

Wollen Michelmore

SOLICITORS

HOW MUCH DO YOU KNOW ABOUT LASTING POWERS OF ATTORNEY?

Test your knowledge with Wollen Michelmore and our Summer Quiz.

TRUE or FALSE?

- 1. You don't need to make a Lasting Power of Attorney unless you're very elderly or ill.**

FALSE

You don't have to be elderly or ill to make a Lasting Power of Attorney. By making a Lasting Power of Attorney (or LPA) you can plan ahead. You can appoint people you trust to be your attorneys so that they can act on your behalf if you are unwell and unable to make decisions in future.

- 2. If you make a Lasting Power of Attorney then you will no longer be able to make decisions.**

FALSE

As long as you have the necessary understanding, you can carry on making your own decisions.

The LPA cannot be used until it's been registered with the Office of the Public Guardian. You can decide to register it or your attorneys can do so on your behalf.

There are two types of LPA. One is for financial decisions and one is for health and care.

If you make an LPA for financial decisions, then you can decide when your Attorneys can act. You can say that they can act only if you do not have the necessary mental capacity. Alternatively, you can say that they can also act while you still have mental capacity provided that you agree, for example, if you were away on holiday.

If you make an LPA for health and care decisions, then your Attorneys can make a decision for you only if you cannot make the specific decision yourself.

- 3. If you make a Lasting Power of Attorney, your Attorneys are allowed to do what they want.**

FALSE

Your attorneys must act in your best interests. They cannot just assume that you do not have the necessary capacity to make decisions. They must try to help you make as many decisions as possible. They must not treat you as unable to make a decision

just because you make an unwise decision. They must also consider if they can do things in a less restrictive way.

Your choice of attorneys is crucial as it is a very responsible job. Your attorneys must be trustworthy and reliable. You could appoint family members or friends or professional attorneys such as solicitors, who are subject to professional regulation and are experienced in running financial affairs.

4. If you lose capacity your spouse or partner will be able to deal with your finances anyway.

FALSE

There is no automatic right for a spouse or partner to act on your behalf. If you haven't made an LPA and you cannot do so, then an application would have to be made to the Court of Protection for a Deputy to be appointed to deal with your finances. This can be time consuming and expensive.

5. It's really expensive to make a Lasting Power of Attorney.

FALSE

It doesn't have to be really expensive. We prepare LPAs at fixed prices and can give you information about costs before our meeting.

6. It's a good idea to get the right advice about making Lasting Powers of Attorney.

TRUE

It's an excellent idea to get the right legal advice when making such an important decision.

At Wollen Michelmores we are pleased to help. We have offices in Newton Abbot, Torquay, Dartmouth Bideford and Barnstaple. We can help with a wide range of legal advice, including Lasting Powers of Attorney. For more information contact Isobel Yandle on 01626 883523 or isobel.yandle@wmlegal.co.uk