

Lasting power of attorney

Deciding who'll decide for you

Every day we make lots of easy decisions like what to eat or whether to go to the gym, but some are much harder and more complex. Shall I have surgery to replace my knee? Shall I move to a care home? If you can't make those decisions, because of ill health or physical frailty, who will?

A lasting power of attorney puts you in control, because you decide now who you want to act in your best interest in the future. It means the courts can't appoint someone else – who might not be your first, second or even third choice – to do this for you. Here are some useful points to guide you...



Points to consider

1

Don't wait, do it now

A lasting power of attorney (LPA) is legally binding and can be drawn up at any time while you have the mental capacity.

2

Decide which type you want

You can create one or both:

- 1) Property and financial affairs LPA, appointing someone to make decisions about managing your finances, investments and property.
- 2) Health and welfare LPA, appointing someone to make decisions about medical treatment and welfare (include decisions like where you should live). This type can only be used when you lack the capacity to make a decision yourself and cannot overrule a valid decision you've already made.

3

Debunk the misconceptions

"I have a close family who'll manage my affairs for me". This isn't the case unless they've been appointed by your LPA or by the court as your deputy.

"I'm not going to lose my capacity to make these choices". That's out of your control so it's never too soon and simply not worth taking the risk.

"A deputy appointed by the Court of Protection will protect me." True, but it's expensive, takes time and the person making decisions for you might not be the person you would have chosen. Meanwhile, who'll pay your bills?

"My attorney will take over immediately and I'll have no say." This also isn't the case. The document need only be used when necessary and your attorney must comply with the Mental Capacity Act and involve you in as many decisions as possible.

4

Choose your attorney

You can have one or more attorneys and give them guidance on how you'd like them to act on your behalf. An attorney can be a professional person, close friend or member of the family, or a combination.

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