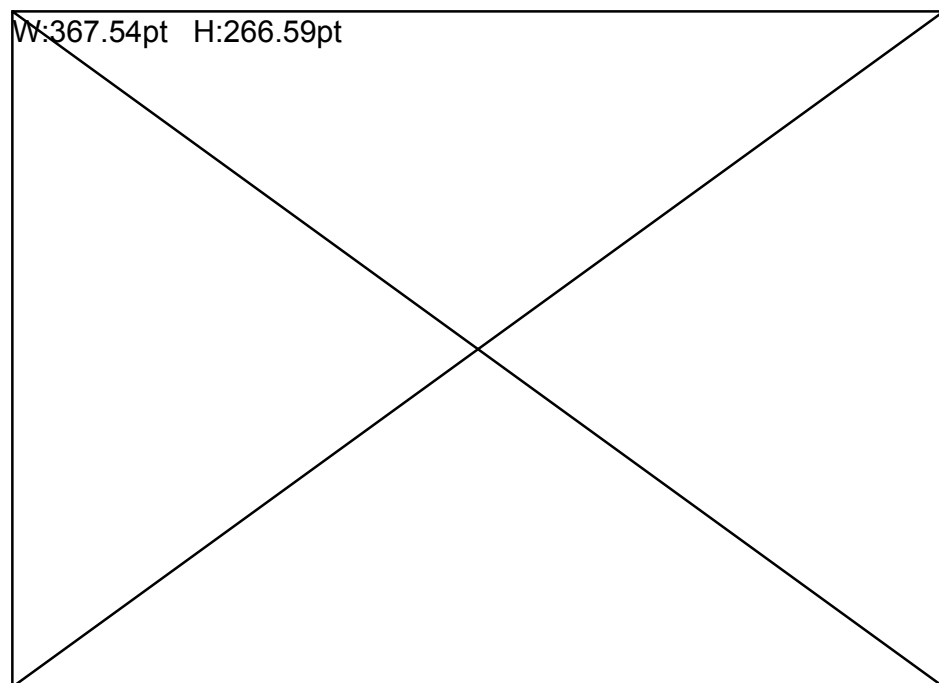


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# Enduring Power of Attorney - a guide



**CONOR McLAUGHLIN**

Making an Enduring Power of Attorney allows you to choose the correct people to deal with your affairs in circumstances where you are no longer capable of doing so yourself.

**WHAT IS AN ENDURING POWER OF ATTORNEY?**

An Enduring Power of Attorney is a signed and witnessed document that allows a client (Donor) to appoint certain party(ies) known as Attorney/Attorneys. An

Attorney/Attorneys will have authority to make decisions on behalf of that Donor in relation to their property and care.

It is important to note that this authority only comes into force in the event of a client developing mental incapacity. An Enduring Power of Attorney can be revoked at any time before it is registered.

**WHO ARE THE PARTIES TO AN ENDURING POWER OF ATTORNEY?**

The party granting the Enduring Power of Attorney is known as the Donor. The parties who are appointed to make decisions on behalf of the Donor are known as Attorneys.

The Donor will also need to identify at least two Notice Parties who are written to explaining that the Donor has granted an Enduring Power of Attorney.

A Doctor will also need to certify that the Donor has the mental capacity to grant an Enduring Power of Attorney.

**WHY DO YOU NEED AN ENDURING POWER OF ATTORNEY SOLICITOR?**

Our Enduring Power of Attorney Solicitors have



experience in all aspects of drafting, preparing and registering Enduring Powers of Attorney.

**HOW CAN OUR ENDURING POWER OF ATTORNEY SOLICITORS HELP?**

Our Enduring Power of Attorney Solicitors have the knowledge and experience to advise on all aspects of drafting Enduring Powers of Attorney. Our Enduring Power of Attorney Solicitors will assist you with all aspects of your Enduring Power of Attorney including contacting your appointed Attorneys, Doctor and Notice Parties.

Our Enduring Power of Attorney Solicitors review the relevant legal documentation and move quickly to bring the process to a swift conclusion while keeping you up to date throughout. We strive to make sure your experience is stress free.

**OUR 5-STAGE PROCESS**

**INFORMATION GATHERING**

Our Enduring Power of Attorney Solicitors send you a letter of advices requesting the names and addresses of your Attorneys, Notice Parties and your Doctor.

**DRAFTING & REVIEW**

Our Enduring Power of Attorney Solicitors then draft and review your Enduring Power of Attorney along with the letters to your Notice Parties and your Doctor.

**CONSULTATION**

A consultation with our Enduring Power of Attorney Solicitors will ensure that you understand the nature of the process and the documentation involved in making an Enduring Power of Attorney. If and when you are satisfied with the contents and consequences of signing an Enduring Power of Attorney, you may sign same.

**POST-CONSULTATION**

Once you have signed your Enduring Power of Attorney our Enduring Power of Attorney Solicitors will liaise with your Doctor and make sure that the necessary Affidavit confirming that you have the mental capacity to grant an Enduring Power of Attorney is executed. The next step will involve making the Notice parties aware that you have signed the Enduring Power of Attorney.

**REGISTRATION**

Your Enduring Power of Attorney can only come into force when it has been registered. In order to register an Enduring Power of Attorney, the attorney makes an application for registration to the Registrar of Wards of Court, once there

is reason to believe that you are or are becoming mentally incapacitated. The attorney must have a medical certificate confirming that you are incapable of managing your affairs.

In conclusion, if you do not have no Enduring Power of Attorney and you become mentally incapacitated then an application may have to be made to the High Court to have you admitted into Wardship under the supervision of Wards of Court office, at a cost to your loved ones. In this scenario the court has the power to make decisions on your behalf. An Enduring Power of Attorney avoids this scenario and gives you the power to decide while you have the cognitive ability to do so.

*The above article is one of a series of bi-monthly legal articles drafted by Conor McLaughlin, Solicitor and Principal at Conor McLaughlin & Associates. They do not constitute legal advice and should not be acted upon without seeking legal advice particular to your set of circumstances. Conor McLaughlin & Associates have their offices in Bundoran, County Donegal. For further information on the above or any other legal issues you may have, please contact us on TEL: 071 984 1322, Email: info@cmclassassociates.com or at www.cmclassassociates.com*



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