

HASA support group minutes: November 2016

Admin:

No support group on 8th December - we will all be at the Xmas Party at Jenny's home at 6:30pm. All welcome. Please bring your own drinks. The Address is

The Volunteers Tea is on 2nd December at 3pm organized by our local subcommittee. This is a token of appreciation for all the HASA Angels who have worked with HASA over the last year and given their time, energy and resources to improving the lives of people affected by HD. We look forward to celebrating with you.

Overview of guest speaker:

Sean O'Dowd is an Attorney at Bagraims Attorneys and presented at our November HASA support group on legal issues related to: Administration, Curatorship, Power of Attorney (POA) and the Mental Health Care Act of 2002. A summary of the MHCA can be found here:

http://ossafrica.com/esst/index.php?title=Summary_of_the_Mental_Health_Act%2C_no._17_of_2002

There were questions from members regarding: work related capacity, being married in community of property (the Deeds Office) as well as care-taking responsibilities (of self and others).

The MHCA has numerous categories in terms of who falls in where. It addresses issues of mental/ cognitive incapacitation, mental illness, mental status (physically, emotionally, socially and psychiatrically), admission criteria for health care facilities and how to approach certain regulations around psychiatric diagnoses and their diagnostic criteria.

The Act also addresses the code of conduct in working with persons who have an Intellectual Disability (ID).

There are no written criteria that states 'a suitably qualified lawyer' needs to be involved nor is there a criterion for witnesses to be present – this is a bank requirement.

One needs to go through mean tests to get assigned an administrator and/or curator. There are always issues related to affordability and income brackets when accessing certain services.

The difference between Administration and Curatorship was discussed as well as PoA.

The 2 main ways of acquiring legal assistance is 1. through an administrator (MHCA) or 2. applying for a curator. If you go with option 1, an admin is appointed to do the investigation and report on the process. Appointing an admin needs to either come from the person themselves or next of kin.

Admin / curator routes have limited authority as they are regulated by the policies of the MHCA but are more accessible to the public.

The Master is the admin indicator of the High Court who deals with deceased estates, protection orders etc... these processes cannot exceed 30 days, otherwise they need to reapply. This is a tedious and expensive process.

One approaches a PoA when the 'patient' is incapacitated and you do EVERYTHING on behalf of that person (property, personal etc...)

We would like him to come back and discuss Grants and more on Living Wills. In the meantime, the plan is to compile a resource map on the basics discussed.