

YOUR GUIDE TO MAKING AN ENDURING POWER OF ATTORNEY

A LAW SOCIETY OF IRELAND SERIES



What is an Enduring Power of Attorney?

An Enduring Power of Attorney is a legal document where you give another person (known as your Attorney) the power to make most decisions and to sign legal documents on your behalf. Your Attorney cannot, however, make medical or healthcare decisions for you. For example, they cannot consent to surgery on your behalf. An Enduring Power of Attorney only takes effect when you lose capacity.

What is Capacity?

Capacity is the ability to make decisions. It involves understanding the facts and circumstances on which a decision is based, the ability to keep those facts and circumstances in mind and to weigh up those facts when making a decision. Everyone is presumed to have capacity until proven otherwise. Capacity is affected by illnesses such as dementia and Alzheimer's, and sometimes by a serious injury to the brain.

Who should make an Enduring Power of Attorney?

A person should think about making an Enduring Power of Attorney if they are worried about losing capacity or if they are

suffering from an illness that could affect their capacity in the future.

Who can I choose to be my Attorney?

You are free to choose your Attorney. You may choose a spouse, partner, friend, family member, colleague or other person. You may choose more than one person to act as your Attorney.

How can I make an Enduring Power of Attorney?

An Enduring Power of Attorney must be completed according to strict legal guidelines. It must be signed by you, then by your Attorney or Attorneys. Your doctor and solicitor must also sign a declaration to say that you have capacity to make an Enduring Power of Attorney. Start by talking to your solicitor. Your solicitor will be able to guide you through the process.

More information

For more information about making an enduring power of attorney, visit the Law Society website

www.lawsociety.ie/willsandprobate

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