

## **Why Should I Have a Lasting Power of Attorney?**

The autonomy to make your own decisions about financial and health matters is something you cherish, but it is not something you can afford to take for granted. After all, despite the veneers, there is much in life that is beyond our control. When the unexpected happens, not having a plan already in place can create extensive and difficult complications for you and your loved ones.

Say something tragic and unforeseen such as a devastating accident takes away your mental capacity for making important decisions. Or maybe an illness brings the same terrible result. Longevity presents these challenges as well. With the average lifespan in developed countries continuing to rise, there are more people suffering the debilitating effects of conditions such as Alzheimer's and dementia.

These are things no one wants and few expect, but they happen, and when they do, serious problems can follow. If you own a business, who will operate it and make important decisions about it? Who will decide how to manage property and other assets? Who will make health and welfare decisions about treatments, medications, assisted living, and more?

For these considerations, designating a lasting power of attorney is indispensable, and here we will provide a brief but informative guide to it.

### **What Is a Lasting Power of Attorney?**

Lasting Power of Attorney, or LPA, is simply a legally recognized way of assigning one or more persons to make financial and health decisions for you in the event that you no longer can. The person appointing this responsibility to another is the "Donor," and the recipient is the "Attorney."

There are two categories of LPA. Lasting power of attorney for property and financial affairs (Property & Financial LPA) is one, and lasting power of attorney for health and personal welfare (Health & Welfare LPA) is the other. With the former, you can opt for assistance even if you are still capable, and the latter goes into effect when you have lost your mental capacity for making those decisions.

One of the most common questions about LPA is who can be designated with it. The answer: almost anyone that you trust. Most often, this means a spouse or civil partner, a sibling, an adult child, a close friend, or a legal professional.

Another common question is whether there can be only one person designated with LPA or if multiple people can be. You can certainly designate a single person for everything, but you don't have to. One option available is to designate different people for different things (maybe your nurse cousin would be best to handle health decisions while your accountant younger sibling

would be well-suited for decisions about finances, for example). There is also the option to designate multiple people for the same matters so that decisions are group ones and not left in the hands of a single person. That second one can also make sense when you consider that the unexpected can occur to anyone. You as the Donor are far from the only one who could face diminished or lost capacity to make critical personal and financial decisions.

## **How Does It Work? How Do I Make Sure It Isn't Abused?**

A common misconception about LPAs is that once you designate one, you have instantly and forever signed away all control of your affairs. This is not the case at all, and there are several safeguards that protect you:

- You cannot be forced into making an LPA. When you go through the process, a professional or trusted acquaintance acts as the Certificate Provider, officially verifying that you were of sound mind when establishing the LPA and that you were not coerced to do it.
- Only after you register the LPA with the Office of the Public Guardian will it go into effect.
- You establish the terms under which the LPA goes into effect.
- As discussed previously, you determine who will have LPA status, how many will, and in what manner (individually or collectively) decisions will be made.
- While you retain your mental faculties, you can change terms, replace designated people, and add new people.
- If there is suspicion that the Attorney is not acting in the best interests of the Donor, the Court of Protection can invalidate an LPA and the Office of the Public Guardian can investigate.

## **The Care and Expertise of Elizabeth Middleton Solicitors**

The subject of mental incapacitation is not one many people like to think about, but it becomes an unfortunate reality for a great many people at some point in their lives. Since even the young and strong can experience catastrophe, it is also not a subject to put off until trouble starts to present itself.

Elizabeth Middleton Solicitors provides compassionate, professional assistance with the process of creating an LPA. We will be with you every step of the way, from discussing fees and options and terms to helping you determine whom to designate with such great responsibility.

We are here to help make sure that weighty decisions in the future don't have to be even more wrenching and difficult than they already will be. In establishing a sound LPA, you are looking after not only your well-being but that of your loved ones. Please [contact us](#) today to get started on establishing peace of mind for you and those who love you most.

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