



## APPOINTING ATTORNEYS FOR FINANCIAL AND WELFARE ISSUES

### POWER OF ATTORNEY

**A power of attorney is a legally binding document that allows someone to make decisions for you, or act on your behalf, if you're no longer able to do so or if you no longer want to make your own decisions.**

There are a number of reasons why you might need someone to make decisions for you or act on your behalf:

- This could just be a temporary situation: for example, if you are in hospital and need help with everyday things such as making sure bills are paid.
- Alternatively, you may need to make longer-term plans if, for example, you have been diagnosed with dementia and you may lose the mental capacity to make your own decisions in the future.

If it is just a temporary situation then an Ordinary Power of Attorney is likely to be appropriate, however in the case of a more permanent state of affairs then a Lasting Power of Attorney may be needed. You are able to appoint one or more people to act as your attorney. You may place restrictions on what they can do on your behalf.

There are two types of power of attorney, one covering property and financial issues and one covering health and care. In these documents you may select up to four people to act on your behalf.

## PROPERTY AND FINANCIAL AFFAIRS

If you want someone to manage your affairs if you lose mental capacity, you will need this type of Lasting Power of Attorney. It could also be useful if you become physically incapable.

An LPA covering property and financial affairs lets the people you choose (the attorneys) make decisions about:

- Buying and selling your property
- Opening, closing, and operating bank/building society accounts
- Settling bills
- Claiming, receiving and using your benefits, pensions, and allowances.

## HEALTH AND CARE

The range of decisions covered by the health and care LPA includes:

- Where you should live
- Your medical care
- What you should eat
- Who you should have contact with
- What kind of social activities you participate in.

## THE COURT OF PROTECTION

If you lose mental capacity and haven't completed an appropriate LPA, your relatives or friends can apply to the Court of Protection to be able to make any decision on your behalf as your 'Deputy'.

*Who can apply to be your Deputy through the Court of Protection?*

Anyone can do this. Usually it will be a family member or close friend, but a professional, such as one of our solicitors or an accountant, can do it as well (a charge will be made for the service).


Please bear in mind that once mental capacity for decision making has been lost, there is no option but to apply to the Court of Protection, which will normally be a time-consuming process, often lasting six months or more, during which time assets may be effectively frozen. It is also a relatively expensive procedure to go through when compared with obtaining an LPA. We therefore ask clients to seriously consider obtaining an LPA in advance of reaching this point.




Wellers Law Group LLP

## TALK TO US TODAY

We can help you understand your options in just a few minutes.

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