



Deputyship Applications

THREE FORGOTTEN THINGS



- Planning
- Preparing
- Protecting

Deputyships

An application can be made to the Court of Protection to appoint a trusted person to make decisions for someone who cannot decide for themselves.

This could be their spouse, a friend or other relative. In some instances a professional deputy can be appointed from our deputy department.



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PLAN

Planning for the future is complex, particularly if there are uncertainties.

It's when these uncertainties become a reality that we need to then manage them.



PREPARE

Making preparations for unforeseen circumstances can be challenging.

There is the reassurance that these events can be managed and matters sorted out.

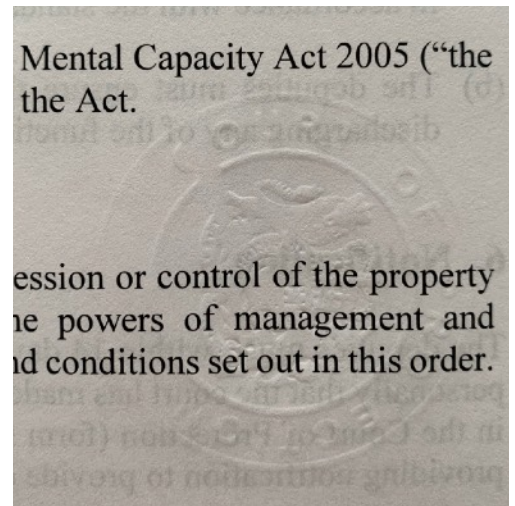


PROTECT

If someone does not have sufficient mental capacity, many banks will freeze a joint bank account, even if the other account holder has capacity.

If someone has dementia or another cognitive condition and cannot decide for themselves, they are at risk from someone taking financial advantage of them.

Family disputes can arise regarding how someone lacking mental capacity should be cared for or where they should live.



SOLUTION

Make an application to the Court of Protection to have a deputy appointed.



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TYPES OF DEPUTYSHIP AUTHORITIES

There are two types of deputyships.

- Property and Financial deputy
- Health and Welfare deputy

These are separate court applications. The court will be more likely to grant a financial deputy application than a health and welfare deputy application.



HOW DOES THE DEPUTY HAVE TO MAKE DECISIONS

The deputy is required by law to make decisions in the best interests of the person lacking capacity.

They have to try and include them as much as possible in the decision making process.

The deputy has to think about how would the person concerned make this decision.

They also have to consider any documents or information the person has written, which might help them, as their deputy to make decisions for them.



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APPOINTING MORE THAN ONE DEPUTY

It is usual to appoint two deputies acting jointly and independently unless appointing a professional deputy. Appointing two deputies helps them work together when decision making and thinking about what is in the best interests of the person lacking capacity. Professional deputy's also make decisions in the person's best interests and will consult family members regarding significant decisions.

WHAT ARE THE FORMS NEEDED FOR A DEPUTY APPLICATION

Deputy applications are made using the following court forms which need to be submitted. The court also requires different notices to be served on the parties.

- COPI Court of Protection application form
- COPIA Supporting information for property and affairs applications
- COPIB Supporting information for personal welfare applications
- COP3 Assessment of capacity
- COP4 Deputy's declaration
- COP5 Acknowledgement of service/notification
- COPI4 Proceedings about you in the Court of Protection
- COPI5 Notice that an application form has been issued
- COP20A & COP20B Certificate of service
- COP9 Application notice
- COP24 Witness statement



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WHAT IS THE PROCESS TO MAKE A DEPUTY

- Obtain a mental capacity assessment of the person concerned.
- Draft the required court order and reasons in law for the application.
- Complete the relevant Court of Protection forms.
- Submit the application to the Court of Protection with the court application fee of £371 unless this has been reduced owing to the income of the person the application relates to.
- The court may seek further information regarding the application.
- Once the court is satisfied with the application, they will 'issue it' (send it back to us) to verify the application can proceed to the next stage.
- Formally notify the person concerned that an application is before the Court of Protection to appoint a deputy.
- Notify other interested people (usually relatives and friends) about this court application.
- The person providing the notice sends back to the court a statement saying they have served the required notices.
- Once the court is satisfied, there are no objections it issues the deputy order.
- Pay the security bond or insurance often of around £100 to the court.
- Notify the person concerned that a deputy has been appointed the notify the court this has been done.

ORDER APPOINTING JOINT AND SEVERAL DEPUTIES FOR PROPERTY AND AFFAIRS

COST OF MAKING A DEPUTY APPLICATION

We charge the statutory fee of £950 plus VAT to make a deputy application.

This includes the required interviews, drafting the necessary court order, completing the relevant Court of Protection forms, making the application, serving the appropriate notices on parties, managing the court questions and providing copies of the deputyship order with information about how to be a deputy.

We provide a professional deputy service if there is no one else to make decisions for the person concerned who lacks capacity.



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Life is fragile



CRAYBECK LAW'S FREE AFTER CARE SERVICE

Being a new deputy is not onerous.

Craybeck Law provides to all our deputy clients one year's aftercare service. This means clients can contact and ask questions about being a deputy.

Call us for a free appointment

0207 060 1210

01268 947044

and let our professional deputy team make a deputy application for you.



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