



**NATIONAL ADVOCACY
SERVICE**

**FOR PEOPLE WITH
DISABILITIES**



My Money, My Rights, My Options



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info@advocacy.ie

My Money, My Rights, My Options

 NATIONAL ADVOCACY SERVICE FOR PEOPLE WITH DISABILITIES	The National Advocacy Service for People with Disabilities is called NAS for short.
	NAS works with people to help them have their rights met, including their money rights.
	This booklet is about your money.
	It will tell you about your rights to your money.
	It will tell you about some options that are available to you.

	Words we use in this booklet
	United Nations: The United Nations is an organisation made up of many countries around the world. Their job is getting countries to work together so people can live in a safer world and their human rights are respected.
	Irish and International Law: These are legal rules made by the government of Ireland and rules made between the Irish Government and other countries. The Governments that agree the rules, also agree to not break these rules.
	HSE: The HSE stands for the Health Service Executive. The HSE's job is to run all of the public health services in Ireland.



HIQA: HIQA stands for the Health Information and Quality Authority. HIQA is an independent service. HIQA's job is to improve health services and social care services in Ireland. They inspect residential services for people with disabilities.



Number 64 of 2015

ASSISTED DECISION-MAKING (CAPACITY) ACT 2015

REVISED

Updated to 25 May 2023

ADM: ADM stands for the Assisted Decision-Making (Capacity) Act 2015. This is a new law that supports the rights of people to make their own decisions. Under this law, there are many options for people who need support to make big decisions about their life.



DSS: DSS stands for the Decision Support Service. Their job is to keep track of who is using one of the support options under the ADM and to make sure that those supporting people to make decisions follow the rules in the ADM. The DSS checks to make sure that the agreements sent to them are working well.



Decision-Making Assistant: A decision-making assistant is one of the ways a person can pick to get help with decisions under the ADM. The person still makes their own decisions. The decision-making assistant can help the person in lots of ways like helping them to get information and explaining it to them.

**Co-Decision Maker:**

A Co-Decision-Maker is another way a person can get help with decisions under the ADM. A Co-Decision-Maker makes decisions and signs forms together with you. They can stop you from making a decision if they are worried it would be seriously dangerous or could lead to serious harm. This is called a Co-Decision-Making agreement.

**Decision-Making Representative:**

If a person cannot make decisions even with supports, then an application can be made to the court. The court has to ask the person who they would like to be their Decision-Making Representative. A Decision-Making Representative has to make decisions based on what the person likes and does not like.

**Ward of Court:**

Under the old law, if a person was unable to make decisions, even with support, a Judge could make them a Ward of Court. This meant that another person or people were given the task of making the decisions about their life. They are known as a Ward of Court Committee.

**Trust Fund:**

Sometimes when a person wishes to give money or property to another person, they can set up a Trust Fund to keep these things safe. The Trust Fund is managed by another person called a Trustee. The Trustee is the person who makes the decisions about the money.



Enduring Power of Attorney:

An adult can choose someone they trust called an attorney to make decisions for them if something happened that meant they could not make decisions for themselves. These can be decisions about their property, affairs and their personal welfare (but not medical treatment). When you make an Enduring Power of Attorney under the ADM, the DSS will keep it in their records. It will only start to work if you cannot make the decisions that you put in this legal document. If that happens the attorney will make these decisions for you. If you have already made an Enduring Power of Attorney under the Powers of Attorney Act 1996, the DSS can investigate a complaint about your attorney.

Court Order



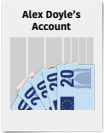
Court Order:

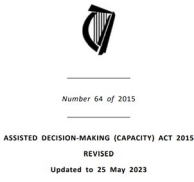
When a person receives money from the Courts, it is called an Award. The Judge writes down what that award is on a piece of paper. This is called a Court Order. The Court Order will say how much money is awarded and who the money is for. Sometimes, the Judge might appoint another person to look after the money. The decisions on how the money is spent are made by the person who the Judge appointed.

My Money

	If I get a payment in my name, this is my money. This might be a Disability Allowance or payment for work.
	If someone gives me a gift of money, this is my money. This might be an inheritance (money left to me in a will) or a present.
	If a Court awards me money, this is my money. This might be a payment after an accident or injury.

