

Lasting Powers of Attorney

Why do I need a Health and Welfare LPA?

The woman imprisoned by a secret court described the shocking moment police descended on her father's care home to 'cart me off to jail'.

Wanda Maddocks was sentenced for trying to remove her father John from a home where his family thought he was in danger of dying.

But as she was not in possession of a **Lasting Power of Attorney for Health and Welfare** she had no legal right to remove her father from the home, which the Local Authority had chosen for him. Consequently by doing so she had acted illegally and in her absence the "Secret" Court of Protection made a judgment against her (the sentencing was not made public for six months). She was visiting her frail father when officers arrived to break the news that **she had been sentenced to five months in prison.**

She said: 'I walked out of the care home and saw a small white van, then two female police officers approached me with two court officers. **"They told me I had been sentenced to jail for contempt of court. I couldn't believe it."**

Judge Martin Cardinal sentenced Miss Maddock's at the Court of Protection in Birmingham after hearing that she had repeatedly broken orders not to interfere with her father's life at the care home.

*extracts from an article first printed in the Daily Mail 28th April 2013

Had Miss Maddocks had a **Lasting Power of Attorney for Health and Welfare** she would have had the legal right to decide on her father's place of care rather than the Local Authority acting under the National Assistance Act 1948.

A **Health and Welfare** LPA covers decisions relating to your care and wellbeing and is only

used if you lose the ability to make these decisions yourself. **This LPA allows your representative a say on healthcare and day to day care, at your own or residential home, including how you dress, your chosen diet and your daily routine.**

Your marital status alone doesn't give you the legal right to access bank accounts, pensions or credit cards, utility bills etc. in your spouse or partner's name.

Even in the case of joint bank accounts, if one person loses capacity, the other person does not automatically have the right to access the accounts without an LPA in place. Nor would they have the legal authority to decide on your personal wellbeing or have access to your medical notes.



COMPASS
will writers



Peace of mind for you
and those close to you

