

# The Facts: Lasting Powers of Attorney

## What is a lasting power of attorney?

Lasting powers of attorney (LPA) allow you to appoint people to act on your behalf in case you cannot manage certain decisions and responsibilities in your lifetime. It is one of the most helpful things we can do to protect our spouses, partners and children, hopefully saving them worry, cost and delay.

For more information please contact:



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## When should I take out an LPA?

Lasting powers of attorney are relevant to all adults of any age. They have become increasingly important as the risk of mental incapacity grows through a combination of illness, accident or just old age. A person who loses capacity at a young age could have many years when an LPA is a central part of making decisions in their best interests.

## What happens if you lose capacity without an LPA?

Your loved ones will have

- no access to your funds to support your future care
- to apply to the Court of Protection for a deputyship order to obtain permission to access your funds – a distressing and expensive process at a highly emotional time
- no right to make decisions about your health and welfare and therefore your own wishes may be ignored.

## If you lose capacity with an LPA your loved ones will

- have immediate access to your funds to support your care
- not have to go through the stressful and expensive process of applying to the Court of Protection
- have the right to make decisions about your health and welfare and ensure your wishes are carried out.

## People we have advised

- Three company directors wished to have a property and financial affairs LPA. The directors did not feel that their respective families would be able to run the business effectively in their absence. We prepared two separate LPAs – one for business affairs appointing the other directors as the Attorneys and one for the personal matters, appointing their respective spouses.
- A married couple did not wish to be resuscitated if either of them were ever in an accident. We prepared health and welfare LPA for the couple appointing their children as their Attorneys and giving their children the right to refuse or consent to life sustaining treatment on their behalf.

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