

# The journey from wardship to supported decision-making



**This is an Easy to Read version of the report.**

# Added information



After we wrote this report, we heard that the Government will change the deadline for people to discharge from wardship.



A judge will review each case and decide how much extra time the person will be given to discharge.



All adults in wardship will need to be discharged by 25 October 2027.

# Introduction



This report is about a piece of research.



Údarás Náisiúnta Míchumais  
National Disability Authority

The National Disability Authority, or NDA, carried out the research.



The research looked at how people are moving from wardship to supported decision-making.



It looked at the experiences of wards of court.



The NDA would like to thank everyone that supported us with the research or took part in the research.

# Changes in capacity laws and adult wardship





Capacity legislation is the law that supports people to make their own choices and decisions.



Adult wardship is an old law.  
People in wardship were called wards of court.



When adults are made wards of court, the court makes decisions for them.



Other people make decisions they think are best for the person.  
Adults in wardship are not allowed to manage their own lives.



The capacity law needed to be changed in Ireland for many years.



Changing the law helped us to put the UNCRPD into action.



There is a new law that supports adults to make their own decisions wherever possible.



It helps adults to be as independent as they can if they need support making decisions.



The new law is called the Assisted Decision-Making Capacity Act 2015. It is known as the ADMCA for short.



The new law means that adult wardship will end in 2026.



The new decision-making system is about the will and preference of the person.

This is what they want for their life and like best.



# How the research was carried out





There were different parts to this research.



We looked at information, called data, from the Office of Wards of Court.



We interviewed people in wardship or that had just left wardship.



We talked to the people that act for wards of court, called committees.



We talked to staff involved in moving people from wardship to the new decision-making support services.



We watched court hearings that decided if people needed support when leaving wardship.  
This is known as being discharged.



The research team were supported by a research advisory group.

# Ethics



We had a Research Ethics Committee.



This Committee helped us have the right values and ways of working for this research.



We got agreement from the Health Research Consent Declaration Committee.







The President of the High Court agreed that any person in wardship could take part in the research.

# What we found



# Moving in and out of wardship

 <p>April 2023</p> <p>November 2025</p>	<p>We looked at what happened between April 2023 and November 2025.</p>
 <p>Assisted Decision Making Act</p>	<p>Progress at moving people out of wardship has been slow since the start of the ADMCA.</p>
	<p>By the end of November 2025, only 250 people had been discharged from wardship.</p>
 <p>April 2026</p>	<p>By the end of November 2025, 1,602 people were still in wardship. They must leave by April 2026.</p>



Some people were discharged with no decision-making supports.



Most people were given a decision-making representative.



One in ten people discharged from wardship needed the support of a co-decision-maker.



Most adults in wardship when the ADMCA started are still waiting to be discharged.



# Interviews with adults in wardship and their committees



The research team met 27 people in wardship or who had been discharged from wardship.



People did the interview on their own or with support from their committee.



Some wards of court were not able to take part in the interview and their committee took part instead.



Some wards of court said they lost their choice, respect, control, power, and freedom in wardship.





Some said they did not get a chance to make their own decisions and learn from them.



Some were not happy that wardship had intruded on their life.



A small number of people said that wardship did not change their day to day living.



Committees said their job could be challenging.  
It can be stressful to make decisions for their family member.



Most committees said they got good support from Case Officers in the Office of Wards of Court and the High Court.



A small number of committees said the cost of putting a person in wardship was too much.



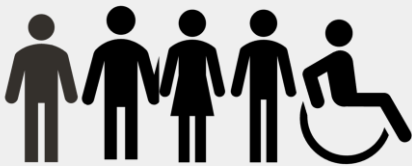
A small number said there were no good things about wardship.



Many wards of court said they did not get enough information about the end of wardship.  
Some committees agreed.



Committees worried about the move from wardship.



Only five people that took part in the research had been fully discharged from wardship.



They talked about freedom, making their own decisions, and living more independently.



They felt a bit anxious about making their own decisions.  
People still in wardship worried about their decision-making skills too.

# Interviews with key stakeholders



Key stakeholders are people working in the law or health, and others with an interest in wardship.



There were 22 interviews with key stakeholders as part of the research.



