

• CAPACITY AND THE ROLE OF THE COURT

• 7 OCTOBER 2011

Typical Deputyship Applicants

- Children
- Spouses
- Siblings
- Parents
- Nieces and nephews
- Cousins/distant relatives
- Step-children
- In-laws
- Close friends
- Combination of above

Types of Cases

- Elderly with old age disorders such as dementia, alzheimers
- Stroke or heart attack victims
- Accident victims
- Mental illness e.g. schizophrenia
- Intellectually disabled since young.

Types of 'P'

- Correspond with types of cases
- "Foreign" P, who will be repatriated or who live overseas with assets in Singapore

Requirements

- Proof of relationship to P
- Declaration non-indebtedness or extent of debt
- Consents of relevant persons
- Service on relevant persons
- Specify list of assets

Property

- S6(6) of the Mental Capacity Act
- Disposition or Settlement

Motivated by desire to ensure, as practicable, that the person's property is preserved for application towards the costs of the person's maintenance during his life.

Property and Affairs

- Immovable property
- Movable property
 - Car
 - Bank Accounts
 - CPF Funds
 - Insurance payouts
 - Annuity
- Civil Claim for Compensation / Damages

Specific Issues

- Sale of Immovable Property
- Management of Immovable Property
- SERS En Bloc Sales
- CPF Funds
- Bank accounts
- Insurance Monies
- Upper limit on withdrawals

Deputies

- Joint or Joint and Several
- Age of Deputies
- Deputy with Different Roles
- Successor Deputy
- Extent of Authority to be given to Deputy

General Consideration

- Providing for Dependents
- Broad or Specific Orders
- Vary where appropriate and Justify