

Next of Kin

Financial Abuse Briefing Note 1

What is a Next of Kin?

'Next of Kin' usually refers to someone's closest relative, but, contrary to what many of us believe, the term doesn't mean anything in law or come with any automatic legal powers.

However, there are many ways for a relative to make decisions on behalf of someone, or at least have a say in them, such as a Lasting Power of Attorney.

- Dementia UK

How can I give legal rights to my Next of Kin?

If you want your Next of Kin to have the power to make decisions for you and be able to manage your financial affairs during your lifetime, you need to appoint them as your attorney under a Lasting Power of Attorney (LPA). Further information on LPAs can be found in our [briefing note](#).

What are the legal rights of the Next of Kin?

As far as the law is concerned, Next of Kin means nothing, with the exception of children under the age of 18.

The term usually means your nearest blood relative, or in the case of married couple or a civil partnership, it usually means their husband or wife.

It is possible to name more than one person as your Next of Kin. It is a title that is primarily used in order for emergency services to know who to keep informed about an individual's condition and treatment.

Having no legal rights can create difficulties if you haven't already put additional measures in place to manage yours, your relatives or loved ones affairs. If you do not have any legal rights, you cannot make any decisions on their behalf.

What happens if I'm a Next of Kin and my loved one passes away?

The Next of Kin may have a legal entitlement to deal with an estate where there is no will. However, in order to have the legal right, they would have to apply to be appointed as an Administrator of the estate.

Being appointed as an Administrator involves applying for a [Grant of Letters of Administration](#). Once appointed as an Administrator, you can gain the legal rights to access the person's bank account and other assets.

When there are several Next of Kin who are all entitled, it may create difficulty and contention if there is not an LPA agreement.

If you or someone you know has been a victim of financial abuse, please contact **West Mercia Police** on **101** (non-emergency) or **999** if a crime is in progress.

The **Adult Safeguarding Team** can be contacted for further advice and information via Family Connect on **01952 385385**.

For further information contact the Partnership Management Team on 01952 380131 or via email partnerships@telford.gov.uk