
Court of Protection: Becoming a Deputy for an Elderly or Vulnerable Person

If you are in a situation where you are looking after the affairs of a friend or family member who lacks capacity to manage his or her own affairs, it may be necessary to apply to Court to be their Deputy.

Perhaps your friend or relation has special needs, has had an accident or illness or is suffering from Alzheimer's or Dementia. As a Deputy, you'll be authorised by the Court of Protection to make decisions on their behalf.

There are two types of deputy:

- Property and Financial affairs, e.g. paying bills or organising investments
- Personal Welfare, e.g. making decisions about medical treatment and how someone is looked after

You can apply to be one type of Deputy, or both. If you're appointed, the Court will tell you exactly what your responsibilities are. It is also possible to have more than one Deputy.

We can advise you every step of the way, from explaining to you in plain English what the requirements and responsibilities are, and whether or not you need to get permission to make the application.

We can deal with the entire process for you, so that you can be sure that the matter is in safe hands and you are fully advised throughout.

What are the responsibilities of being a deputy?

As a Deputy, you must consider your loved one's level of mental capacity each time you make a decision for them – you can't assume it's the same at all times and for all types of decisions that need to be made. There are also certain things that you can't do.

We can advise and guide you in these responsibilities and help you at all times act in

your loved one's best interests.

We can also help you prepare paperwork and annual accounts to ensure that your loved one's affairs are organised in a way which complies with these responsibilities.

Do I really need to become a deputy?

In some cases, it may not be necessary to appoint a Deputy and we can also advise you as to when it may be better to deal with matters without becoming a Deputy.

For example, in some cases, you may not need to be a Deputy if you are simply looking after someone's benefits. Instead, you can apply to become an Appointee.

There are also other ways to make decisions for someone and so please ask us for more information.

Can a Deputy make a Will for someone who lacks capacity?

Yes. It is possible to make an application to the Court of Protection for what is called a Statutory Will.

This is an important consideration in cases where someone is unable to make his or her own Will because they do not have the requisite capacity to understand the document or the scope of their estate.

We can discuss with you when an application for a Statutory Will may be appropriate and guide you through the process.

If you'd like more information call **01904 866139**
or email hello@rochelegal.co.uk



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