

Making an Enduring Power of Attorney ("EPA")

Who would you trust with

- Your money?
- Where you live?
- With whom your live?
- Deciding who would care for you?

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Carmody Moran Solicitors LLP

EPAs: the Plain English Guide

An Enduring Power of Attorney (an "EPA") may be one of the most important documents for your health and well being and future management and planning that you create.

It is a powerful document and enables as person now to future plan their legal situation for a time when help may be needed across a range of situations and decisions.

You can plan your EPA broadly to encompass all matters or it can be narrowed to whatever financial, legal, and/or personal care decisions you wish to specify.

Given that an EPA can contain such broad powers, the document creating the power must be in a particular format and must include the following by way of safeguards:

- A statement by a doctor verifying that in his/her opinion you had the mental capacity at the time that the document was executed to understand the effect of creating the power
- A statement from you that you understood the effect of creating the power
- A statement from a solicitor that he/she is satisfied that you understood the effect of creating the power of attorney
- A statement from a solicitor that you were not acting under undue influence

At least 2 people must be notified of the making of an EPA, none of whom will be the attorney. One of the notice parties must be your spouse or civil partner if living with you.

If this does not apply, one of your notice parties must be your child.

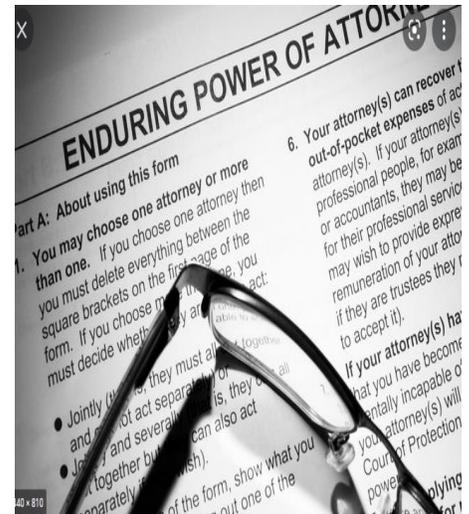
If neither is applicable, one of the notice parties must be a relative (parent, sibling, grandchild, widow/widower/surviving civil partner of child, nephew or niece).

A personal care decision is a decision concerning one or more of the following:

- Where and with whom you should live
- Whom you should see and not see
- What training and rehabilitation you should get
- Your diet and dress
- Inspection of your personal papers
- Housing, social welfare and other benefits

If you or a family member wishes to consider putting in place an EPA at Carmody Moran Solicitors we appreciate this can seem like a daunting and uphill task, our friendly team of expert solicitors will be on hand to explain the process in plain english and to guide you through all of the considerations in looking after your future legal life planning and to make the process stress free and easy.

Please contact Niamh Moran (picture below), Anthony Carmody and their expert colleagues to make an appointment by email or telephone 01 8272888 today.



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AFTER making contact with Carmody Moran Solicitors, we will arrange to send to you a welcome pack, with an instruction sheet to help you start to think about the persons you may wish to consider naming in your EPA, we will detail other useful information that may be of assistance, and we will send you details of the legal charges for agreement with you before the commencement of any legal work on your behalf.

Many of our clients like to bring a family member or friend or their intended attorney or attorneys with them to a meeting and we understand that there are serious considerations and concerns and questions that you may have as you go through this process.

Read below some more about our Partners and their expertise and please get in touch with us by telephone or email if you would like to make an appointment, we will be happy to hear from you and our friendly team will be on hand to answer any questions that you have.



Niamh Moran qualified as a solicitor in 2001, she is a former member of the Legal Aid Board, the advisory Committee to the State Claims Agency, and a voluntary director with St. Michael's House. Since 2010 she has acted as a chair with the Mental Health Commission Panel of Tribunals.



Anthony Carmody is a graduate of Maynooth NUI, a solicitor and Notary Public, and a STEP qualified practitioner graduating with first prize in 2021 and a member of the Medico Legal Society of Ireland. He is a highly regarded litigator both defence and plaintiff with many significant Court cases and judgements in the areas of personal injury, probate disputes and mental health law. He is regularly appointed by the High Court as a guardian ad litem.

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Questions and answers

Q. What if I change my mind? Can I revoke an EPA?

The person who made the EPA (“the Donor”) can revoke an EPA at any time before an application is made to register it.

Once the EPA has been registered you cannot revoke it even if you are, for the time being, mentally capable. To revoke it, you would have to apply to the court and the court approve the revocation.

Q. It sounds expensive, how much will it cost?

In general terms the costs of making an EPA start at €750 plus vat and outlays. Once you make contact with our office to make an appointment we will send you a full fixed fee quotation. Carmody Moran Solicitors are completely transparent on legal costs and a Notice of Legal Costs will issue to you and fee structure agreed before any work is undertaken.

Q. Does an EPA govern health care decisions?

The items an EPA covers does not include health care decisions, although the borderline between personal care and health care decisions is not always clear. However, it seems clear that the attorney does not have the power to make a decision as to whether or not a person suffering from dementia or should undergo surgery. An Advanced Healthcare Directive (“AHD”) must separately be put in place to deal with such issues.

At Carmody Moran Solicitors, our expert team will explain and guide you from the very first meeting.

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