

Legal Aspects of Caring

If the person you care for is unable to manage their own financial affairs or may be unable to do so in the future, you may need to think and act now to avoid difficulties in the future. You should take legal advice if any course of action may be contested (eg by a relative) and particularly if there are large sums of money involved. The following are some of the situations you may need to think about.

Appointeeship

If the person you care for is unable to manage their own money matters, you may need to help them. You can become someone's **Agent** in order to collect their benefits or pension for them from the Post Office. It may be useful to formalise this arrangement further by **Appointeeship**. You can then arrange to pay bills, collect pensions and other benefits in your name but on their behalf, and use the money for the maintenance and welfare of the person you care for. For further information

Contact:

- Job Centre Plus, Leys House, 86/88 Woodbridge Road, Guildford
GU1 4LT
Ask for *Leaflet GL21* Tel: **01483 442400**
- Citizens Advice Bureau
- Your Solicitor

Lasting Power of Attorney (formerly Enduring Power of Attorney)

As a carer you may apply for the legal right to manage the affairs of the person you care for. This can only be granted while the cared for person is 'mentally capable' and they should be given independent advice. Once appointed as the person's Attorney, you may act on his or her behalf and undertake most financial transactions. If you feel that the person you care for is becoming mentally incapable you must apply to register for **Lasting Power of Attorney** with the Office of the Public Guardian. If you do not do this at the earliest opportunity, your powers become very limited.

Contact:

- Office of the Public Guardian, PO Box 15118, Birmingham B16 6GX
Tel: **0300 456 0300**
www.publicguardian.gov.uk and click on link: 'making a Lasting Power of Attorney'
- Your Solicitor

Court of Protection

If the person you are caring for has already deteriorated mentally beyond a point where they can make decisions for themselves, then a Deputy can be appointed by the Court of Protection to make ongoing decisions on behalf of that person. For further information,

Contact:

- Court of Protection, Archway Tower, 2 Junction Road, London N19 5SZ
<http://www.publicguardian.gov.uk/about/court-of-protection.htm>
Tel: **0300 456 4600**
- Your Solicitor

Making a Will

It is important for everybody to make arrangements for after their death. Whilst many people find this an uncomfortable thing to think about, it is also reassuring to know that the right arrangements have been made. This is especially important if you care for another person, and for the person you care for.

A Will is simply a legal document which sets out how you would like your money, property and possessions to be distributed when you die. If you die without having made a Will, your property will pass by law to your next of kin or, if there are no next of kin, to the Crown. There are also complicated rules which may mean that if you die leaving a surviving husband or wife, the survivor might not receive the whole of your estate if you have children and have not made a Will.

Although it is possible to write your Will yourself (Will forms are available at Post Offices and stationers), an unclear Will can cause a lot of misunderstandings and delays after your death. There are also special rules about the formality of signing and witnessing a Will, which will invalidate the Will if not followed correctly.

It is therefore advisable to obtain a Solicitor's help. Some Solicitors may be willing to visit you at home. Many offer a standard rate for drawing up a Will but you should always ask about all fees and charges first. For more information,

Contact:

- Age UK Surrey Information & Advice Service, Rex House, William Road, Guildford GU1 4QZ – for advice for those over retirement age
Tel: **01483 446627** or **01483 503414** (switchboard)
- Your Solicitor

Probate

An Executor named in a Will needs to apply for a special legal document in order to deal with the estate left by the person who has died. *How to obtain Probate (PR48)* explains how this is done and also who else can apply if there is no Will or if the named Executor is unable to apply.

Contact:

- Citizens Advice Bureau
- Your Solicitor

Note: please photocopy if required. All information was believed to be correct at time of production. Inclusion does not imply recommendation. Please advise us if you should find any errors, in order that we can update the information

Produced by Carers Support Guildford and Carers Support Waverley

For more information

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