

## Court of Protection: Guidance notes on completing form COP20A Certificate of notification/non-notification of the person to whom the proceedings relate

### Please read the following notes before completing form COP20A

The person to whom the application/appeal relates must be notified **personally** of the commencement/withdrawal of any proceedings, a decision of the court; a decision about how the person is to participate in the proceedings; or any other matter as directed by the court.

You must provide the person to whom the application/appeal relates with a COP14 notice which includes details of why the notification is being given to him/her. **Please read this note in conjunction with guidance note COP14A.**

Where the person is notified that an application form or appellant's notice has been issued, you must provide them with a COP5 acknowledgement of notification form.

When you have notified or attempted to notify the person to whom the application/appeal relates, you need to complete and file form COP20A with the court. You must complete and return the COP20A to the court **within seven days of notification taking place.**

In the case of non-notification, the COP20A **must** be returned to the court **within seven days of the latest date on which notification should have been made.**

Only the court can dispense with the requirement for notification. The requirement for notification cannot be dispensed with just because the person does not or appears not to understand. You must attempt to notify the person in a way that is appropriate to their circumstances for example using simple language or visual aids.

You do not need to notify the person to whom the application/appeal relates if they are a child under the age of 18. You will need to serve a copy of your application on the child's parents or the person with parental responsibility for the child. Refer to the guidance notes to form COP20B for details of how to do this.

An application to dispense with notification may be made using a COP9 application form, with evidence in support on form COP24 Witness Statement. Such an application would be appropriate where, for example, the person concerned is in a permanent vegetative state or a minimally conscious state; or where notification by the applicant is likely to cause significant and disproportionate distress to that person.

Failure to answer any of the sections on form COP20A may result in consideration of the application/appeal being delayed.

### Definitions:

- **Accredited legal representative** – a person appointed by the court from a panel of legally qualified representatives to represent the person to whom the application/appeal relates in the proceedings when it is not possible or necessary to appoint a litigation friend.
- **Agent** – a person carrying out the notification on another's behalf, e.g. nursing home proprietor
- **Applicant** – the person applying to the court for a court order.
- **Appellant** – the person who is appealing against a decision made in court.
- **A decision of the court** – any order or decision of the court that relates to property and financial affairs, or personal welfare of the person to whom the application/appeal relates, e.g. an order appointing a deputy. You do not need to provide notification where the decision of the court relates purely to case management, e.g. an order setting out the time limits for sending evidence or documents to the court.
- **Litigation friend** – a person acting in legal proceedings on behalf of a person who lacks capacity (or on behalf of a child).
- **Other** – a person not covered by any of the above categories, e.g. a neighbour.
- **Representative** – a (usually non-legally qualified) person appointed to represent the person to whom the application/appeal relates in the proceedings when it is not possible or necessary to appoint a litigation friend.

### Completing form COP20A

#### Person notified (Section 1)

You must include the full name and address of the person notified and the date of notification. The address should be the address at which the notification was given.

#### Details of the person who provided notification (Section 2)

Provide your name and the capacity in which you are providing notification.

#### Nature of the notification (Section 3)

The certificate provided to the court must have the **relevant** tick-box answered, e.g. if you are notifying the person that an application has been issued, you tick the box in section 3.2: if you are notifying the person that an application has been withdrawn, you tick the box in section 3.3. If you are notifying the person about more than one matter, tick all the relevant boxes.

You must describe to the court at section 3.8, the steps you took to explain the matter or matters to the person, and the extent to which they understood or appeared to understand the information given. If the person expressed any views about the application or said anything or did anything in response to the notification, you must describe it to the court here.

#### **Non-notification (Section 4)**

If for any reason you unable to provide notification, you must explain as fully as possible why notification was not provided.

#### **Statement of truth (Section 5)**

The certificate provided to the court must include a signed and dated statement by the applicant/ appellants or his/her appointed agents.

#### **What you need to do next**

When you have completed the COP20A form you should take, or send it to the Court of Protection. For details on where to send the form check the website: [www.gov.uk/court-of-protection](http://www.gov.uk/court-of-protection).

#### **Disclaimer**

Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor or your local Citizens Advice. Information in this guidance is believed to be correct at the time of publication; however we do not accept any liability for any error it may contain.

If you need further help completing the form, please check the website [www.gov.uk/court-of-protection](http://www.gov.uk/court-of-protection)