

What if it is too late to make an LPA?

If someone cannot make an LPA there are a couple of options available:

Appointeeship:

If the person's only finances are state pension/benefits then someone can be appointed by DWP to act on their behalf.

Deputyship:

If required, it is possible to apply to the Court of Protection for a deputy order. Once granted, it would give the applicant (known as a deputy) similar powers to those of an attorney appointed under an LPA for property and financial affairs. The process, however, is more complex and takes a significant amount of time.

It is very difficult to obtain general authority from the court in relation to a person's health and welfare, although a judge may consider specific issues.

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Lasting Powers of Attorney



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Lasting Powers of Attorney

A Lasting Power of Attorney (“LPA”) is a document that allows you to specify who can act on your behalf and make decisions for you should the need arise, even if you no longer have mental capacity. These people are known as your attorneys.

There are two types:

- LPA for property and financial affairs
- LPA for health and welfare

You may think that someone close to you could naturally assist with these matters, but the law states that organisations can only correspond with you or someone with legal authority to act on your behalf.

There are many decisions to be considered for each LPA. We can ensure that the documents are prepared in such a way to suit your circumstances.

Do I really need an LPA?

Everyone should consider making LPAs because we do not know what the future holds. It is particularly important if:

- you have a family history of dementia or memory loss
- you travel abroad regularly
- you have recently been involved in an accident
- you participate in extreme sports
- you run a business
- you would like to decide who has a say in your future

LPA for property and financial affairs

This LPA enables your attorneys to deal with your property and finances. For example, they can manage your money and investments; sort out any banking problems; carry on your business; pay your bills; sign cheques for you; arrange for any care fees to be paid; and ensure that you receive any money that you may be entitled to.

LPA for health and welfare

This LPA covers decisions about your care and treatment when you are unable to make those decisions for yourself. These may include what care you need; who provides that care; where you live; who visits you and the medication and treatment you receive. You must also state whether or not you want your attorneys to have the authority to give or refuse consent to life sustaining treatment on your behalf.

Registration

Once an LPA has been completed, it must be registered with the Office of the Public Guardian before it can be used. We recommend that LPAs are registered immediately so that they are ready to be used when necessary.

Sharon Brown and Chris Lucas are both Dementia Friends and members of Solicitors for the Elderly