

Quick Guide: Why LPAs Are a Vital Part of Estate Planning

What is an LPA and why is it important?

- While wills deal with affairs after death, **Lasting Powers of Attorney (LPAs)** cover what **happens if you lose mental capacity during your lifetime.**
- Without an LPA, loved ones face delays and legal hurdles just to manage your finances or care.
- LPAs help protect your lifestyle, wellbeing, and assets if you're no longer able to make decisions.

What does an LPA do?

- **Grants legal authority** for someone (your “attorney”) to make decisions on your behalf if you lose capacity.
- Without an LPA, access to finances (even joint accounts) may be frozen, and family must apply to the Court of Protection—a costly and time-consuming process.

The two types of LPAs:

1. *Property & Financial Affairs LPA*

- Manages bank accounts, bills, property, and investments.

2. *Health & Welfare LPA*

- Covers medical decisions and day-to-day care.

What if someone has already lost capacity?

- Unfortunately, **it is too late** to create an LPA once someone loses capacity.
- Somebody (usually a family member) must **apply to the Court of Protection** for a Deputyship Order - expensive, slow, and not guaranteed approval

What is the OPG?

- The **Office of the Public Guardian (OPG)** is the government body that **registers all LPAs.**
- LPAs **must be registered** with the OPG before they can be used.

How to set up an LPA with APS (Step-by-Step)

1. **Initial meeting** with APS Associate for tailored advice and agreement to proceed



2. APS **legal team drafts documents** after receiving instruction form



3. **Drafts reviewed** by APS Associate and sent to client for approval (within 10 working days)



4. On approval, **signing process begins** (client, attorneys, certificate provider, and witnesses)



5. Signed documents are **sent back to APS for registration** with the OPG



6. Once registered, documents are either:
 - Returned to you, or
 - **Stored securely by APS (recommended)**

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