

Services for the Older Client

Older Clients

Practising in a retirement area, as we do, in and around Burnham-on Sea, we have developed the specialist skills and experience needed to provide the breadth of legal advice required by the retired and elderly. We are frequently asked to provide advice on the financial implications of retirement, personal taxation, provision of long-term care and drawing up of Wills and powers of attorney.

We are committed to providing and promoting comprehensive and independent legal advice for older people, their families and carers and between them the Partners of Merryweather Williams have a wealth of relevant experience. Indeed, Ian Merryweather is a member of the national organisation Solicitors For the Elderly (SFE) however, all of the Partners adhere to this organisation's values when advising on such matters. Not just any lawyer can be a member of SFE. Members must have spent a substantial amount of their time working for elderly clients and have to fulfil the SFE criteria for membership. They must also follow the SFE code of practice.

Why will I need a Solicitor to guide me?

SFE members and those with equivalent experience have the knowledge that allows them to ignore the myths relating to ageing and the competence of elderly people. At the same time they will take into account and empathise with any difficulties, both mental and physical, which may accompany the ageing process. They are able to determine more easily between mental and physical disabilities and are more aware of social and health problems that arise as people age. This wealth of experience will hopefully put you at ease when resolving your legal issues.

What can you advise me on?

- Estate planning using Wills, trusts and lifetime giving
- Powers of attorney
- Court of Protection and related procedures
- Probate and the Administration of Estates
- Trust administration
- Tax Planning
- Living Wills
- The provision of home care
- Preserving assets in the event of long-term residential or nursing care
- Residential and nursing home contracts
- Advice on financial responsibility and funding for long-term care, including continuing NHS health care
- State retirement and widows' pensions
- Welfare benefits
- Home equity release plans
- Elder abuse

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Services for the Older Client continued

What other matters need to be considered during this period?

Retirement

Retirement brings fresh new opportunities and its own challenges. You will want to maximize your investments and make your money work hard to help you achieve your aspirations. Whether you are considering spending or redistributing your hard-earned wealth, protecting it from the tax man or concerned about care fees, we can help.

Wills

The decision to make a Will is probably one of the most important you will make. Only by making a Will is it possible to plan with certainty what will happen to your property and affairs after death. A Will can deal with a number of matters which would otherwise be left to chance such as the provision for one's spouse or civil partner/children, Inheritance Tax planning, gifts of particular items or legacies, gifts to charity, the appointment of guardians of minor children and the expression of funeral wishes. If no Will is made, your Estate is dealt with using the rules that apply to Intestacy (dying without a Will) and the effects of these rules on your Estate may mean that your wishes are not carried out, or that very real problems are caused. For more details on Will making please ask for our leaflet or download it from our website www.merryweatherwilliams.com.

Lasting Powers of Attorney (LPAs).

At the same time as preparing Wills we would normally recommend clients to consider putting in place a Lasting Power of Attorney (LPA). This is a device, which in essence authorises another individual or individuals to act on a person's behalf, but only on their instruction or their authority unless that person's faculties fail for any reason whereby it is not possible for them to provide those instructions. If an individual requires assistance, particularly in the circumstances of mental incapacity, the benefit of an LPA is that, provided the document is registered with the Office of the Public Guardian, it is possible for the appointed individuals to continue to look after someone's affairs. The only alternative to an LPA in these circumstances is for an application to be made to the Court of Protection for the appointment of a Deputy. This is more expensive and time consuming with costs and fees amounting to possibly thousands of pounds. As it can also operate as a normal Power of Attorney an LPA may also be extremely convenient in other circumstances, for example where someone has a physical disability or is simply out of the country. In addition, unlike its predecessor the EPA, an LPA allows attorneys, if so appointed, to be able to assist with health and welfare issues. We will be happy to advise further on the costs and formalities of putting in place an LPA. However, if you already have an Enduring Power of Attorney (EPA) then this remains entirely valid and it is not necessary to replace it with an LPA unless you wish to do so.

As you can see from the extensive list of related services, Merryweather Williams can be there for you both for the period leading up to and throughout your retirement. As always with life, when things become complicated and you need some straightforward legal advice on any of the issues listed, we are available. Our specialist staff will aim to take much of the worry away and give independent, but caring advice borne from long experience.

This information is of a general nature only. It should not be relied upon in the absence of advice about a particular situation and no liability is accepted in the absence of our receiving formal instructions and providing formal advice.

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