

Planning for the Future –

Financial, Legal and Care Issues

As dementia is a progressive illness, (i.e. it gets worse over time), it is a good idea to put your financial and legal affairs in order as soon as possible, and to draft an Anticipatory Care Plan. This will mean that if ever the time comes when someone has to make decisions about your care, or assist you in any way, they can do so according to your stated wishes. There are a number of ways you can ensure that this happens.

Anticipatory Care Plan

This is a record of your wishes, developed over time between yourself, those close to you and the practitioners who provide your care. It provides you with reassurance that your care preferences are known and will be taken into account if your condition deteriorates.

Power of Attorney

You can use powers of attorney to appoint someone you trust to look after your financial affairs (continuing power of attorney) and/or your personal welfare (welfare power of attorney). If you want, you can have different attorneys to look after your financial affairs and your personal welfare; you can also have one or more substitute attorneys to take over if your original attorney is unable to continue. You can draw up a power of attorney document yourself but in order to make sure you include all the necessary information it is best to use a solicitor. In both cases, you might need to involve a GP and there is likely to be a charge for this as it is not part of the ordinary GP service.

Having a power of attorney in place doesn't mean you can no longer make decisions for yourself. If your attorney is making decisions on your behalf your wishes must always be taken into account. You can also use an Advance Statement (living will) and an Anticipatory Care Plan to make your wishes known about future care and medical treatment.

Making a will

If you haven't made a will or it has been some time since you reviewed an existing will, it is a good idea to do it while you are able – no-one else can do that for you. The absence of a will can cause extra worry, expense and delay after someone dies.

Even if you are not wealthy, a will is useful to leave personal belongings to friends or family members who will appreciate them, and to arrange financial matters according to your wishes. Otherwise, your possessions will be divided after your death according to fixed legal rules which may not produce the result you want.

Wills are best prepared by solicitors. The fee will be about £60 - £100 for a simple will. Ask the solicitor how much it will cost before you start.

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People on Income Support, Pension Credit or on a low income may be able to get help to cover the cost through the Legal Advice and Assistance scheme. Some Trade Unions provide a free will service. If you are a member of a Trade Union it would be worth finding out if your own Union offers this service. Some solicitors will visit you at home if you find it difficult to get to their office. Before you see the solicitor, think about what property you have and how it is going to be divided and make some notes. This helps give clear instructions to the solicitor.

Choose an executor (a person to manage your estate when you die). You may want to bear in mind that in some cases choosing the same person as your attorney and executor might cause a possible conflict of interest – your attorney should be spending your money for your benefit rather than saving it up for someone else to inherit.

If you want to change your will at any stage, see a solicitor. Your solicitor may want your doctor to certify that you are still mentally capable enough to make or change your will. Your doctor may charge for carrying out this service.

Property

Many people worry about being forced to sell their house if they have to go into a care home. The local authority will not count the value of your house if your spouse or partner still lives there or if a relative aged over 60 or a dependent child under 16 lives there.

You should take advice if you are thinking of giving away your house or other property.

Further information

Visit the Alzheimer Scotland website at www.alzscot.org for lots more information, including the booklet “Dementia: Money & Legal Matters”.

Call the 24 hour freephone Dementia Helpline on **0808 808 3000** for further information or advice on anything that is worrying you about dementia.

This leaflet has been prepared to provide information for people with dementia, and for their carers.