

Lasting Power Of Attorney And Deputies For Those Without Mental Capacity

Question

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To ask the Minister for Social and Family Development how can the Ministry urgently implement and communicate a nationwide action plan to help families in need to apply for the appointment of Deputies for family members who have lost their mental capacity due to accidents, dementia or other disabilities.

Answer

Families need to apply to the courts to appoint a deputy for any family member who loses capacity and has not made a Lasting Power of Attorney (LPA), in order to have the legal authority to act on his behalf.

Before I explain more about deputyship, let me say that a better option would be for Singaporeans to plan ahead and make an LPA. One key advantage of making an LPA is that the individual is able to choose his proxy decision maker, and discuss the LPA with his family so that his wishes are made known.

In order to encourage Singaporeans to do so, the fee waiver for Singaporeans making an LPA Form 1 giving the donee general powers has been extended till 31 August 2018. In the last two years, about 23,000 LPA applications were received, compared with 7,200 received over the previous four years prior to the fee waiver. We hope more Singaporeans will take advantage of the fee waiver to pre-plan.

Broadly, allow me to share some initiatives which my Ministry is undertaking to

streamline the deputyship process further. Firstly, the Family Justice Courts has simplified the forms for deputyship application. We are also discussing with the courts regarding how deputyship applications may be made more accessible to families.

Last year, we partnered the Family Justice Courts and the Movement for the Intellectually Disabled in Singapore (MINDS) on a pilot project to simplify the deputyship application process for parents of MINDS students. In this project, parents are assisted by MINDS' school psychologists, social workers, and volunteer academics and students from NUS Law Faculty. We hope to extend the project to two more Special Education Schools by the end of this year, and three more next year.

In working on the MINDS project, we realised the need to have a better, more standardised mental capacity assessment form which could be submitted to the courts. Hence, we have organised an inter-agency committee to develop a mental capacity assessment form for deputyship which covers key domain areas of capacity. Special Education Schools and doctors could, in future, use the form for their students and patients respectively.

For low income individuals who have no family members or friends willing and able to be appointed as their deputies, my Ministry has established a panel of professionals that the court can appoint as deputies on a pro-bono basis. There are currently 18 public-spirited professionals from the financial, healthcare, legal and social work sectors on this panel.

Families in financial difficulty can seek legal assistance from the Legal Aid Bureau under the Ministry of Law to file the deputyship application. Applicants will have to go through a Means Test and Merits Test to qualify for legal aid.