



OUR SERVICE TO THE ELDERLY CLIENT

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All clients need individual care and attention and the elderly client is no exception. Additional help and support may also be required for a number of reasons:

- It may be many years since the client's last visit to a Solicitor
- The visit may be necessary due to upsetting or distressing personal circumstances such as a bereavement
- The client may be hard of hearing, have impaired sight, have suffered a stroke leading to difficulties with speech or understanding, or may just be a little confused
- Some elderly clients are anxious to ensure that what they propose is the 'right thing' for other family members
- Many legal issues only arise as a result of or in anticipation of an elderly client's deteriorating physical or mental health and there may be a natural reluctance to discuss or confront such issues

The Partners and staff at Larken & Co. can provide help, advice and guidance:-

If you need a large print version of any of our leaflets please let us know.

Lasting Power of Attorney

A legal process under which you authorise one or more persons (Attorneys) to sign documents, pay bills, collect pensions etc. on your behalf. If you subsequently become mentally incapable of dealing with your affairs there is a simple procedure to register the Attorneys with the Office of the Public Guardian.

Court of Protection Deputyship

If, as a result of mental disorder, you are unable to manage your own property and affairs the Court of Protection will administer these on your behalf acting through a Deputy. Both the initial procedure involved in making an application for deputyship and the ongoing management of affairs under this system is costly and complex. A Deputyship application must be made if

- a person is unable to manage his/her own affairs;
- no Attorney has been appointed; and
- there is a house or other property to sell or dispose of; and/or
- his/her financial affairs need to be re-arranged (e.g. using direct debit payments)

In over one third of cases the appointed Deputy is not a family member

Social Security Appointeeship

An Appointee is nominated by Social Services to collect and utilise Benefits Agency pensions and allowances on behalf of someone who is no longer able to deal with or understand their own financial affairs. This relatively simple procedure is useful if the elderly person:-

- has not appointed an Attorney; and
- has no house to sell; and
- all other receipts and payments are already made directly through the bank

The DSS suggest residential/nursing home wardens should only be appointed if there is no suitable family member or friend able to act.

Staying in your Own Home

The majority of elderly people are able to continue to stay in their own home. We can help and advise if you wish to

- move to a smaller house/bungalow
- move to warden aided/sheltered accommodation

- make adaptations to your present home
- live with relatives

We strongly recommend clients to consider all the implications and options before deciding to give away their home. If the only reason for giving away your home is to avoid paying potential care fees the Authorities may ignore the gift and claim fees anyway.

Your Future Care

- Are you claiming all the benefits and allowances you are entitled to?
- Have you considered the assistance available to enable you to stay in your own home, from home helps and meals on wheels to nursing care?
- If you are choosing a residential home, have you considered which features are most important for your future comfort?
- If you are asked to sign a Residential Care Contract let us check it through before you sign

Wills

We recommend all clients (young and old) make a Will to ensure their wishes are fully understood and carried out on their death. It is not sufficient to rely on a friend or relative distributing everything in the way you want - if no Will has been made there are strict laws regulating who can receive payments on your death. Some elderly clients may be entitled to Legal Aid when making a Will - check with your Solicitor.

Advance Directive (Living Wills)

Not a true Will at all, but an expression of what medical treatment you would wish to receive if you were unable to communicate your intentions at the relevant time. You can also appoint an Attorney under a Personal Welfare Lasting Power of Attorney to communicate your wishes for medical treatment if you are not capable of doing this yourself at the relevant time.

A Death in the Family

We can assist if someone close to you has died without leaving a Will, and can guide you through the process of obtaining Letters of Administration to enable the estate to be distributed.

If you have been appointed as Executor in a deceased person's Will, we can help obtain the Grant of Probate. Our Partners and senior staff have many years of expertise in administering estates smoothly and efficiently on your behalf helping to ease the distress of the situation.

In simple estates we are happy to discuss with you whether or not a Grant of Probate (or Letters of Administration) is needed, without charge to yourself.

Tax Matters

Tax self-assessment rules relate to all those who need to complete an annual tax return. Let us help you fill in your forms to ensure they are correctly submitted. If you are likely to leave a large estate when you die, talk to us about ways of reducing your potential inheritance tax liabilities.

Legal Services

Many people will appoint family members to act as Attorneys, Executors in Wills, etc. However in some cases there may be potential family conflicts, large and complex estates, or few living relatives who would be able to carry out these duties. The Partners and senior staff at Larken & Co. are happy to act on your behalf as Attorneys, Deputies or Appointees or as Executors or Trustees in Wills and Trust Settlements either in conjunction with family members or in a sole capacity.

We believe in giving you the support and time you need to understand the legal processes, and to feel confident with the services we are providing

- If climbing stairs will be a problem, please mention this when making an appointment so one of our ground floor rooms can be made available for your visit
- Where possible we will let you know what our costs will be on your first visit. On more complex matters such as estate administration where it is difficult to forecast exact costs, we will tell you how our charges will be calculated
- If it is difficult for you to visit our offices in person we will call and see you in your own home. If you are outside of the Newark/Balderton area we may make a small additional charge to cover mileage.

Some elderly clients have said that waiting to see their solicitor is like waiting to go to the dentist. We hope that by the end of your first visit to Larken & Co. you will feel a lot more comfortable!

Have you seen our more detailed brochures:

Lasting Powers of Attorney
 Making a Will
 Ten Steps to Buying and Selling your Home
 Thinking of Giving Away Your House?
 Choosing a Residential Home
 What to do following a Death

If you would like further information on our services to the elderly client, please do not hesitate to contact Mr J D Kitchen, Mrs D K Ryan, Mrs K M Smith or Mrs C M P Watson on Newark (01636) 703333



This pamphlet is intended as a general guide only. Our advice should be sought on specific issues.