



“We will argue that the judge erred in law in several respects, one of which was in treating the lands as a transferred asset under the act,” says Peter Loftus.

CURRENT SITUATION

The nursing home has requested, through the Noonans’ solicitor, that a substantial payment be made immediately, but it is not clear what they mean by “taking action”.

Does getting such letters frighten Stephen Noonan, Martina’s son?

“It’s not frightening at this stage,” Stephen says. “It’s not the first time we’ve got a letter like that.”

Stephen has always visited his mother regularly and has a good relationship with the people in the nursing home who are looking after her, he says.

The nursing home has been told that if they attempt to remove Mrs Noonan, her family will have to consider all options open to them, which may include seeking an injunction from the court, i.e. the family’s solicitor would be instructed to apply to the court for an order to prevent them doing that.

“We would say that they are being totally unreasonable,” says Peter Loftus, “and that there is a case here that may end up in them getting all their money and, until that case has been dealt with, it’s not appropriate that Martina Noonan would be thrown out of the nursing home when she obviously needs care. We are awaiting the HSE reassessment under the three-year cap rule.”

Solicitor Peter Loftus also points out that he does not accept that Stephen Noonan has any liability for the nursing home debt, as it is his mother, Martina, who is the patient, and she just has her pension.

The nursing home was initially paid some money from private family funds, he states.

NURSING HOME STATEMENT

Statement from Seamus Crawley, Ard na Greine nursing home, Enniscrone (the Sonas group – www.sonas.ie).

“Sonas are recognised as the leading professionals when it comes to nursing homes and elderly care homes in Ireland, and are supporters of the Fair Deal scheme and what it is trying to achieve.

“It is unfortunate that, due to the technical nature of the recent Noonan case, Mrs Noonan was refused assistance under the Fair Deal scheme.

Sonas are endeavouring to work with the Noonan family, in particular Stephen Noonan, in relation to payment for the care of Martina Noonan following the decision of the High Court.” **CL**

ing on to their farms for longer.

“Where there is a son or daughter who is interested in taking over the farm or business, we are often asked what happens if he/she gets married and they divorce? Parents don’t like to see the farm being jeopardised because of a bad relationship.”

qualify under the three-year cap rule, technically she may be liable to contribute €736 per week for the rest of her life. This could have implication for the farm as it would have to be sold.”

The case was heard in the High Court over two days in June last.

The argument made by the defendant (the HSE) was that this was not a trust. Case law in relation to what is and what isn’t a trust was referred to. The judge ruled in favour of the HSE, that property had not been held in trust by Martina on behalf of the children. While making the decision against the Noonans, Judge Hedigan did not award costs against them, as he considered it to be a unique case.

The decision of the High Court is now being appealed, but it could be one to two years before it is heard in the Supreme Court.



Man plans and God laughs

Letting go of control is difficult, but **Fiona Hoban** recommends we should sometimes let life unfold on its own



www.fionahoban.ie

I attended a workshop recently where the facilitator started off by introducing herself and giving a broad overview of what would be covered during the day. She then asked us to briefly introduce ourselves to the group. Introductions and basic housekeeping rules over, she started her powerpoint presentation. But I was sitting there totally distracted – when would we be breaking for coffee? And what time was lunch? And might it be possible to have a shorter lunch in order to finish a little earlier?

It seemed very important to me that I should know the plan.

I can get defensive about my need to know the plan. I used to justify it by quoting Roy Keane, who famously said: “Fail to plan and you plan to fail.”

That worked pretty well until someone responded with John Lennon’s: “Life is what happens to you while you’re busy making other plans.” There’s an element of truth in both I suppose.

Why do I need to know the plan? Maybe it’s not so much a need to know, than it is a need to feel in control?

Brene Brown, an American social scientist, says that in the western world we are obsessed with control. She says that we want to make the uncertain certain, and we go about our lives trying to predict and perfect

pretty much everything. And if we’re honest, it’s not always with great success. How many times have you been left saying: “Man plans and God laughs?” But we never learn, do we?

The complete opposite of wanting to be in control is the ability to let life unfold and to trust that whatever needs to be taken care of will be taken care of. While that may indeed involve a certain amount of planning, it doesn’t involve a whole lot of predicting, second-guessing and white-knuckle gripping. Here’s another maxim: “Don’t push the river, it flows by itself.”

Ah yes, I need to practise the advice I give to others. Leave life alone, let it unfold. Trust that the coffee break will come, the length of lunch can be negotiated, and home-time can be decided later.

It reminds me of when I was training as a counsellor. As a group of trainees we would often get very uptight about the various scenarios we may have to face. We would throw questions out like: What would you do if...? What would you say if...? What would happen if...? We were told that we had to get comfortable with ambiguity. Part of our skills-set was to be able to sit with uncertainty, to tolerate not knowing. No small ask for the likes of me who likes to know the plan.

Time for a coffee – that’s the plan for now. **CL**