

# Applying to Become a Property & Affairs Deputy

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## Tell the person that you are applying to be deputy for

You will need to talk to them about:

- Who is applying to be their deputy
- That you believe they are unable to make certain decisions about their financial affairs
- What the deputy's role will be
- How they can be involved in the application if they do not agree

You must give forms COP14PADep and COP5 to the person. COP14PADep contains details of the application and COP5 is for the person to complete if they wish to object to the application.

## Tell at least 3 other people

You must tell 3 other people who know the person that you are making the application to the Court of Protection for deputyship.

They should also be given 2 forms: form COP15PADep and form COP5. COP15PADep notifies them of the application; COP5 is for them to complete should they wish to object to the application.

If you cannot tell 3 people, you must use form COP24 to submit a statement to the Court about why you are unable to tell 3 people.

## Wait 14 days

The forms COP14PADep and COP15PADep need to be returned to you within 14 days of you giving them out. If you do not have all of the forms within 14 days, you may still apply without them.

## Complete the application forms

Within 3 months of telling the person that you are making an application for, you must complete the following forms, ready to apply online to be appointed as deputy.<sup>1</sup>

- Form COP3: Assessment of capacity

This needs to be completed by a professional such as a doctor, social worker or specialist mental capacity assessor, which may incur a fee.

- Form COP4: Deputy's declaration
- Form COP1A: information about the person's financial affairs

If for any reason you require the matter to be dealt with urgently you must provide evidence to the Court by completing these additional forms:

- Form COP9: Application notice
- Form COP24: Witness statement

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<sup>1</sup> It is possible to apply by posting forms to the Court of Protection but this is a much slower process than an online application and the forms are slightly different.

## Submit your forms online

You will need a debit or credit card in order to pay the fee.

## Next steps

As your application progresses, the Court of Protection will contact you if they need anything else from you.

## Deputy Security Bond

When the Court is satisfied that everything is in order and no objections to your application have been received, they will ask you to arrange for a security bond to be put in place for an amount that they will set. You will receive a letter telling you how to do this.

## Receiving the Order

When you receive the Order appointing you as deputy, you must take the following steps:

- Check the order itself to ensure that everything is correct
- Tell the person that you have been appointed as deputy for within 14 days

## Need to know:

### Court Fees

There are some ongoing Court fees, such as the supervision fee (£35 - £320) and the assessment fee for new deputies (£100).

Help is available with these fees as before.

### Disputes

If there is an objection to your application, the Court will give directions as to how the case should proceed. We advise all parties to take independent legal advice in these circumstances. Clarion has a specialist team who can provide advice on Court of Protection disputes.

## Key Contacts



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