

## Dealing with PoA Operational Challenges

### Anne

Anne has made an appointment for her Mother to grant PoA [to her], on presentation, Mum seems disorientated, although not necessarily incapable. Anne is clearly concerned about her Mum's confused state and thinks it would help get the best out of Mum for her (Anne) to remain in the room.

**What things should you consider?**

### Sid

You have prepared a statutorily compliant PoA, having assessed Sid, the granter, as capable of both instructing you and the PoA. It transpires there is already a PoA in existence, with someone else appointed as attorney. You were not aware of this. The original attorney has 'got wind' of this second PoA, she contacts OPG to advise they are about to receive this 'flawed' PoA, because the granter is no longer capable. The attorney has a medical opinion to this effect which they got when they 'activated' their PoA.

**What are your thoughts?**

### Jane

Jane is a continuing attorney for her mother (you didn't do the PoA) – she contacts you for advice. The PoA appoints 'Jane Smith and Ian Smith (her brother) as my attorneys'. Jane wants to know if she is appointed jointly with Ian or if they may work independently? She lives in Dumfries and her brother is in Thurso so she thinks her mother would not have expected them to act jointly.

**What would your advice be?**

### Geraldine

You did a PoA for Geraldine. Her daughter, Abbey, is her attorney, it appoints, Sue, a family friend, as a substitute. Abbey's job takes her abroad for weeks at a time, it would make sense for Sue to act as attorney whilst Abbey is away. Abbey has asked you how the substitute arrangement works.

**What would your advice be?**

### Mary

You are instructed by Mary, she is keen to do a PoA. She has a son (Peter) and daughter (Amanda) but she tells you they don't get on, Amanda hates Peter for the intense upset he created for their mother as a result of criminal behaviour which led to Peter being convicted and imprisoned, although he is now out on licence. Mary has not spoken to Peter for about 8 years because of the shame she feels, but she wants to 'open up' to him again now she is ill. She sees Amanda regularly but she doesn't want to appoint Amanda on her own as she would like to include Peter in some way. Also, she thinks Peter may create issues for Amanda if he finds out she is appointed and he isn't.

**What would your advice be?**