

Your Legal Questions

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Q My Dad made an Enduring Power of Attorney some years ago and appointed me as his Attorney. I haven't needed to do anything until now. Dad can no longer cope - what do I do now?

A. It is not clear from your question whether Dad is simply physically unable to cope e.g. perhaps he can no longer sign his name, read clearly or hear adequately what is said to him and needs your help for these reasons. If this is the case then all you need to do is produce the original document or a photocopy which has been certified by a solicitor to any institution with whom you now intend dealing on Dad's behalf for example the Department of Work and Pensions, his bank etc. You may well find that you will also have to produce evidence of your identity. Once these formalities have been dealt with you can then manage Dad's affairs for him.

If, however, Dad is no longer mentally capable of managing his affairs e.g. his memory is so poor or he is so confused that he no longer has the appropriate understanding to make reasoned decisions, then it will be necessary to register the document with the Court of Protection.

The procedure requires the correct forms to be completed and specific family members to be formally notified. A solicitor will be able to guide you through this procedure and advise you of the limited actions that you can undertake until registration has been completed.

Bear in mind that if you do not need to register the document now, if Dad subsequently loses capacity you will then need to do so.

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