

## *My mother has dementia and needs to go into care, what will happen to her home?*



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**This is a common situation which our firm deals with on a regular basis. As members of Solicitors For The Elderly we are trained to deal with such a situation.**

In the first place it is important to determine whether or not your mother still has any mental capacity. Sometimes a person in the early stages of Alzheimer's or dementia can still make important decisions. The Mental Capacity Act makes it clear that all attempts must be made to ascertain whether or not a patient/client is able to make a particular decision and whether they understand the implications of making that decision.

We would contact your mother's doctor and ask them to complete a mental capacity form. If the doctor is of the opinion that your mother still has mental capacity then it may still be possible for her to sign documents dealing with the sale of her home. At this stage however, it would still be a good idea for your mother to appoint at least one relative or friend as her attorney. If she deteriorates further the attorney can continue to manage her affairs. It does take at least four months to receive the paperwork back from the Office of the Public Guardian. Therefore your mother should contact a solicitor ASAP to arrange a Lasting power of Attorney.



If the doctor feels that your mother lacks mental capacity then it is likely that an application will have to be made to the Court of Protection to appoint you or another relative as a deputy. It is possible to appoint more than one deputy, family members should agree this before the application is made.

The forms which are submitted to the Court of Protection are very detailed; they will require information not only about your mother's finances but also those of the deputy. The court needs to be sure that the deputy is a financially sound person.

Once appointed, a deputy can then take over the running of your mother's affairs. This would include dealing with a sale of property and looking after bank accounts and all other investments. Dealing with a property sale as a deputy is different to a normal sale. You should consult a solicitor about the rules before contacting an estate agent!

In the meantime you should make sure that the house is secure once it is empty. You must advise your mother's insurers. If they refuse to continue insuring the property you will need to contact a specialist insurer who deals with empty properties.

You should make sure that your mother receives all benefits to which she is entitled. Remember, the NHS is duty bound to fund all nursing care. Your mother is entitled to an early assessment of her care needs. If you are appointed as her attorney or deputy you have the right to see the assessment. Often the NHS determines that a person is not entitled to nursing care funding. This decision can be challenged. This is important as it could mean the very expensive difference between a person being funded by the NHS or having to fund themselves at a cost of about £550.00 per week!