



## Hope for Craig and Donna

The backdrop to so many intense emotions over the last 14 – no, 15 – weeks. The hospital. The same sliding doors. Donna emerging from yet another consultation. But it is a Donna transformed, euphoric, alive with optimism. With hope for a bright future. “Hope”. The idea presents itself to Donna as a decision already made. Her name will be Hope. Second scan. “Everything’s looking good Donna – and I’m 99% certain you’re going to have a wee girl”. The Doctor’s words float through Donna’s being again and again in a joyful loop – along with her baby’s name – Hope.

Craig is daily edging ever closer – little by little – to being Craig again. Craig will make a full recovery – Donna just knows he will. Life is good again – and so much better than good when Donna contemplates what might have been ...

If the sliding doors had opened on a grieving Donna. Her Craig, felled by a stroke, having made no financial provision for her, either in a Will or from his pension benefits. Donna, alone. Not related to Craig in the eyes of the law. Janice, his distant sister, entitled to be appointed Craig’s executor, entitled to his whole estate (including Craig’s house – Donna’s home). Donna forced to take Court action to right this wrong – to justify her claim – to negotiate with Janice.

And then, a bitter-sweet twist. Donna, grieving. Donna bewildered by the legal chaos Craig has left in his wake. Donna, pregnant with the child Craig will never know. Their daughter, now just Donna’s daughter – just *her* Hope. And so the legal doors slide again. The unborn Hope – when she is born – will be Craig’s sole beneficiary under the law of intestacy. Donna is Hope’s mother, her guardian, her protector. Donna’s Court action though is now, bizarrely, against Hope. No negotiated settlement is possible now. A Sheriff will have to decide on a fair split of Craig’s estate between Donna and Hope. It may well be that Donna will be entrusted to invest Hope’s inheritance for her – subject to the directions and supervision of the Accountant of Court. But that will end when Hope is 16. On her 16<sup>th</sup> birthday, it will become Hope’s money – to do with entirely as the 16 year old Hope wishes. Not what Donna would think best – and not what Craig would have put in his Will – if he had made one. But he didn’t. Back to that again. If only Craig had made a Will, all of this could have been avoided.

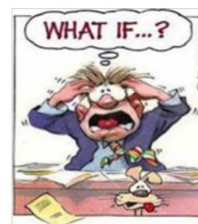
And then – maybe the cruellest “What if?” of them all ... What if Craig survived his stroke, physically paralysed, brain damaged? Decisions need to be made about Craig’s treatment and future care. But Craig had not granted a Welfare Power of Attorney – so no-one has the authority to make these decisions. Craig’s assets need to be protected and his finances

managed. But Craig had not granted a Financial Power of Attorney so no-one has that authority either. It is too late now for Craig to grant a Power of Attorney – he no longer has the mental capacity to do so. The only alternative is a Guardianship Order. And Donna starts the tortuous process of seeking this. After some six months – during which everything is in limbo – the Order is eventually granted in Donna’s favour. The whole process has taken its toll on the pregnant Donna – the Guardianship Order paper chase leaving her physically and mentally exhausted. Relief though – now the Order is granted! Donna is Craig’s Guardian. And so begins another paper chase – the ongoing burden of administration, accounting and expense which Guardianship entails. Annual insurance cover to be arranged; consent to be sought from the Public Guardian for everything Donna proposes to do concerning Craig; annual accounts to be prepared by Donna and audited by the Public Guardian. And all the insuring, consenting and auditing to be paid for from Craig’s assets – that’s at least £2,000 a year haemorrhaging from Craig’s savings. And all of this – the time, the frustration, the delays, the bureaucracy, the expense after expense – **all of it** - would have been avoided if only Craig had granted a Power of Attorney.

The doors slide open and Donna emerges from her nightmare, into Craig’s arms. Craig, mobile now, walking frame just about under control, falls – almost literally – into the loving embrace of the approaching Donna.

“Hhh how aaare mmmmy tttwo beau-tiful gi gi girls to to-day?”

“Well Craig – apart from just about collapsing under your weight, I’m fine. But Hope is restless – can you feel her kicking? – she says to tell her Daddy that she won’t settle until Mummy and Daddy have made their Wills and Powers of Attorney. So the Solicitor will be here any minute to take our instructions. I hope you’ve been practising your signature!”



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