

I need help with a Court of Protection application

At Timms we have a wealth of experience in both making Court of Protection applications and acting as a deputy and can assist you every step of the way.

Time is of the essence so if you know of someone who would benefit from having a deputy then please talk to us.

What about the cost

Making an application to the Court of Protection can be an expensive procedure and the fees are fixed by the Court. However, the costs are normally recoverable from the person who has lost capacity.

Our Wills & Probate team offer expert advice on:

- Wills
- Powers of Attorney
- Care for the Elderly
- Court of Protection Applications
- Administration of Estates / Probate
- Intestacy
- Inheritance Tax Planning and Asset Protection
- Trusts



Why use Timms?

With four offices across the East Midlands: Derby; Swadlincote; Burton upon Trent and Ashby de la Zouch, our breadth of experience and knowledge allows us to provide a diverse range of services from residential and commercial conveyancing, employment law, childcare law, family law and private client law to personal injury and clinical negligence.

We pride ourselves in our friendly, approachable manner whilst maintaining a professional practical relationship with our clients.

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Court of Protection

a guide to the Court of Protection



What is the Court of Protection?

The Court of Protection is a Court that has jurisdiction over the property, financial affairs and personal welfare of people who do not have the mental capacity to make decisions for themselves.

What sort of decisions does the Court make?

The Court has a wide variety of powers such as the ability to appoint deputies, make one-off decisions on behalf of someone who lacks capacity, deal with objections relating to Enduring or Lasting Powers of Attorney, Statutory Will applications and much more.



What is deputyship?

A deputyship application is the most common type of application. It is an application to the Court of Protection for someone to be appointed to make decisions on behalf of a person who has lost their mental capacity either through illness or injury, and where there is no Power of Attorney in place.

The deputyship will usually relate to property and financial matters but occasionally the Court will appoint a deputy in relation to health and welfare.

What sort of decisions does a deputy make?

A property and financial deputy can usually make decisions about selling property, investing money, paying bills, arranging pensions and benefits etc.

A health and welfare deputy can usually make decisions about medical treatment and what type of care the person receives.

How long does a deputyship application take?

A deputyship application usually takes around 6 months to complete although an emergency application can be made in certain circumstances.

Who can be appointed as a deputy?

Anyone over the age of 18 can be appointed as a deputy, provided they are of sound mind and do not have a history of bankruptcy and or certain criminal convictions. A deputy could be a relative or friend or a professional such as a solicitor.

What duties does the deputy have?

A deputy has a duty to act in the best interests of the person who has lost their mental capacity and they are governed by the Mental Capacity Act 2005.

They will be asked to complete an annual report which is submitted to the Court and which will include the following information:

- The reasons behind the decisions you have made and why they were in the best interests of the person you're deputy for.
- Details of who you spoke to and what they said was in the person's best interests.
- Financial details of the person you're deputy for, like their bank statements or spreadsheets.