

Living Wills and Estate Planning

Contributed by Ronald Hudkins
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A living will is a document you draft that stipulates what kind of treatment you want or don't want in the event of an unrecoverable illness or injury that leaves you unable to speak for yourself. It gives you the power to refuse extraordinary measures that would keep your body alive when there is no hope of recovery, and when you would choose, if able, to die a natural death.

People have differing attitudes and beliefs about what constitutes life and quality of life. For some, their religious beliefs dictate that any form of life is sacred and should be preserved as long as is humanly possible. Others believe life ends when the brain ceases to function and that life-support in this state is a form of dehumanization and a burden on loved ones, emotionally and economically.

A living will allows you to make your desires known on this issue. Without a living will or advance directive, it is incumbent on the hospital or healthcare facility to continue to provide life support, unless a spouse comes forward to relay your (unwritten) wishes and ask that life-support be suspended. If there is no spouse, the closest living relative can speak for you. However, requests to stop life-support without a living will or advance directive in place can be met with resistance by other family members, friends, and even unaffiliated parties with political agendas, including members of government.

A living will only comes into play when multiple conditions have been met. The will must be legal and in the possession of your doctor. Your doctor must further find that your condition precludes you from making a competent decision about the care you wish to receive. Lastly, a second doctor must concur and both physicians must also find you to be terminally ill or permanently unconscious.

Living wills can be drafted by lawyers, via software programs, or by simply writing out your wishes and desires; it's best to follow an official form as the language will not leave room for ambiguity, and laws that regulate living wills vary from state to state. The document requires a signature and the signing should be witnessed by two people who also lend their signatures as proof. Alternately, you can have it officially notarized. A copy should be given to your doctor to be kept in your file. If at any time you change your mind about the conditions you set forth for yourself, you are free to retrieve and destroy all copies of the existing will, and replace it with a newly drafted and notarized document.

1. Though the task of making a living will may not be a joyous one, it is not only in your best interest but in the best interest of loved ones. An advance directive also allows you to stipulate what kind of medical care you wish to receive, or do not wish to receive, and can be as detailed and specific as you like. Your children: Be aware that your wishes may not necessarily be the same as their wishes – you should try to avoid disagreements among your children by carefully spelling out your wishes in a Living Will;

2. Your physician and HMO (if applicable): Have original copies of your Living Will made a part of your medical record so that it is clear to your health care providers what your wishes are.

But other types of medical issues that do not include life support may arise. For example, you also make decisions on which procedures or surgeries to have. Who will step into those cases if you become incapacitated? A living will does not allocate property rights or estate, which is covered in a standard will, often referred to as the last will and testament.

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About The Author

Ronald E. Hudkins aggressively coordinates with government agencies, organizations and field experts to compile information designed to help consumers avoid deceptive business practices. He is currently publishing his site that specializes in asset protection and estate planning. The site includes how to find, research credentials, interview and hire an estate planning attorney. The site overviews community based services available for long-term care and provides massive information resources. Estate documentation (personal and financial) is overviewed and an Estate Planning Checklist is included. The site covers Medicaid planning and eligibility requirements as well as a legal frequently asked questions section and much more. A description of his education and experience can be found at <http://www.AssetProtectNow.com>.