

Elderly saved from family cash battles

Frances Gibb Legal Editor

Families locked in disputes over the care of elderly relatives could have to foot their own legal costs in a move to stop them using up their relatives' finances.

Warring relatives who are granted power of attorney to control a vulnerable person's affairs can run up huge legal costs in court disputes. Under present Court of Protection rules, the costs end up coming out of the patient's own funds.

Senior judges are to propose reforms that could act as a significant brake on relatives taking their disputes to court. They would change the rules so that judges in the Court of Protection would have the power to order the parties to pay their own costs.

In one recent case Judge Denzil Lush, the senior judge who sits in the Court of Protection, stripped two sisters of their powers over their sick mother's bank account because of the hatred between them. The radiographer aged 58 and a retired GP aged 61 were ruled unsuitable to control their mother's affairs because of the "intense acrimony between them". A court deputy was appointed instead.

In another case Judge Lush said that the "mutual loathing" between a brother and sister from Bournemouth meant that they could not be trusted to administer the affairs of their 91-year old mother, who lived in a care home.

Karon Walton, from Solicitors for the Elderly, said: "The fact that concerned parties are able to take action without having to face any financial consequences themselves means that often people object to applications simply because they can."

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