

Planning Ahead – Enduring Power of Attorney

EPA - ADM (Capacity) Act 2015

Functional assessment of capacity

Guiding Principles apply

Personal welfare including healthcare

Court – Circuit Court

Attorney - 'suitable person'

Detailed 'ineligible' list

Execution:

Statements by

- Donor, lawyer, doctor, healthcare professional and attorney

Statements by attorney

– understands implications of undertaking to be an attorney + has read + understands information in EPA

- understands + undertakes to act in accordance with functions set out

- understands + undertakes to act in accordance with Guiding Principles

- understands the requirements in relation to registration

Come into force:

When donor lacks capacity

Instrument has been registered

EPA – Powers of Attorney Act 1996

Mental incapacity

Best Interest

Personal care – no healthcare

Court – High Court

Limited 'ineligible' list

Execution:

Statements by

- Donor, lawyer, doctor and attorney

Statements by attorney

– understands the duties + obligations of an attorney

Come into force:

When donor is or is becoming mentally incapable and as soon as practicable the attorney makes an application for registration