



WRIGLEY CLAYDON
SOLICITORS *since 1795*

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Supporting loved ones...

Helping someone who can no longer deal with their own affairs



A guide to the legal management of the money or property of someone who lacks mental capacity

You may know a family member, friend, neighbour or someone who you think is having difficulty making decisions about and dealing with their finances and property.

You may want to be able to make decisions for them but they have no Power of Attorney in place appointing anyone to help or assist them.

What is 'Mental Capacity'?

Even if a person is having difficulty making decisions, with help and support, they may still be able to make decisions themselves. Generally someone who lacks capacity cannot do one or more of the following:

- understand and retain information given to them long enough to be able to make a decision
- weigh up information given to them to be able to make a decision
- communicate their decision in any way

However, everyone's circumstances are different and a medical practitioner can help with an assessment.

continued overleaf

Whatever your needs, it will pay you to consult us sooner rather than later

How can I help?

If a medical practitioner confirms that an individual does not have the mental capacity to deal with their own finances, property and affairs you can apply to the Court of Protection for an order appointing you as their Deputy so you can deal with their affairs.

Why is it necessary?

If a person loses their mental capacity to deal with their own affairs their finances will be frozen and the financial authorities will not be able to accept instructions from anybody else no matter how closely related. This means bills may not be paid, care home fees not paid and the individual will not be able to access their own pension payments. If they move into a care home and need to sell their house, they would not be able to do this.

What can a Deputy do?

The powers of a Deputy depend on the needs of the individual and also the Court's decision.

The Court of Protection will make an order giving guidance and will supervise the Deputy to make sure they are making wise decisions.

What shall I do next?

If you wish to assist someone because you feel they can no longer deal with their own affairs please contact us to make an appointment.

Home visits can be arranged.

The application process to apply to be appointed as a Deputy takes many months to complete. If you need to be appointed as a Deputy to help a loved one, the sooner the application is made the sooner you can help.



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Established in 1795, we've adapted to changing times and provide a service which recognises that solicitor's clients demand not only efficiency and to be kept constantly informed but also friendly and approachable treatment.

Wrigley Claydon try to combine all these attributes and, whilst using the very best of modern technology, remember that our clients are sensitive people, like us, often facing the most critical decisions of their private or business life.

With this in mind it is the philosophy of the firm to offer a warm welcome and a sympathetic and understanding service, as well as good advice and efficiency.

We also see it as our task not only to solve your problems but, wherever possible, to prevent them arising in the first place by providing sound and constructive advice on a regular basis, throughout your business or personal life.

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