

# THINGS TO THINK ABOUT BEFORE MAKING YOUR LASTING POWER OF ATTORNEY



# ATTORNEYS

## Choose your Attorneys

Your Attorneys are the people who, depending upon the type of Lasting Power of Attorney (LPA) you make, will become legally responsible for managing your financial affairs and/or health matters should you lose the mental capacity to do so. This includes dealing with any day-to-day financial matters, and may include the ability to decide whether to withhold life sustaining treatment.

You should choose Attorneys who will be prepared to deal with the formal process of managing your day-to-day affairs should you lose the capacity to do so yourself. That might involve, for example, making payments for services and supplies or agreeing with doctors upon the treatment you receive.

You can choose any number of Attorneys, but we suggest between one and four. You must choose at least one. You should include replacement Attorneys in case one or more Attorney is unable to act (or if they just do not want to do it).

If there is no Attorney who can act, your representative would have to apply to the Court of Protection to gain the right to manage your affairs, which can be a lengthy and costly process.

## How your Attorneys can act

You must decide upon the way your Attorneys will act, either individually, together, or in specific ways depending upon the circumstances.

## Replacement Attorneys

You can also appoint someone as a "replacement Attorney". That person becomes one of your Attorneys only when one of the main Attorneys dies, or is unwilling or unable to act as an Attorney.

It's a good idea to speak to your Attorneys before you make your LPA to make sure they are comfortable with doing the work of being your Attorney.

You can choose us to act as one of the Attorneys, or as a replacement Attorney.

## Instructions and Preferences

### Instructions

You may put legally binding instructions in your LPA that impose restrictions on your Attorney(s) powers and what they can decide for you. However, you must be aware that

these decisions may still need to be made and other people such as doctors/care workers or the Court may be required to step in to make the required decision.

## **Preferences**

Even though you may have chosen not to impose legally binding instructions upon your Attorneys, you may still seek to assist your Attorneys with some specific or general preferences as to how they are to act for you.

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