

The Importance of making Lasting Powers of Attorney

I often have clients say to me that they do not need a Power of Attorney as they are not old enough to need one yet, and when the time comes they will make one. I find that clients are increasingly aware of the importance of making a Will, but there is still a feeling that Powers of Attorney are for "old people" and that there is no need to consider making one until later on in life.

The problem with this view is that at the time you or your family need you to have a Power of Attorney, it may be too late for you to make one, as you can only make a Power of Attorney if you have the mental capacity to understand the implications of the document.

Powers of Attorney are not only for people in later life with illnesses like dementia, they are invaluable in circumstances such as accidents where someone suffers brain damage, or a stroke or other sudden illness, and is unable to deal with their day to day affairs.

A Lasting Power of Attorney is a document which remains valid even if you lose mental capacity after it has been made. There are two types of Lasting Powers of Attorney, one to deal with your property and financial affairs and one to deal with your health and welfare.

If you lose mental capacity and do not have a Lasting Power of Attorney then your family may need to make an application to the Court of Protection in order to be able to deal with your affairs on your behalf. This can be a long and costly process at an upsetting time.

With a Lasting Power of Attorney you chose who you wish to be your attorneys. You are in full control of what happens in the event you lose mental capacity, but without one, anyone can make an application to the Court of Protection on your behalf and you do not have any say in this.

We advise our clients to consider making a Lasting Power of Attorney at the same time as they are making their Will to give peace of mind and ensure that their families do not face any difficulties in the future.



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