

“ Plain speaking legal advice ”

Elderly Client Issues

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Mum is not well and needs a Power of Attorney so that I can manage her affairs for her.

It will be necessary for your mother to have a meeting with a qualified lawyer to discuss her requirements, and to instruct the lawyer on what powers she wishes her Attorney to have. Before any documentation can be prepared the lawyer must be satisfied that your mother understands the nature and effect of the document she is signing.

It may be that it is too late for your mother to enter into a Power of Attorney, and an application for Deputyship must be made.

Further information concerning Powers of Attorney and Court of Protection Deputyship are available from this firm.

Dad wants to make a Will leaving everything to me.

It will be necessary for your father to have a meeting with a qualified lawyer to discuss his requirements, and to instruct the lawyer on what he wishes included in his Will. Before any documentation can be prepared the lawyer must be satisfied that your father understands the extent of his assets, his moral obligations and the nature of a Will.

It may be that your father wants to ensure that note is taken on his medical treatment wishes prior to his death. In this case he should also consider an Advance Directive (living will).

Further information concerning Wills and /advance Directives are available from this firm.

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Can the lawyer take instructions from a family member?

The lawyer cannot always act for the whole family, especially where there may be a conflict of interest. He or she may be approached by a family member, to prepare documents, or act in some way on behalf of another, but it is very important that the lawyer actually meets with the person who wishes the document preparing. That person is the client. Whilst it is understood that family members wish to help their relative in any way, including prompting them if need be on what their wishes are, you must understand that the instructions we receive must come from the client and must be freely given without any influence. The lawyer will insist on seeing the client alone so that a full and frank discussion can take place and the clients true instructions taken.

I want to ensure that my family do not pay any unnecessary taxes on my death.

Tax and estate planning are topics that our qualified lawyers can discuss with you. With the increasing values of property Inheritance Tax is something that many of our clients wish to discuss. There may be actions that you can take immediately, or through your Will, which can reduce the tax burden on your estate.

Further information concerning tax planning is available from this firm.

My pension income is inadequate and I need to find extra money.

Equity release is a subject that is fashionable at the moment but is not something that you should enter into lightly. You must remember that the amount your estate will ultimately have to repay the loan company will depend to a large extent on how long you live. Interest is added to the capital advance on a monthly basis throughout the length of the loan. It may be that the final debt is higher than the value of your home.

For further information concerning equity release schemes, how they work, and how they may help or hinder you is available from this firm.

I cannot manage at home any more on my own.

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This publication is written as a general guide only. It is not intended to contain definitive legal advice, which should be sought as appropriate in relation to a particular matter.

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Care in the Community is something that our qualified lawyers can discuss with you and assist in arranging an assessment of your care needs. Not everyone will need to go into residential accommodation but may be able to manage at home with daily help.

Should you need full time residential care, funding of fees is something that is in the forefront of many clients minds. Again, our qualified lawyers can discuss your circumstances, and assist in making any arrangements for your present and future needs.

Further information and advice on both care at home and residential/nursing home care is available from this firm.

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