



Craig and Donna – For Better

The doors slide open to reveal a visibly shattered Donna almost sleep walking towards intensive care. It has been a devastating three weeks since Craig's stroke. But there is some hope where, realistically, there shouldn't have been any. Craig was in this very hospital visiting a patient when he was pole axed by a massive stroke. Had he been anywhere else at the time he would have died: dramatic but true. Donna has to keep reminding herself how lucky she is to still have Craig. She doesn't feel lucky right now though – just half dead herself. The bedside vigils with Craig have been hard enough but this is where she wants to be, at Craig's side. What have really knocked her for six have been the string of meetings and phone calls with the lawyers. Why should she have to endure that right now? When right now Craig's recovery should be her only focus.



By David C Murray
Gebbie & Wilson's Senior Partner

Power off and turn key?

"Do you hold Craig's Power of Attorney?" The first time Donna was asked that question in the hospital she didn't even know what a Power of Attorney was. She knows now alright. If only Craig had made a Power of Attorney Donna wouldn't be spending precious time away from Craig, with the lawyers, trying to fast track a Guardianship application. And she's already discovering that it is going to take a long time – at least three months and possibly six months or more before a Guardianship Order is likely to be granted.

Cardigan zip border?

Right now, the lack of a Power of Attorney or, in its absence, a Guardianship Order is not a major problem but it will increasingly become one with regard to decision making about Craig's care. Craig is barely conscious and the doctors can't tell yet whether and if so, to what extent, he will suffer lasting paralysis and/or brain damage. So he will be in hospital for many weeks ahead. Looking forward though, hopefully the time will come when Craig is recovering and no longer needs hospital treatment but rather physiotherapy, speech therapy and convalescence. How can decisions about what is best for Craig be made and implemented? Craig himself is not mentally fit to participate in the decision making and no-one else has been granted the power to do so on his behalf. The Guardianship Order will be vital then.

And of course there are the financial headaches too. Donna has her primary school teacher's pay. She's not been at work since the day of Craig's stroke and has no idea whether or for how long she'll be paid. Craig no doubt will be paid but Donna has no access to either his bank account or his invested funds. If Craig had made a financial and welfare Power of Attorney in Donna's favour none of these problems would have arisen. But he didn't so Donna is on the Guardianship application merry-go-round and getting dizzier with it all by the day.

Donna now knows more than she would ever have cared to about the tortuous process of becoming a Guardian: about the requirement for

- * a full inventory of Craig's assets – and a management plan detailing how Donna will carry out her duties
- * reports from 2 medical practitioners
- * a report from a mental health officer (MHO) and
- * intimation of the proposed application on all interested parties

Janice (Craig's sister) is an "interested party". Will she support Donna's application – or at least not actively resist it? Surely Janice will accept it is in Craig's best interests – but who knows with Janice?

And then there is the logistical nightmare of co-ordinating the timing of the medical and MHO reports. They all need to be dated within 30 days before the formal Application is lodged in Court. But local authority cutbacks and high demand for MHO reports have led to significant delays in many cases. By the time the MHO report arrives the medical ones could well be out of date. Surely that wouldn't mean starting all over again? Well, yes unfortunately it may do.

Donna's head hurts with all of this. She's sick with worry about Craig. She's sick with exhaustion. Sick with frustration at Craig not having made a Power of Attorney *damn him*, sick to the back teeth with all this infernal Guardianship Order rubbish - and sick because, as she's just discovered ... she is pregnant.

Craig shows no sign of registering what should have been such joyous news – and would have been just three short weeks ago. Everything will be fine, Donna assures her unborn child... everything will be fine.

Hope for Craig and Donna? Find out in the next edition of **strathaven echoes**

For advice or more information on this topic (Powers of Attorney that is – not pregnancy) please

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Or you can **simply drop in to Gebbie & Wilson** in the Common Green to arrange your **free initial consultation**.