Deputyship Guide

Caring for a loved one who lacks mental capacity?

Be appointed as a *Deputy* to act on their behalf



OFFICE OF THE PUBLIC GUARDIAN

MSF MINISTRY OF SOCIAL AND FAMILY DEVELOPMENT

In Collaboration with:

SG Courts

Are you caring for someone who can no longer make decisions for themselves?



Do you need to:

Decide matters on their personal welfare?
(e.g. where they should live)



Use their money to pay for their daily needs?



Did they lose mental capacity without making a Lasting Power of Attorney (LPA)?



If you answered yes to any of these, read on to learn how Deputyship can help you.

Contents

Understanding Deputyship ..... Page 4

LPA, Deputyship & Will – What is the difference? .. Page 5

What are my responsibilities as a Deputy? ..... Page 6

Who can be a Deputy? ..... Page 7

What do I need to consider before applying for Deputyship? ..... Page 8 - 9

How do I make a Simplified Deputyship application? ..... Page 10 - 11

What happens after I apply? ..... Page 12

Frequently Asked Questions (FAQs) ..... Page 13-15

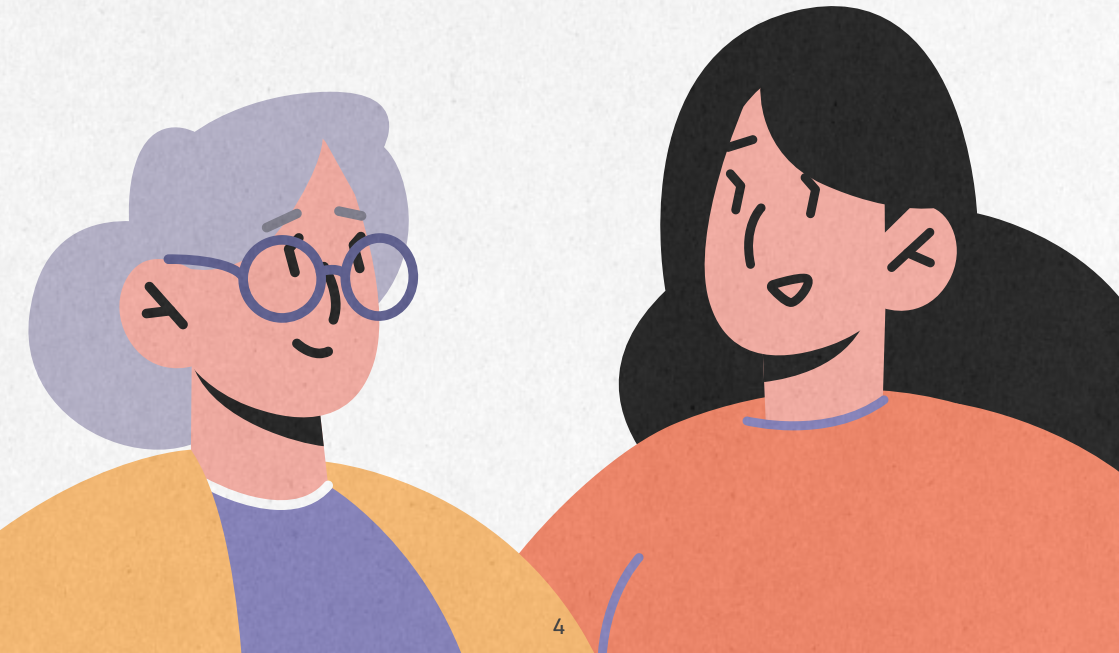


Who is a Deputy?

An individual appointed by the Court under the Mental Capacity Act, **to act on behalf** of someone **who lacks mental capacity**.

When is a Deputy required?

When someone did not make a Lasting Power of Attorney (LPA) and now lacks mental capacity to make decisions about welfare and/or financial matters.



LPA, Deputyship & Will

Understanding when each applies, how it works and when it takes effect

LPA

Lasting Power of Attorney

Plan ahead and choose someone you trust to act for you.

Who is it for?	You (as Donor) currently have mental capacity, and want to choose someone to act for you if you lose it.
What do you do?	You apply to appoint someone ('Donee(s)') to act for you.
When does it take effect?	When a doctor confirms you have lost mental capacity.
When does it end?	Ends if: a) You pass away or regain mental capacity, *or* b) Your Donee loses mental capacity, dies or becomes bankrupt, *or* c) The LPA is revoked by the Court

DEPUTYSHIP

For someone who has already lost mental capacity and did not make an LPA.

