COP 21A 12.10

Court of Protection: Guidance notes on completing form COP20A

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 final order of the court or other matters as required 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.**

You need to complete and file form COP20A with the court when you provide notification that an application/appeal has been issued/withdrawn or any other matter as the court directs.

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.

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 solely because of the person's alleged incapacity, unless the court has directed otherwise.

An application to dispense with notification or service may be made using a COP9 application form, with evidence in support on form COP24. 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.

Completing form COP20A

1. Person notified (Section 1)

The certificate provided to the court must include the full name and address of the person notified and the date of notification.

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

Definitions:

- **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.
- **Final order –** the court order that brings the application or appeal to an end, e.g. the order appointing a deputy.
- **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.

3. 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 3.1: if you are notifying the person that an application has been withdrawn, you tick the box in section 3.2.

4. Non-notification (Section 4)

Where the applicant/appellant or his/her agent is unable to provide notification, he/she must explain as fully as possible why notification was not provided.

5. Statement of truth (Section 5)

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

Disclaimer

Your attention is drawn to the provisions of Part 7 of the Court of Protection Rules 2007 and Practice Direction 7A, which can be found on HMCS website, details below.

Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor or your local Citizens Advice Bureau. 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 form COP20A, please check the website www.hmcourts-service.gov.uk For additional guidance or information please contact our Court Enquiry Service on 0300 456 4600 or courtofprotectionenquiries@hmcourts-service.gsi.gov.uk

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