

How can a Lasting Power of Attorney help me?

Imagine a situation where, either suddenly or gradually, you lose your ability to make decisions. This situation is not as rare as you think. It could be caused by many things including, a stroke, an accident, Alzheimer's or dementia.

If you found yourself in this situation who would deal with your bank account, who would be able to make decisions for you about finances or medical treatment? The answer is nobody, in the short term, once you lose the ability to make decisions for yourself it is too late!

Whilst medical treatment will be given it may not be what you would choose, however, it is often financial issues that cause the biggest problems. If, for example, a mortgage or utility bills are in your sole name and come out of your sole account, your spouse or partner cannot access the accounts or speak with the companies to re-arrange payments. This can cause debts to build up as well as stress.

That is why it is sensible to plan for the future by putting in place a Lasting Power of Attorney. Without a power of attorney in place the only option, to access and look after your finances, is to seek help through the Court of Protection.

An application to the Court of Protection can easily take at least 6 months. The fees and costs for making the application are controlled by the Court. In addition, there are ongoing costs as the Court requires annual accounts to be submitted and insurance to be taken out. The cost of making the initial application usually amount to around £2500, plus the ongoing costs.

What is an LPA?

An LPA is a legal document which allows the person or people you choose to assist you or ultimately take over decision making on your behalf. They are known as your Attorney. You can have more than one Attorney and they can be authorised to act independently or together. They must act in your best interests.



There are two types of LPA to consider and they have very different purposes:

A **Property and Affairs** LPA allows your chosen Attorney to assist you in making decisions regarding your property and finances. If it becomes necessary, they can take over dealing with your finances on a day to day basis and even sell your property on your behalf.

A **Health and Welfare** LPA allows your chosen Attorney to make decisions about where you live and the type of care you may need. You even have the option to allow your Attorney to make decisions about whether you receive life sustaining treatment if you lacked capacity to make that decision yourself.

Why do I need it?

- It allows you to make, in advance, the important decision of who you would want to act on your behalf if the circumstances arose.



- If you don't have an LPA and you lose mental capacity then the Court of Protection will appoint someone to act on your behalf. This person is known as a Deputy. You will have no choice over who is appointed. The process is costly and lengthy. In the meantime assets are frozen, bills may be left unpaid or attract penalty interest.
- Whilst you have mental capacity you can change your mind. You can decide to change your appointed Attorney easily by simply revoking the document and creating a new one.

Who should get an LPA?

- Everyone, but particularly the elderly. Once registered with the Office of the Public Guardian (OPG) a Property and Affairs LPA can be used in a variety of circumstances, not simply because a person has lost mental capacity. For example, you become less mobile or need to enter care accommodation, your signature has become shaky and is

questioned by your bank or you need to be in hospital for a period of time.

- The LPA cannot be used until it is registered with the OPG. You have control as to when it comes into use.
- Having a registered LPA allows affairs to be dealt with immediately and without worry.

How do I get an LPA?

- Contact Probate Solicitors on 01564 758055 – see our website for more contact details
- We will come to visit you at your home if you wish. Visits are usually free of charge if:
 - You are disabled or unable to get to our office or manage stairs or;
 - You are over 75 and live in B90, B91, B92, B93, B94

If you would like to know more about Lasting Powers of Attorney or any of our services including: prepaid funeral plans, prepaid probate, Wills, Probate or Trusts, call us now.

Contact us:
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