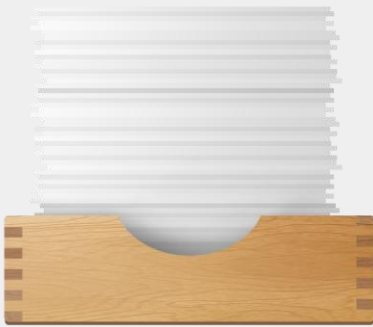
Stakeholders said that wardship stopped a ward of court from making their own decisions.



Some said it intruded too much on a person's life.



Some stakeholders believed that wardship was a good thing for some people.



Some said that discharging people from wardship was hard and a lot of work.



If a ward of court was in a residential service, providers were not clear what to do about discharge.



Stakeholders said people need support while they are discharged and as they get control of their lives.



There can be challenges with decision-making supports after a person is discharged.

For example, someone might not have a person in their life who can be a co-decision-maker.



Stakeholders worried about how money would be managed after the person is discharged.



Stakeholders said the Protection of Liberty Safeguards law should have been put in place with the ADMCA.



They could not see how all adults could be discharged from wardship in the 3 year deadline.



# Watching discharge hearings



66 discharge hearings in court were watched in person or by video link.



59 people were discharged from wardship during these hearings. There was no decision on the day for 7 people.



Hearings lasted about half an hour.



26 people did not come to their discharge hearing. 30 took part by video link and 10 came in person.



Steps were taken to make sure that people knew about the discharge hearing and their right to attend.



During the hearings, a solicitor or a barrister gave a presentation to the judge.



The person in wardship usually said very little even when the judge offered them a chance to speak.



All wards of court had visits from a solicitor before the court hearing.





Many judges tried to help the person to understand what was happening. For example, by using simple words.



The court thought about the will and preference of the person.

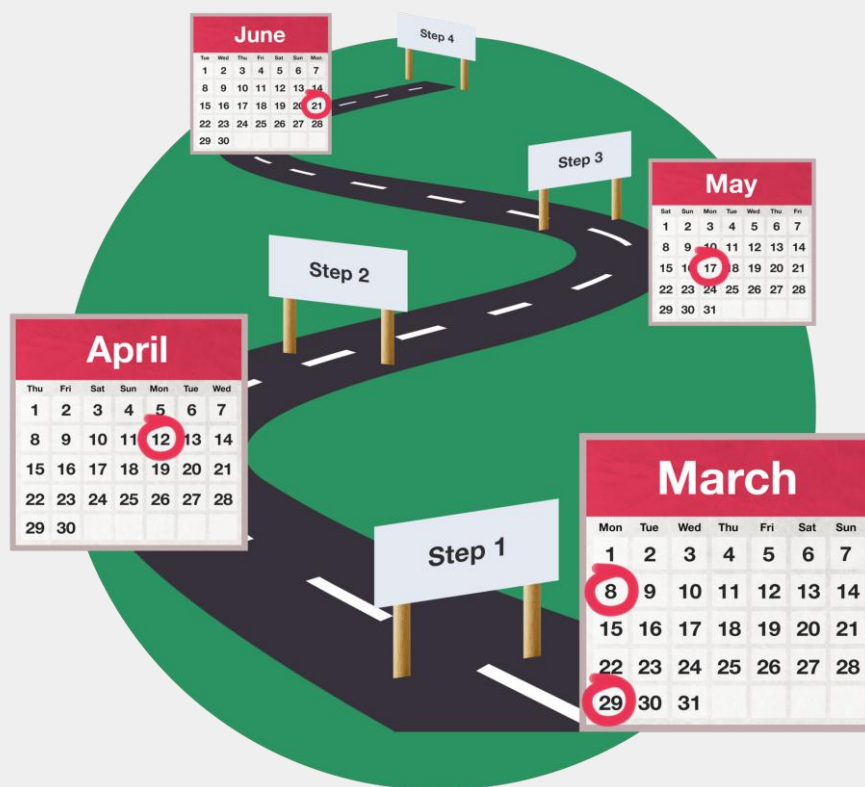


Most people were discharged with decision-making supports. The court thought about the choice of decision-making supporters.



Judges were careful not to sign off on any money plans given to the court.

