

ELDERLY CLIENT

At Berry & Berry, we realise that it can become more and more difficult to manage your affairs as one gets older. Quite often this is because mental capacity is failing, but it can be due to a physical problem (perhaps signing is difficult.). Sometimes, you may need assistance for only a short period because, perhaps, you are going to be away in hospital or on a long trip.

Lasting Powers of Attorney

The most common scheme for addressing this situation is to make a Lasting Power of Attorney. A Power of Attorney confers the right to act on your behalf to trusted individuals. The Lasting Power of Attorney for Property and Affairs is limited to only financial matters. It allows your Attorneys to act in regard to issues such as, paying bills, managing investments, running your business, the buying and selling of property and the like. It does not allow your Attorneys to make personal welfare decisions, such as where you should live.

If you do not have a suitable relative or friend, a partner of the firm can act on your behalf. We will advise on the terms and conditions to be considered.

Management of financial affairs

If you wish, as well as preparing a Lasting Power of Attorney, we can manage your financial affairs for you. This includes administering the payment of bills such as nursing home fees, dealing with state retirement pension, attendance allowance and other benefits where necessary, and advising you in connection with any assets or property that you may have.

We can arrange for your bills to be paid out of your funds, saving you inconvenience and worry. If appropriate we can introduce you to expert advice on finances and savings and we will report regularly to you so that you are kept fully informed.

Deputyship and the Court of Protection

When someone no longer has mental capacity to manage their own affairs and no Lasting Power of Attorney has been made, it may be necessary for someone to be appointed to act on their behalf. In this situation, an application for Deputyship has to be made to the Court of Protection. The application process is more stringent and expensive than making a Lasting Power of Attorney because the individual is unable to express their wishes and give their consent. The Court needs to be certain the appointment is in their best interests.



Advance Directions for Medical Treatment

Another concern for our elderly clients is ensuring their medical wishes are understood, should they become incapacitated and unable to communicate their wishes.

The law allows for people to make advance directions for medical treatment, sometimes known as a "Living Will" and we can advise you on the most appropriate form for such a document and who to discuss this with.

Also, there is another kind of Lasting Power of Attorney; the Lasting Power for Health and Welfare. This allows your Attorneys (not necessarily the same people as your financial attorneys) to make decisions about your care. This extends into more personal areas, such as with whom or where you live and what medical treatment you will receive. This power touches on very delicate matters and careful consideration of who are appointed as Attorneys, should be given. Again, we will advise on the terms and conditions to be considered.



SOLICITORS

11 Church Road
Tonbridge Wells
Kent TN1 1JA

Tel: 01892 526344
Fax: 01892 511223

185 High Street
Tonbridge
Kent TN9 1BX

Tel: 01732 355911
Fax: 01732 355191

3 Tonbridge Road
Maidstone
Kent ME16 8RL

Tel: 01622 690777
Fax: 01622 662555

Suite 100, 70 Churchill Square
Business Centre, Kings Hill,
West Malling ME19 4YU

Tel: 01732 897925

Email: mail@the-solicitors.co.uk www.the-solicitors.co.uk

Estate planning and making a Will

Elderly clients are also concerned about the distribution of their estate after their death.

In order to ensure that your wishes are carried out it is important to write a Will. Our team will guide you through the appropriate considerations when making a Will, including funeral wishes, making personal gifts and charitable donations. We will analyse your personal circumstances and provide advice on inheritance tax planning.

A major worry facing many older people is that the majority of the wealth that they hoped to pass on to their families is locked up in the value of their home and this will be eroded by the need to pay for the expenses of old age, particularly nursing home fees.

It is important to discuss this with us, as it is possible to make use of trusts either inside or additional to a Will and/or insurance, in order to try and protect the value of the family home and best ensure that your property and assets are distributed in accordance with your wishes, after your death.



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