make decisions on his or her behalf until he/she turns 21 years old.

**11. Can my child who has already graduated from SPED School benefit from ADAP?**

ADAP is currently offered to graduating students of SPED Schools, as the students are still in school and their mental capacity can be assessed by the school psychologists as part of routine evaluations. MSF is currently examining how similar assistance can be provided to adult PWIDs.

In the meantime, you may wish to engage a lawyer or approach the Legal Aid Bureau if you would like to apply for a deputyship order. For general advice on deputyship matters, you may wish to approach the Law Society's Community Legal Clinics or other [free legal clinics](#) in Singapore.

**12. Do parents still need to get a medical report for their child if the psychologist from the SPED School has already provided an assessment of the child's mental capacity?**

Parents do not need to further provide a medical report as the Mental Capacity Assessment Form (MCA Form) completed by the school psychologist is sufficient. However, the MCA form completed by the school psychologist is only valid for 3 years.

If an application is not made within the validity period, the child will need to be reassessed. Any registered medical practitioner can conduct the mental capacity assessment.

**13. How much would the application cost?**

Currently, parents may expect to pay around \$3,000 to \$9,000 for legal and medical fees for a deputyship application. However, this cost will be brought down significantly because of the support that has been put in place under ADAP. The MCA Form and assessment by the school psychologist removes the need for a doctor's report. The use of standardised court application forms and provision of legal assistance will make the process cheaper, simpler and less time-consuming for you.

**14. Can my relative or friend who lacks mental capacity / is unwell / is disabled be on ADAP as well?**

ADAP caters specifically to current graduating students of SPED Schools who were born with severe autism and intellectual disability. If you require assistance with deputyship applications for your relative or friend, you may wish to engage a lawyer or approach the Legal Aid Bureau. For general advice on deputyship matters, you may wish to approach the Law Society's Community Legal Clinics or other [free legal clinics](#) in Singapore.

**15. Who can I contact for ADAP?**

Please contact your child's school social worker for more information.

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