

Wollen Michelmore

SOLICITORS

TIME TO THINK AND PLAN AHEAD

When I first joined Wollen Michelmore's private client department a lot of my clients were concerned about the future and in particular who would be able to access their finances in the event that they were not able to manage them themselves. I would have to say that with much recent press coverage of the varying degree of care one can receive at a care home, this question is more, "who will be able to make decisions regarding my health and welfare if I cannot myself?"

In terms of finances, the issues of accessing them can be overcome either by creating a lasting power of attorney for property and finances or alternatively applying to the Court of Protection to become a deputy. The same can be said for health and welfare decisions however the Court of Protection can be hesitant to create deputies for a person's health and welfare.

In creating a health and welfare power of attorney whilst you have the ability to do so, your attorneys can make decisions for you, only if you do not have the requisite mental capacity to make that decision yourself. Decisions such as; where you live, what food you eat and indeed, whether you give your attorneys authority to give or refuse consent for life sustaining treatment.

This vitally important tool gives the client the reassurance that their attorneys will step into their shoes at a given time and will act as they would want them to, in making those vital life changing decisions.

This is more apparent as the population grows older with the possibility that Alzheimer's, dementia and other debilitating conditions could impact on more lives. The ability for an attorney to step forward and make a vitally important decision at a horrendous time in a family's life, takes the emotional pressure off of the family. The attorney would be acting with the heartfelt knowledge that this is what the client would have wanted.

As you can imagine, this is a deeply personal legal document but it is vitally important that it is drafted correctly to ensure that a loved ones wishes are listened to at a given point to save any unnecessary anguish at an already difficult time.

Some of my clients have likened these documents to insurance policies and it is hoped that they never have to be used, but when they are needed they are crucial in making your voice heard when you might not be able to make any sound yourself.

The best advice is to seek legal advice. For more information regarding this article, please contact Edward Lee 01803-225154 www.wollenmichelmore.co.uk