

## **Planning for the Future Series 5**

### **THE COURT OF PROTECTION**

#### **AN INTRODUCTION**

#### **What is the Court of Protection?**

The Court of Protection is a distinct Court with specialist Judges to protect the interests of people who do not have mental capacity to make their own decisions.

The Court deals with both financial and health and welfare issues and can make a range of decisions including the following:-

- A declaration regarding a person's mental capacity to make a particular decision, for example, whether George is able to manage his financial affairs.
- A declaration regarding whether or not a particular act to be carried out in relation to a person lacking capacity is lawful, for example, whether Carol's daughter was correct in the way she managed her mum's finances under the Lasting Power of Attorney.
- Making a decision on behalf of a person lacking mental capacity, for example, whether or not it is in Stuart's best interests to receive life sustaining treatment.
- Appointing a Deputy to make decisions on behalf of a person lacking capacity to make those decisions, for example, Rita had a stroke and had not made a Lasting Power of Attorney, the Court appoints her son Roy as her deputy to manage her finances including the authority to sell Rita's home if appropriate.

Attorneys and deputies are accountable to the Court of Protection.

This is a basic introduction and there are two more fact sheets dealing with the appointment of deputies for finance and health and welfare respectively.

## NEXT STEPS

This is a basic guide, so contact us to talk about your wishes to enable us to advise you about your options and how we can help you.



Naomi Pinder, Head of Private Client

Naomi Pinder qualified as a solicitor in 1988 and for over 20 years she has specialised in helping clients in planning for the future through Wills, Trusts and Lasting Powers of Attorney; Probate and the administration of estates and trusts; capacity and Court of Protection; later life care planning and related elder client issues.

Catherine Higgins Law Ltd Solicitors  
45 Allerton Road  
Woolton  
Liverpool  
L25 7RE  
**Tel: 0151 428 2472**

[www.chigginslaw.co.uk](http://www.chigginslaw.co.uk)

naomi@chigginslaw.co.uk