

# Court of Protection



*'Thank you so much for your professionalism and competence. it is so good to know that I have such an approachable and hardwork legal representative on whom I can call.'*

Wills, Trusts & Probate Client

There may come a time when a loved one might lose the capacity to manage their affairs. If this happens, an application can be made to the Court of Protection. Our team of specialists can guide you through the process.

Legal support for business, for you, **for life.**



## Hegarty Solicitors

Peterborough • Stamford • Oakham

# Guiding you through the Court of Protection process

**You may come across a situation with a client, a service user, or perhaps a friend or a loved one, who is unable to make certain decisions for themselves, due to lack of mental capacity caused by illness, old age, or even an accident.**

This may be a temporary situation or a permanent one, but without some form of legal authority, nobody can undertake and assist with the management or decisions involved in that person's affairs.

The person may have already created a Power of Attorney document, such as a Lasting Power of Attorney (LPA), either for finances or health and welfare. As long as it has been registered with The Office of the Public Guardian (OPG), then the person(s) appointed in the document will have the legal authority to make best interest decisions on their behalf, depending on any restrictions.

If the person has not created an LPA and is unable to decide for themselves, then the only option is for an application to be made to the Court of Protection for someone to be appointed as a Deputy to be able to make the necessary decisions.

However, at times, applications can become contentious due to family disputes or objections as to the proposed Deputy. Our Court of Protection team is staffed with experienced and specialist lawyers offering support, advice, and guidance if this situation arises. It is essential to obtain prompt legal advice to achieve early resolution.



Our team have a wealth of knowledge and experience and can:

- Advise on making Court Applications.
- Assist in completion of forms and evidence.
- Offer practical and specialised information on Court Directions and Procedures.
- Provide full support and assistance throughout the Court process.
- Support you through best interest decision making for a protected party.
- Help and guide you through your legal duties when appointed as an attorney or Deputy.
- Navigate you through the processes of on-going supervision by the Office of the Public Guardian.
- Support you with other applications such as gifting, family payment arrangements, property, and trustee applications, statutory will or retrospective applications.

Our team comprises of members of the Society of Trust and Estate Practitioners, Solicitors for the Elderly, the Law Society's Private Client Law Section, and the Court of Protection Practitioner Association.

For more information visit [hegarty.co.uk/courtofprotection](https://hegarty.co.uk/courtofprotection)

# Court of Protection Forms Explained

**There are a number of forms required in order to submit an application to the Court and in order to make a Deputy application (Property & Financial Affairs) you will need to complete and file the following forms:**

## **COP1: Application form**

This is used to start proceedings and sets out:

- The matter which the Applicant wants the Court to decide;
- The Order which the Applicant is seeking;
- The name and address of the person concerned, any other person who has an interest

## **COP1A: Supporting Information for Property & Financial Affairs Applications**

This form must be filed with the Court with the COP1. It has five sections:

1. Applicant's details
2. Information about person concerned
3. Powers granted, Wills, EPAs, LPAs
4. Income, assets and expenditure
5. A snapshot view of the background of the person concerned

## **COP3: Medical Assessment**

This needs to be completed by a GP, Consultant or a Social Worker

## **COP4: Deputy's Declaration**

The Applicant must:

- Be 18 years of age or over
- Can be a Trust Corporation (only in connection with Property & Financial Affairs applications)
- Must consent to the application

For more information visit [hegarty.co.uk/courtsofprotection](https://www.hegarty.co.uk/courtsofprotection)

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