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## LPA AND THE CHANGES TO MOVE IT ONLINE

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A Lasting Power of Attorney (“LPA”) is a legal document that allows a person aged 21 and above (“the Donor”) to voluntarily appoint another person(s) (“the Donee(s)”) to make decisions and act on their behalf if they lose their mental capacity.

Through an LPA, you (as the Donor) can confer powers on your Donee(s) to make decisions on your behalf in respect of your personal welfare or property & affairs, or both.

*Examples of Personal Welfare decisions:*

- daily care decisions, such as what you wear, what you eat
- handling of personal correspondences
- healthcare and medical treatment
- living arrangements, such as moving into or out of a care facility

*Examples of Property & Affairs decisions:*

- managing your bank accounts and CPF monies
- paying household expenses and utility bills on your behalf
- buying, selling, renting and mortgaging your property
- handling claims and compensation

If you do not have an LPA in place, your family member may have to apply to Court to act as your deputy in order to gain access to your assets or make decision on your behalf relating to your welfare. Often, this is a complicated and expensive process. Having an LPA in place alleviates the stress and difficulties faced by your loved ones if you should lose mental capacity one day.

**DISCLAIMER**

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**Online LPA**

From 14 November 2022, LPAs can now be made and registered electronically through Office of Public Guardian Online (“**OPGO**”) system. Hard copy submissions may only be used in exceptional circumstances, subject to the approval of the Public Guardian.

The Public Guardian is an officer appointed by the Minister of Social and Family Development to exercise functions under the Mental Capacity Act, such as establishing and maintaining a register of LPAs.

The steps to make and register an LPA from 14 November 2022 are outlined as follows:

1. To commence an LPA application, you will need to log in to OPGO (<https://opg-eservice.msf.gov.sg/>) via SingPass.
  - a. Click on “Apply for an LPA”
  - b. Check that all your personal particulars are correct
  - c. Fill in your Donee(s) particulars and type of powers you wish to grant your Donee(s)
  - d. Read the Declarations carefully and click on “Notify Donee(s)”
2. Donee reviews his/her details and accepts appointment as your Donee on OPGO via SingPass.
3. Make an appointment to see a Certificate Issuer (in-person). A Certificate Issuer can be a:
  - a. medical practitioner accredited by the Public Guardian;
  - b. registered psychiatrist; or
  - c. practicing lawyer.

Notwithstanding the OPGO and registration being made electronically, one key thing to note is that the Donor will still need to attend in-person before the Certificate Issuer of the LPA, who will witness the Donor’s signing.

What this means for Donors and Certificate Issuer is that the process will still be largely the same, save the need for a device to be able to allow the Donor and Certificate Issuer to digitally sign the LPA.

**With the OPGO, the key differences in the LPA making and registering procedure are as follows:**

- **Signature by the Donor** – As compared to the old hard copy LPA forms where the Donor is required to sign in wet ink on every page of the LPA form and red seals are needed on selected pages, the Donor now only has to scan a QR code and complete the signing process entirely electronically via SingPass. The Donor’s digital signing must be done physically in the presence of the Certificate Issuer.
- **Digital Certification** – After the Certificate Issuer has physically witnessed the Donor put his/her electronic signature on the LPA form, the Certificate Issuer will then digitally sign the LPA via SingPass if he / she is satisfied that the Donor understands the implication of making an LPA and is not under duress, fraud or undue influence.
- **Submission** – LPA is directly submitted on your behalf through the OPGO portal by the Certificate Issuer after certification. Posting the hard copy LPA form together with supporting documents to the Office of the Public Guardian is no longer required for online LPA submissions.

**Tito Isaac & Co** is a Singapore-based, full-service law firm established in 1999. We serve private clients, SMEs, MNCs and government entities across a range of sectors. Our team of lawyers provides high-quality legal services and personalized client care aimed at achieving the best available outcomes.

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