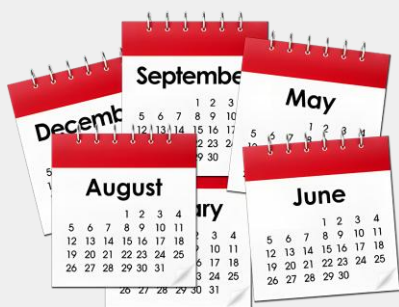
# What happens next



# What the research told us



There has been slow progress with ending adult wardship.



Discharge from wardship takes time.



The number of people applying to be discharged from wardship was small, particularly at the start.



Some wards of court and committees are nervous about moving to a new system.



People are worried about how money will be managed after a person is discharged.



An Bord Um  
Chúnamh Dlíthiúil  
Legal Aid Board  
Providing access to justice since 1979

Some were worried about law costs but this has been answered by the Legal Aid Board.



The Office of Wards of Courts has given people information about the end of wardship and new supports.



seirbhís tacaíochta  
cinn-teoireachta  
decision support service

Some committees and wards of court still do not understand how discharge works or the role of the Decision Support Service.



Wards of court are encouraged to go to their discharge hearing but some do not.



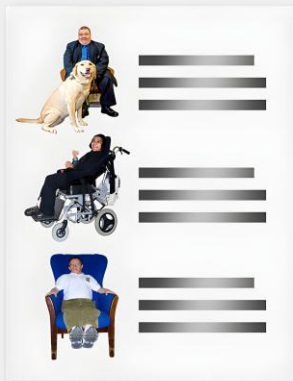
People working in the courts try to make the hearings as accessible and friendly as possible.



Wards of court have a chance to tell people their will and preference.



Most people are discharged with decision-making supports.  
Mostly, this is a decision-making representative.



The courts service have listed all wards of court for discharge.



We expect a huge number of wardship discharge cases before the High Court in the next few months.




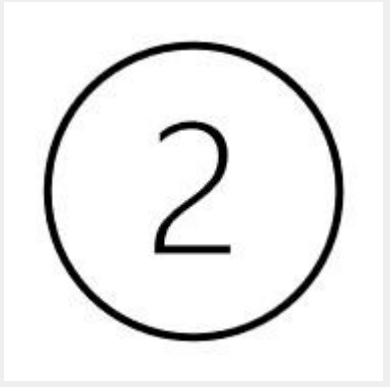


Some of these cases will be challenging for the court.



We do not think that all those in wardship will be discharged before the deadline in April 2026.



# Recommendations

	<p>The main report includes many recommendations.</p> <p>These are ideas or actions to improve things in the future.</p>
	<p>They are in 2 parts:</p> <ol style="list-style-type: none"><li>1. The discharge process</li><li>2. After discharge.</li></ol>
	<p>Here are some examples of the recommendations.</p>
	<p><b>Rate of discharge</b></p> <p>Progress as many discharge applications as possible before the deadline of 26 April 2026.</p>



## **Information**

Think about making more accessible information on discharge in different formats – websites, videos, leaflets.



## **Protection of Liberty Safeguards**

Move forward with the Protection of Liberty Safeguards law as a priority.



## **Legal aid**

Make sure people do not have to pay back legal aid fees if they are discharged from wardship.



## **In the court**

Use simple, plain language to help make discharge hearings more accessible to everyone.





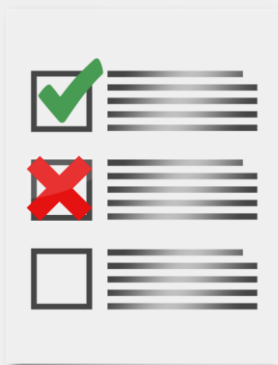
## **Assessments of capacity**

Make sure that all assessments fit with the ADMCA.



## **Decision-making supports**

Think about setting up a panel of professional co-decision-makers.



## **Review of the ADMCA**

The review should look at lessons learned from the discharge process and this research.



## **Supporting decision-making after discharge**

Put supports in place so people can learn more about making decisions.



This Easy to Read report is from  
the National Disability Authority.



ACE Communication helped to put  
this report together.  
Experts by Experience helped with  
this information.

