

Property & Financial Affairs Deputyship Applications Stages

1. You make an appointment to see the Solicitor. This may take up to one hour for you to provide us with details of the incapacitated person you wish to help (the patient) together with your details as Deputy. We also require details of their finances eg bank account balances, house valuation. You provide us with the GP's or Consultant's contact details. We discuss what is involved, the costs and the length of time such applications take
2. We provide you within 10 working days of the appointment with our letter of engagement and terms of business. We also provide you with the Court forms which need to be completed. You complete these to the best of your knowledge and return them to us. It is difficult to obtain financial information as the financial institutions require the consent of the asset holder (the patient) before disclosing any information. This is not possible as the asset holder will not understand the question due to their mental impairment. Sometimes it is easier for the financial institution to post the information to the asset holder's address they hold on record and then, provided you have access to their home, you can collect it. This stage depends on how quickly you return the forms to us
3. We complete the necessary Court Form, COP3, as far as we are able and request the medical professional to complete the rest. There is usually a fee rendered by the doctor and there is usually resistance to providing the completed form. This can take some time depending on the doctor. Other than chasing there is nothing we can do. The Court does not have jurisdiction without proof that the person is mentally incapable of managing their financial affairs. This stage depends on how quickly the doctor returns the form to us
4. We check the forms and complete them ready for your signature. You return the signed forms to us together with the Court fee, currently £365 (subject to remission or exemption based on the patient's gross annual income or receipt of certain benefits). This fee is recoverable by you once you have been appointed as Deputy and you gain access to the patient's funds. However, you will have to fund it in the mean time
5. We submit the application within 5 working days of receiving correctly completed forms
6. The Court issues the application. This is usually within 3 weeks of receipt of all the application. We serve or notify the relevant parties within 14 days. Some people are just notified of the application but others are served with a copy of the application. Three closest relatives aged over 18 years and mentally capable must be served. There may be more than three relatives as you have to serve notice on all the relatives in that class who are equal to each other eg there may be four adult grandchildren. A social worker or beneficiary under the patient's Will are all considered. The patient has to be personally served with a copy of the application even though they may not understand someone has to explain it to them. These parties are entitled to object to your appointment as Deputy by contacting the Court on a form supplied to them

7. Once all parties have been notified or served we have 7 days to inform the Court that this has happened

8. The Court inform us that a security bond needs to be put in place and the level of cover. This is in case you misappropriate the patient's funds the patient will not suffer loss as a claim can be made on this bond. The level of cover will be linked to the value of the patient's Estate. There is a premium to pay which again you will have to pay but then reimburse yourself once the Deputyship Order has been issued and you can take control of the patient's bank account(s)

9. The bond provider informs the Court that the bond is in place and the Court issue us with official copies of the Order appointing you as Deputy. It typically addresses issues such as selling a house, dealing with contents and insurance, claiming benefits, accessing bank accounts, paying bills. You then produce copies to the financial institutions with your ID and you can manage the patient's financial affairs. This authority ceases on their death

In all it takes about 6 – 12 months to obtain this Order authorising you to control the patient's finances

There are other applications with which the Court of Protection deals such as appointment of another Trustee where the patient owns a property with someone else to enable sale, authorisation of gifts to address inheritance tax concerns and statutory Wills where either an existing Will is insufficient or where there is no Will and the intestacy rules would mean many distant relatives inheriting a small amount of money. These applications are not as common but please ask if you think they apply to your situation