My Rights

	There are laws that give me rights to protect me and my money.
	These rights are given by the United Nations, Irish and International Laws and HIQA regulations.
	I have the right to manage and have access to my money at any time.
	I have the right to choose how and when I spend my money, what I buy and where I buy it.
	I have the right to have my own account.
	I have the right to my own card to access my money.

	I have the right to know how much money I have.
	I have the right to choose what help I want and who helps me. I can choose one of the options under the ADM for this if I want.

My Support Options

	I might not need any help to manage or make decisions about my money.
	If I do need some help to manage or make decisions about my money, there are lots of options available for me to look at.
	I can choose who I want to help me keep my money safe.

	I can choose who I want to help me understand information about my money.
	If I need help making decisions about my money, I can choose who I want to support me.
	I can change my mind about who this is.
	If I live in a residential setting, it is best to have this agreement written down. This is called a financial support agreement.
	Under the ADM I can also have a written decision support agreement. The service that looks after these is called the DSS.

	Under the ADM, this could be a Decision-Making Assistant who helps me understand information about my money.
	Under the ADM, if I need more help, I might have a Co-Decision-Maker who makes decisions with me about my money.
	Under the ADM if I need someone to make decisions for me, a Judge can pick someone to do this called a Decision-Making Representative. This might be a family member or someone else.

 seirbhís tacaíochta cinnleolreacht decision support service	The Decision Support Service (DSS) have lots of information on their website. decisionsupportservice.ie
There may already be legal agreements in place around my money. I might have:	
	- A Ward of Court Committee¹
	- An Enduring Power of Attorney
	- A Trust Fund
	- A Court Order

¹ There will be no more Ward of Court Committees after 2026.

	If I do not have any legal agreement in place, these are the options for me to consider: - An Enduring Power of Attorney - A Trust Fund - A Decision-Support Agreement
	Under the ADM anybody who is making decisions about my money should still find out what I want and what is important to me.

Places I Can Keep My Money

Some examples of places that can help me keep my money safe are:



- **Bank** - A bank is a place to keep my money safe. Some banks also use a person-in-care account or have a carer's card.



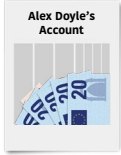
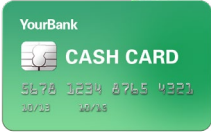
- **Credit Union** - A credit union is like a bank but it is owned by community members.



- **Post Office** - A Post Office is somewhere I can collect social welfare payments. It is also like a bank that can keep my money safe.



- **HSE Patient Private Property Account (PPP Account)**. This is an account where the HSE helps keep my money safe if I live in a residential service.

 A document titled "Alex Doyle's Account" showing a fan of Euro banknotes (20 and 10).	If I choose one of these options, I will be given an account with my name on it.
 A green "YourBank CASH CARD" with a card number 5678 0234 5678 9012, an expiration date 01/23 12/25, and a chip icon.	A lot of accounts will give me a card to use so I can spend my money.
 A document titled "Your Bank Statement" showing a fan of Euro banknotes (20 and 10).	They will also tell me how much money I have.

Contact Details

 	If I have an issue with my finances that I think I need advocacy support with, I can contact an independent advocacy service such as NAS. NAS details are:
	By phone: 0818 07 3000
	Online: https://advocacy.ie

	If I am worried that I might be experiencing financial abuse, I can contact the HSE Safeguarding and Protection team. Their job is to keep me safe from abuse.
	By phone: 1800 700 700 (Monday to Saturday, 8am-8pm)
	Email: safeguarding.socialcare@hse.ie Online: https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/safeguarprotectteams.html
	If I am accessing a service such as a day service, respite service or residential service, I can talk with the Designated Officer in that service. Their job is to help keep people who use the service safe from abuse.



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Citizens **Information** Board
information · advice · advocacy



NAS is funded and supported by the
Citizen's Information Board (CIB)

How to contact us

If you would like the support of an
independent advocate you can:

Call us: 0818 07 3000

Complete a form on our website:

www.advocacy.ie

Email us: info@advocacy.ie

Send a letter:

**National Advocacy Service
(NAS) for People with
Disabilities**

Level 3 Rear Unit
Marshalsea Court
Merchant's Quay
Dublin 8
D08 AEY8

or

You can ask someone else to help you
contact us.

More information is available on our
website: www.advocacy.ie