



## Ensuring the expected after the unexpected: Lasting powers of attorney

**Zoe Blomfield**, managing partner – private client at Viberts, explains how can we retain some control over what happens after life throws a curve ball at us



I THINK it is fair to say that most of us start each week in the same way, expecting to do many of the same things we did the week before.

The older we get, however, the more we realise that if you do get to do what you did the week before, that's a good week.

Sometimes what we actually experience is somewhat different and, as sure as eggs are eggs, curve balls come at us left, right and centre. Sometimes those balls are tennis balls and we can juggle them, but sometimes they are great big boulders, and life changes because of them.

Although we cannot entirely control what destiny sends our way, there is a way to have a large degree of control over what happens after the unexpected happens. How? By outlining our wishes in lasting powers of attorney (for health and welfare and for property and affairs).

A lasting power of attorney for health and welfare is a legal document that addresses health care decisions if you become incapacitated. This document appoints a person(s) to make health care decisions on your behalf if you become unable to make decisions because of an injury, illness or mental impairment. A few common decisions that a lasting power of attorney makes are the admittance or discharge from hospitals and nursing

homes, as well as what treatments should be carried out. Everyone should have a health and welfare lasting power of attorney. If you are injured or unable to speak for yourself, these documents not only state what you want, but also who will make important decisions for you.

### A lasting power of attorney for property and affairs is a legal document that addresses property and financial decisions

A lasting power of attorney for property and affairs is a legal document that addresses property and financial decisions if you become incapacitated or before if you choose this option. This document appoints a person(s) to make financial or property decisions on your behalf.

You may wish to put in place a lasting power of attorney if you are going away for a long holiday, in advance of

having an operation, or simply because you want to ensure that a person you choose will look after your financial affairs if you can't or no longer wish to.

The alternative in terms of your financial and property affairs, is that if you become incapable of managing them, a delegate will be appointed by the court. This may not be who you expect. Being a delegate is also an onerous role and an annual report needs to be filed with the court each year, confirming all the financial decisions made.

Attorneys who act under an LPA must do so in your best interests. If they do not, there are stiff sanctions. There is of course the potential for abuse, so you should ensure that you trust your proposed attorney(s) completely.

LPAs are an excellent way of planning for the unexpected in terms of your health and welfare and your property and affairs. I have first-hand experience of how effectively they work, my own mother having had both. They assist enormously with everyday life and for the larger decisions that may need to be made in a person's life.

Hopefully, next week will be like last week for us all, but just in case it isn't, please make sure you have lasting powers of attorney in place so that your loved ones can fulfil your wishes.