



Mental Capacity Act

Processes at a Glance



This leaflet details typical Mental Capacity Act (MCA) proceedings to help you better understand what's involved and what you can do. You can view the list of MCA simplified and normal track applications at www.judiciary.gov.sg.

You will go through the MCA simplified track application if there are no objections as regards the appointment of deputies to help the patient in decision-making. If there are concerns about the choice of deputies or other issues, or if the powers sought fall outside the scope of the MCA simplified track, you will need to file an MCA application on the normal track.

Mental Capacity Act (MCA)

The MCA allows patients who have lost mental capacity to have 'donees' or 'deputies' appointed to make decisions on their behalf.



Who is a patient in the context of MCA?

- An individual who lacks mental capacity to make decisions due to an impairment of or disturbance in the functioning of the mind or brain.

Please note that lack of mental capacity must be substantiated through an official medical report.

When might one need to make a MCA application?

A person would need to make a MCA application if:

- He/she wishes to be appointed by the Court as "deputy" in order to have the legal authority to make decisions for a friend or relative who has lost mental capacity.

Dos and Don'ts of Applicants / Deputies

Before Application	After Court Orders
<ul style="list-style-type: none">✓ Ensure application is complete and all information is provided.✓ Ensure supporting documents are provided.✓ Seek consent of relevant persons.✓ If you are filing a simplified track application, check that the powers sought fall within the simplified track.	<ul style="list-style-type: none">✓ File reports with Public Guardian on time.✓ Comply with orders in respect of what you are required to do.✗ Do not make decisions or take actions outside scope of the powers conferred upon you.✗ Do not dispose of the patient's property by making gifts.

Step 1 Deciding which track to apply under

SIMPLIFIED TRACK

You must...

- ✓ Obtain consent of relevant persons before applying.
- ✓ File your application and submit necessary documents to FJC through the Integrated Family Application Management System (iFAMS).



Note: Generally restricted to use of patient's monies of S\$ 60 000 and below.
Scan QR code to see the list of MCA orders under the Simplified Track.

NORMAL TRACK

If...

- ✓ Anyone is objecting to your application; or
- ✓ The orders you seek fall outside scope of the Simplified Track process.

You must...

- ✓ File your application and submit necessary documents to FJC through the Service Bureau.

What happens next?

Step 2 Obtain Medical Report

- Obtain medical report from a doctor to certify loss of mental capacity.
- The doctor can provide the report through the online system or by signing an affidavit.

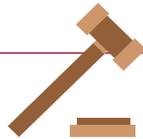
Step 3 Filing

- Fill up the form and submit necessary documents through the system.



Step 4 Consent

- Relevant persons (e.g. the patient's immediate family) can login via SingPass to indicate that they are consenting to the application.
- Alternatively, the applicant can serve the application form and related documents to these persons and file a declaration of service in the iFAMS system.



Step 5 Court Proceedings

- If the Court needs clarification, the applicant may be asked to submit further documents or attend court.
- If no further clarification is required, the Court will send the Order to the applicant through email.
- Therefore, the applicant need to ensure they provide a valid email address in their application forms.

Step 6 Filing

- File your reports with Public Guardian.



Will you be filing the application yourself or with the assistance of a lawyer?

Filing Yourself

Step 2 Preparing your documents

- **Originating Summons:** State clearly what kind of powers you are seeking.
- **Applicant's Affidavit:** State the relevant facts and exhibit supporting documents.
- **Doctor's Affidavit and Medical Report:** Medical report must be current and dated not more than 6 months before application.
- **Consents:** Inform the relevant persons of this application and get their signed consents.

With assistance of a Lawyer

Step 2 Engaging Legal Help

- You can engage a lawyer to file the application for you. If you need a list of lawyers, you can contact the Law Society of Singapore.
- If you are a Singapore Citizen or Permanent Resident and you have passed the means and merits tests, you can apply for legal aid.



Step 3 Filing

- File all documents at CrimsonLogic Service Bureau.



Step 4 Court Proceedings

- Attend case conference and hearings.
- Once hearings are over, an order is granted.
- The Order can then be extracted by filing at the CrimsonLogic Service Bureau.

Step 5 Filing

- File your reports with Public Guardian.

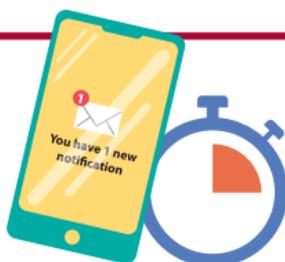
What happens if you wish to object to an application filed by someone else?

You should...

Simplified Track	Normal Track
<ul style="list-style-type: none">File notice of objection via iFAMS before the case is completed. 	<ul style="list-style-type: none">File an application to be added as a party within 21 days after the date of service.File an affidavit stating your interest in the application and the reasons for your objection, and you will be required to attend the hearing of the case to present your arguments to the Court.

Why should you choose the Simplified Track?

- ✓ **Cost:** Lower filing cost.
- ✓ **Time:** Shorter processing time.
- ✓ **Convenience:** Online application and communication by email.



Filing your application

You can either file the application to the Court yourself or you can choose to engage a lawyer to represent you. If you wish to file the application yourself, all legal and procedural requirements must be followed. The Family Justice Courts cannot give you any legal advice on what you should say or do in relation to your application. If you are unsure of the legal and procedural requirements, you may wish to consult a lawyer for legal advice.

CrimsonLogic Service Bureau (Normal Track)

1 Havelock Square
Level 2, State Courts
Singapore 059724
Tel. No.: 6538 9507

Operating Hours
Mon to Fri: 8:30am to 5pm
Sat: 8:30am to 12.30pm
Sun and Public Holidays: Closed

iFAMS Electronic Filing System (Simplified Track)

Website: <https://ifams.gov.sg>



Understanding the guide

Affidavit: A formal written statement setting out the facts of your case.

Deputy: An individual appointed by the Court to act on behalf of a person who lacks mental capacity ("P").

Donee: An individual conferred the authority under a Lasting Power of Attorney to make decisions for a donor.

Donor: An individual who confers the authority under a Lasting Power of Attorney for a donee to make decisions for him/her should he/she lack mental capacity in future.

Originating Summons:

One of the two modes in commencing a civil action.

Public Guardian: An officer appointed to establish and maintain a register of Lasting Power of Attorney, and supervise deputies appointed by the Court.

Relevant persons: Individuals who have an involvement in the patient's life and/or who are likely to have an interest in the application. Often immediate family members would be considered relevant persons but, depending on the facts of the individual case, distant relatives or non-family members may also be considered relevant persons.

Disclaimer

- The flow chart represents the typical processes only. The Judge has the full discretion to direct the best possible course of action at any point in time.
- This publication is produced for general information only and does not constitute any form of legal advice or specific advice about any individual case.
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