Who is it for?	You need to make decisions for someone who has already lost mental capacity and did not make an LPA.
What do you do?	You apply to the Court to be appointed as a Deputy.
When does it take effect?	When the Court approves your Deputyship.
When does it end?	Ends if: a) The individual without mental capacity passes away or regains mental capacity, *or* b) The Deputy loses mental capacity, dies or becomes bankrupt, *or* c) The Court Order is revoked by the Court

WILL

Decide how your assets are distributed after your death.

Who is it for?	You currently have mental capacity, and want to decide how your money and possessions are shared after you pass away.
What do you do?	You write a Will to state your wishes, naming your executors to carry them out.
When does it take effect?	When the person who made the will passes away.
When does it end?	Ends once the person's affairs have been fully settled.

IMPORTANT TO NOTE:
A Will only takes effect after death and does not cover decisions made during your lifetime, so it is still important to have an LPA in place. If your loved one has lost mental capacity without an LPA, you will need to apply for Deputyship instead.

What are my responsibilities as a Deputy?



1. Act within the powers granted in your Court Order, which may include powers to make decisions on your loved one's personal welfare and/or property and affairs.



2. Ensure all decisions are in your loved one's best interests.



3. Submit reports to the Office of the Public Guardian on how you have complied with the Court Order. You will be required to submit an Early Status Report (ESR) covering your first 3 months as a Deputy, as well as annual reports.

Who can be a Deputy?

Anyone who is **21** years old and above.
This can be a family member or a friend
who has in mind the best interests of
the person who lost mental capacity.



A Professional Deputy can also be appointed
by the Court if there is no next of kin or friend
who is able or willing to take on the responsibility,
and they provide this service for a fee.



go.gov.sg/pdd-scheme

MSF | About the Professional Deputies and Donees Scheme

What do I need to consider before applying for Deputyship?

Decide if you are applying alone (sole deputy) or together with others (co-deputies).

This is important because it affects how you deal with banks and other organisations.



If you are applying with others, you can choose one of the two options:

Jointly

All Deputies must act together, no one may act alone.

E.g. all Deputies usually need to go to the bank together. Services such as ATM cards or internet banking are usually not available.

Jointly & Severally

Deputies may act together *or* on their own.

E.g. a single Deputy can go to a bank alone to give instructions. However, banks may require all Deputies to attend the first visit, to ensure responsibilities and account arrangements are clearly explained to all Deputies.

There is no single right option. Choose what works for your situation.

What do I need to consider before applying for Deputyship?

1. **Consider what types of decisions you need to make for your loved one about their:**

   Personal welfare (Living arrangement, Medical care, etc)

   Property and affairs (Managing assets, Paying bills, etc)

2. **Check that your loved one's close family members and other relevant persons* are willing to consent to your application**

   **E.g. persons who are involved in your loved one's life or have an interest in the application.*

3. **Check if you can use the Simplified Deputyship application process. You can qualify if:**

- You are applying for common powers that fall under the Simplified Application (e.g. consent to loved one's medical treatment, decide on care services);
- Based on your understanding, the total value of your loved one's assets to be managed is less than $80,000*;

  **Note: If the Court finds that the actual amount is above the limit, you may be asked to make changes to your application.*

- There are no relevant persons objecting to your Deputyship application.

go.gov.sg/simplified-deputy-app

SG Courts | File a Simplified Deputyship Application



If the above criteria are not met, you are advised to apply through the Standard Deputyship process with the assistance of a lawyer.

How do I make a Simplified Deputyship application?

1. File Medical Report



Obtain a medical report from a doctor certifying that your loved one lacks mental capacity. Contact your General Practitioner (GP) or a hospital doctor to check if they could issue the report.

The report should be:

Written less than 6 months before your application, and based on the doctor's examination within the past year.

Submit the medical report onto the Court's Integrated Family Application Management System (iFAMS). Either you or the doctor can do so. You can only begin your application after your medical report has been submitted.

2. Collate Documents

Collect bank statements, insurance policies, or any other documents for the powers you are applying for.





3. File Deputyship Application

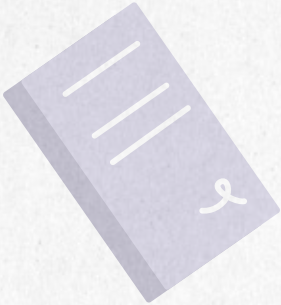
- Upload required documents and fill in the Deputyship application form on iFAMS.
- Verify contact details before submitting.





4. Obtain Consent

Inform your loved one's close family members and other relevant persons about your application, and that they will need to log in to iFAMS to indicate their consent within 3 months of submission.



