guardianship



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If an adult person lacks the capacity to make decisions about their welfare or finances and has not made a Power of Attorney before losing capacity, it may be necessary for a Guardianship Order to be obtained from the Sheriff Court by a person having an interest in that adult. Without such an Order it is unlikely that anyone will have legal authority to deal with the adult's affairs.

When an application for an Order is made various Reports will also need to be filed with the Court, and an insurance bond must also be obtained. A Financial Guardian will be supervised by the Public Guardian, and a Welfare Guardian by the Social Work Department. Financial Guardians must also submit an Inventory and Management Plan and may have to file an Annual Account.

One-off actions may be dealt with under a more limited and temporary Intervention Order, or sometimes an Access to Funds Order.

At Macleod and MacCallum we are able to advise you on obtaining a Guardianship Order, including the availability of Legal Aid, and deal with the necessary procedure efficiently, professionally and as cost-effectively as possible.

For further information please contact us at:

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