

24. LEGAL MATTERS

It is generally advisable to consult a solicitor if you are concerned about any legal matters. They are listed in the yellow pages.

If you are not sure whether a solicitor is necessary or you do not know how to find one contact the Citizens Advice Bureau.

Court of Protection and Public Trust Office

The Court of Protection looks after the financial affairs and property of people who are mentally incapable of doing this for themselves. Its main function is to appoint receivers who carry out the day to day management of the person's affairs. It also adjudicates in disputes concerning the management of their financial affairs.



The Public Trustee is responsible for the supervision of receivers appointed by the Court of Protection. Additionally, the Public Trustee can appoint the Court as receiver in those matters where there is no-one suitable or willing to act for someone.

Disability Law Service

Offers free, confidential legal advice and information (on community care, education, welfare benefits, employment and disability discrimination) to disabled people, their families and carers, throughout Britain.

Open Monday-Friday 10am-5pm (closed 1pm to 2pm). People who are blind or have visual impairments can receive information in braille, audiotape, large print and Email. Contact: Ground Floor, 39-45 Cavell Street, London, E1 2BP

Tel: 020 7791 9800, Minicom: 020 7791 9801.

Website: www.dls.org.uk Email: advice@dls.org.uk

Enduring Power of Attorney

This form of Power of Attorney is to enable a person while they are mentally capable to decide who they would like to manage their affairs for them in the event they become mentally incapable.

Executor

The executor is the person or persons named in the Will to carry out the directions and dispositions in the Will as requested.

An executor becomes the legal representative of the writer of the Will and has the right to refuse the responsibility.

Guardian

Many parents wish to name a guardian to act for their child/children in the event of both their deaths, if the child/children is a minor at the time. The power of guardian will cease when the child/children reach 18.

Guardianship and Mental Health

The purpose of Guardianship is to enable people to receive care and medical treatment outside hospital but with close supervision and control. Guardianship gives the guardian the power to require a person to live at a specified address, attend a specified place for medical treatment or activity and to be seen by a doctor, approved social worker or other professional as required.

A person who is subject to Guardianship has the right to refuse medical treatment in most situations. A person named as guardian will either be a Social Services department or any other person approved by them. Application for Guardianship is made to the local authority.

Legal Aid

The Legal Services Commission is responsible for the Community Legal Service (civil) and Criminal Defence Service (criminal) legal aid schemes. Anyone qualifying for legal aid gets free advice about benefits, tax credits, housing, employment, education or debt problems. Tel: 0845 345 4345.

Website: www.legalservices.gov.uk or www.clsdirect.org.uk

Power of Attorney

This allows a person to give another the legal right to manage their affairs.

Solicitors for the Elderly

A national organisation of lawyers committed to providing and promoting independent legal advice for older people, their family and carers.

Tel: 0870 067 0281. Website: www.solicitorsfortheelderly.com

Wills

It is important for people to make a Will whether or not they consider they have many possessions or much money. There are a number of reasons why it is wise to make a Will and to ensure your wishes are carried out.

- If a person dies without a Will (intestate) their money and possessions will be distributed according to rules of inheritance not necessarily as the person wished.
- Unmarried couples cannot inherit from each other unless it is stated in a valid Will.
- Unmarried parents of children need to make a Will in order to protect the children in the event of death of one or both of them. An unmarried father has few rights unless he has established them in Court.
- A valid Will has to be in writing, made by a person who is 18 years or over and of "sound mind", made by them voluntarily and without pressure, be signed by the person in the presence of 2 witnesses. A witness can be an executor but not a beneficiary.