5. Pay Filing Fee of $40 through iFAMS



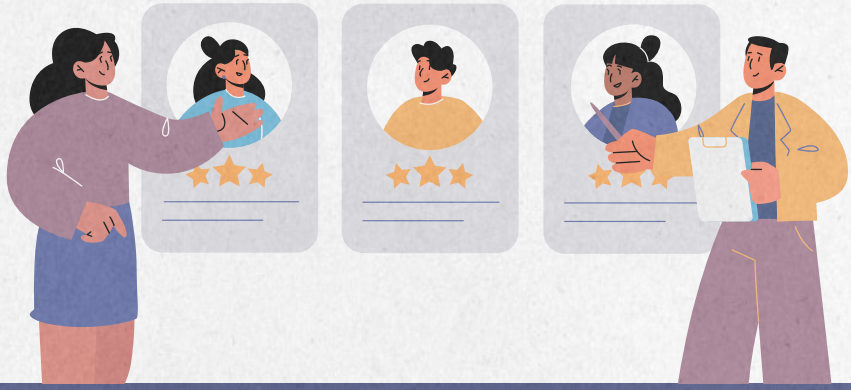
go.gov.sg/ifams-fjc

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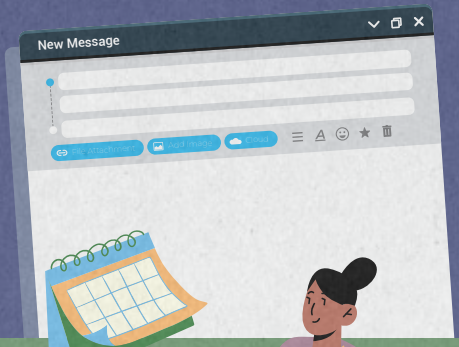
iFAMS

What happens after I apply?

Your application will be assessed to ensure that it is made in your loved one's best interests. The Family Justice Courts may contact you for clarification if more information is needed to assess your application.



If your application is successful, you will receive:



- An email from the Court informing of your appointment as Deputy.
- A follow up SMS/email from the Office of the Public Guardian (OPG) outlining your Deputyship responsibilities, including filing the Early Status Report (ESR) and annual reports thereafter.



- Dates for you to select and attend a Deputyship workshop, which clarifies your role and guides you on preparing reports using the OPGO system.

Frequently Asked Questions (FAQs)

How long does the Simplified Deputyship application process take?

From submitting your application to being appointed as a Deputy, the process typically takes 4 to 6 weeks. This may take longer if your submission is incomplete or if the case is complex.

As a caregiver, do I need Deputyship to receive government payouts for my loved one?

Some Government payouts *(e.g. GST vouchers, SG60 vouchers, Silver Support Scheme)* do not require Deputyship. But others *(e.g. Home Caregiving Grant, ComCare, Eldershield, Elderfund)* do require Deputyship.

If you have not been appointed as a Deputy, you may still get temporary access to the payouts while your Deputyship application is processing. Please check with relevant agencies on specific arrangements available to you.

Once Deputyship is approved, certain types of income *(e.g. rental proceeds or government payouts)* can be paid into a Deputy's administrative bank account. Check with your bank on what can be credited and what you need to set it up.

What happens if I can't get consent from all relevant persons on the Deputyship application?

If consent from the relevant person cannot be obtained for various reasons, you must explain this in your application to the Court.

Frequently Asked Questions (FAQs)

What actions can I take to access my loved one's bank account while waiting for the outcome of the Deputyship application?

For DBS, POSB and UOB bank accounts, you can apply for an emergency withdrawal of up to $5,000 from your loved one's bank account to cover their (and their dependents') urgent needs. Contact the bank directly to learn how to make this application.

For accounts with other banks, contact them directly to enquire about available options.

As a Deputy, what type of Court Order do I need so that I'll be allowed to manage my loved one's bank account?

Banks usually recognise Court Orders that allow authorised Deputy(ies) to manage:

- **property and affairs**, which include banking and financial matters or
- both **personal welfare** and **property and affairs**.

Court Orders that cover personal welfare only are generally not sufficient for banking matters, as they do not provide authority to manage accounts, funds or financial transactions.

For more FAQs on banking-related matters for Deputies, please refer to the QR code below.

Banking-related questions and scenarios in this guide
were developed in collaboration with the Association of Banks in Singapore (ABS).

go.gov.sg/abs-lpa-deputyship

Frequently Asked Questions (FAQs)

Can I use my loved one's assets to claim back the medical report fees?

Yes. After you are appointed as Deputy, you can reimburse yourself from your loved one's assets. Always keep receipts and proof of payment to support your claim.

Where can I get legal assistance?

You may get legal consultation through the Legal Aid Bureau (Means Test may be required), Pro Bono SG, and free legal clinics.

Help us improve this guide!

Scan the QR code below and share your feedback.

go.gov.sg/feedback-deputyship-guide



Scan the QR code for more information on Deputyship.



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