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A Guide for Users of the Office of Care and Protection

Dealing with the Financial Affairs of the Mentally Ill

Northern Ireland Court Service
www.courtsni.gov.uk

What is the Purpose of this Leaflet?

This Leaflet aims to make you aware of the services available from the Office of Care and Protection in relation to the affairs of **Patients** under the provisions of Part VII of the Mental Health (NI) Order 1986.

Who is a Patient?

The **Patient** is the name given by the 1986 Order to a person who is suffering from a mental disorder and whose financial affairs are subject to the Court's control.

Which court is responsible?

The Family Division of the High Court has responsibility for the management of the financial affairs of Patients.

What are the powers of the Court?

The practice and procedure of the Court are defined in the Patients' Affairs Rules which are set out in Order 109 and Appendix D of the Rules of the Supreme Court.

The Master can authorise someone to do anything which appears necessary or expedient with respect to the property and affairs of the Patient. For example, he/she can authorise:

- The transfer and investment of money
- The release of monies to meet bills
- The sale or purchase of property
- The making of gifts
- The making of a Will and
- The carrying on of a business

In short, the Master can arrange to have everything done in connection with a Patient's financial affairs which the Patient could do if he/she was well enough.

Which office do I contact?

The **Office of Care and Protection**, a part of the Family Division of the High Court, deals with the administrative work relating to a Patient's case under the supervision of a Master. The Master is the judicial officer of the Court who is authorised to exercise any direction, power or other function of the Court. He may also, in particular cases, refer a question to the Judge for decision. For the address and telephone number of the Office of Care and Protection see overleaf.

How does the Office perform its duties?

The principal ways in which the affairs of Patients are dealt with are as follows:

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- By appointing someone to act on behalf of a Patient. Such a person is called a **Controller** and is often a relative or close friend. A booklet setting out the duties and responsibilities of a Controller is available from the Office.
 - If no relative or friend is willing or able to act, or because there is a disagreement between members of the family as to who should be appointed, the Master can order that the Official Solicitor be appointed as Controller. If circumstances change later the Court can direct a change of Controller.
 - When the assets are limited and there is no real need for a Controller to be appointed, someone can be authorised to deal with the Patient's property and affairs under a **Short Procedure Order** to use the Patient's means sensibly.
 - An order will not normally be made until it has been proved by satisfactory medical evidence that the Patient is suffering from mental disorder; but the Court has power to give directions in advance of such evidence if assets and property need to be protected as a matter of urgency.
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If you wish to enquire whether any of these situations apply please write to the Office giving details of the estate.

How is application made?

Anyone who considers that the affairs and property of someone else may require the protection of the Office can ask for its help. They may instruct a solicitor who will prepare the necessary forms or staff of the Office will be willing to assist if a personal application is to be made.

Does an application have to be made for every Patient?

No. An application is normally only necessary if someone needs authority to gain access to or redirect monies and state benefits to provide for the Patient's needs. In some cases if this is not required it may be sufficient to ensure that bank books and documents of title etc. are securely retained.

Useful information for you to note

- Most social security benefits can be paid to an appointee.
 - Some banks may arrange limited facilities, usually to pay maintenance charges.
 - Some buildings societies may allow withdrawals in certain circumstances.
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- Some authorities may pay occupational pensions to someone caring for the Patient.

Will the Court direct where the Patient should live?

No. The Court does not have this power. This is a matter for the family and Social Services.

What happens if a Patient recovers?

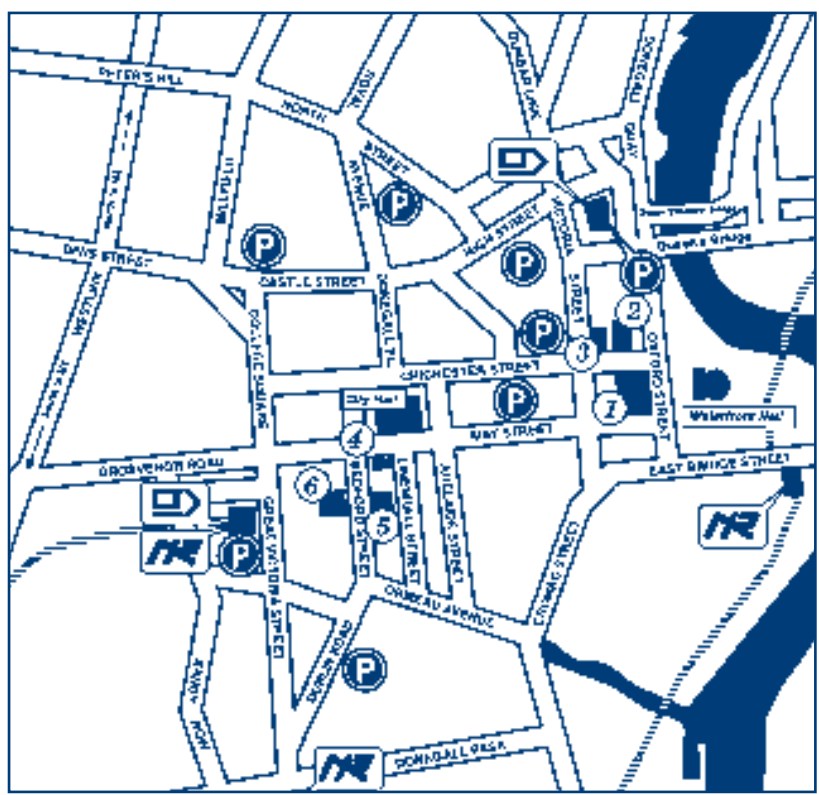
A Patient may at any time apply for an order to bring the proceedings to an end, either by asking a solicitor to apply and producing medical evidence of recovery, or by the Patient writing to the Office making the request and giving the name and address of a doctor who will support the application with medical evidence of recovery.

Are any fees payable?

Yes. These are to be paid from the Patient's estate and are based on their annual income. They are fixed by Parliament and full details of the current rates are available from the Office.

What if the Patient cannot afford the fees?

In cases of hardship the Office will consider requests to postpone fees or even to say they need not be paid at all.



- 1 Royal Courts of Justice
- 2 Belfast Magistrates Court
- 3 Belfast County Court Office
- 4 Lancashire House
- 5 Bedford House
- 6 Windsor Hotel
-  Car Parking
-  Railway Stations
-  Waterbus Depots

Any enquiries may be made in person by telephone or by post to:

The Office of Care and Protection
 Room 2.2A, Second Floor
 Royal Courts of Justice
 Chichester Street
 Belfast BT1 3JF
 Telephone (028) 9072 4733
 Fax (028) 9032 2782



For further information on the work of the Northern Ireland Court Service please contact

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