

# COURT OF PROTECTION APPLICATIONS

## PROPERTY AND FINANCIAL AFFAIRS

The Order appointing the Deputy will not necessarily give the Deputy the power to do everything they need to during the course of their appointment. In the event the Deputy needs to do something that is not covered by the Order then it will be necessary for an application to be made to the Court of Protection.

Applications to the Court of Protection can cover a wide range of issues including:

1. The power to buy or sell property
2. Buying property jointly with family members
3. Investing in non-standard investments (buy-to-let / holiday properties, ethical investments etc.)
4. Statutory Wills
5. Making gifts

Our team is experienced in dealing with a wide range of matters that may require a separate application to be made to the Court. Examples of the applications we have made include:

### **Case Study 1**

*B originally granted a Power of Attorney to C, a family member. Allegations were raised concerning financial abuse of B by C. There was a transfer of land owned by B in to the joint names of B and C. Issues were raised as to whether B had mental capacity at the time the transfer of land took place. Concerns were also raised as to whether B had capacity at the time she signed her Will.*

*Our experienced team are now dealing with this. As a result of applications to the Court of Protection Patricia Wass has now been appointed as Professional Deputy for B and the original Power of Attorney appointing C has been revoked. Consideration is being given to a professional negligence claim against the solicitor who acted for B in drafting her Will. An application will also be made to the Court for a Declaration to set aside the transfer of land and for a Statutory Will to be made.*

### **Case Study 2**

*A was appointed as lay Deputy for her brother B. Given the extent of B's disability he was in full-time residential care and had therefore been separated from his wife (E) and children for a number of years.*

*Contact between B and his children was problematic because his residential care home was located some distance from the family home and E didn't have a car.*

*An application was made to the Court for authority for A to buy a car for E thereby facilitating better contact between B and his children. The application also included details of likely future expenditure with the request for authority for A to fund a holiday for B and his children. Both requests were granted.*

*It is quite common for the Court of Protection to take from 3 - 6 months to process applications. For this reason forward planning is always advisable where at all possible.*

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