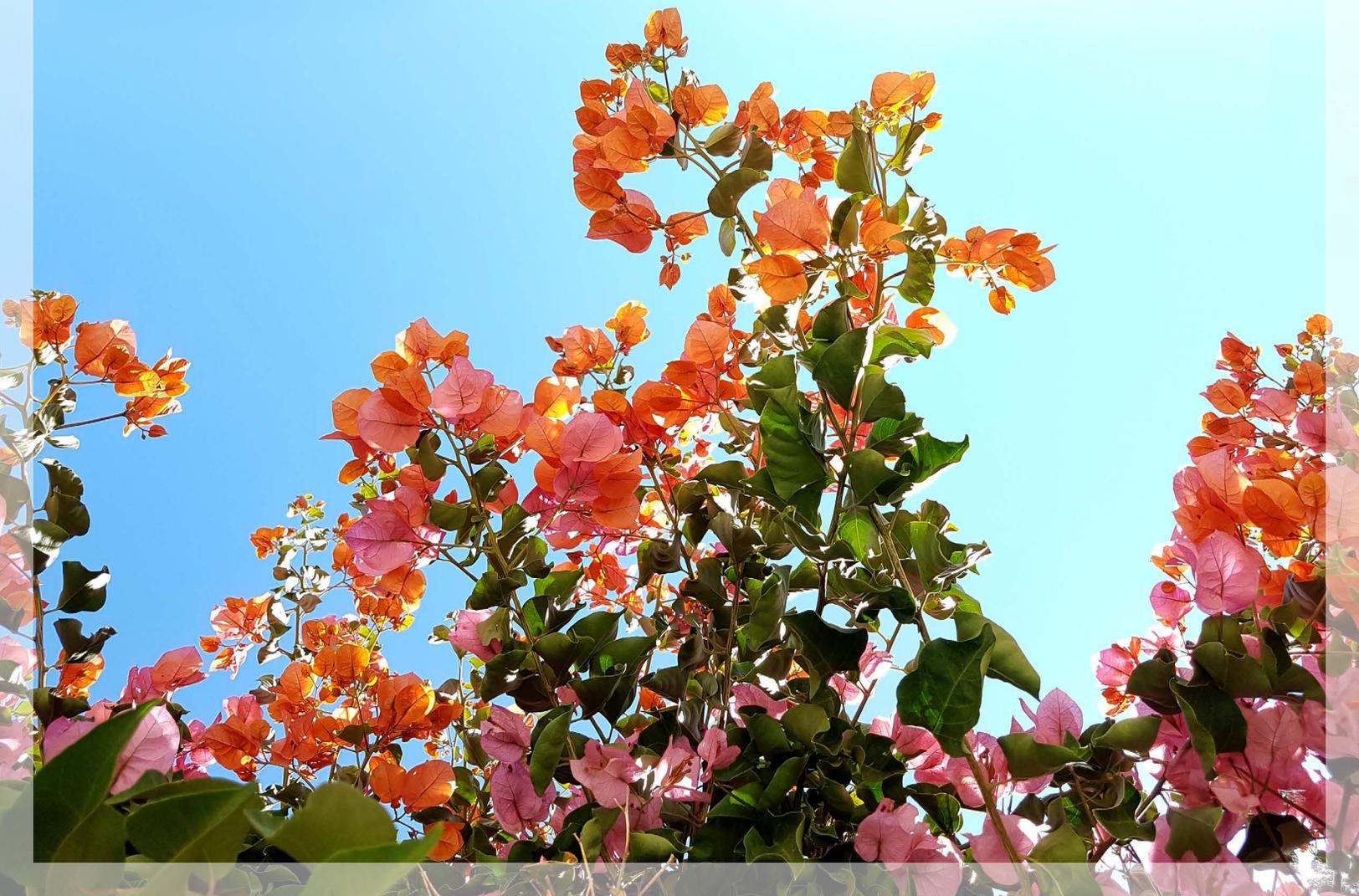


LIVING WILL

- GUIDEBOOK -



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Living Will

Declaration

WHAT IS A LIVING WILL?

A living will is a legal document, also called a health care declaration, that outlines your medical care wishes if you are unable to speak for yourself. This document details how you would like to be cared for if you end up on life support.

It is not to be confused with a traditional will, or a last will and testament, which documents who you leave property to, what you want done with your money, name an executor, a guardian for your children, etc.

Depending on the state you live in, your living will may be combined with a durable power of attorney for health care to create an advanced directive.

ASSOCIATED VOCABULARY

Advanced Health Care Directive:

also known as “living will” or “health care declaration” (see definition on [page 3](#))

DNR/ Do Not Resuscitate order:

... is a medical order written by a physician instructing health care providers to not perform cardiopulmonary resuscitation (CPR). It is kept as a part of your medical records. Without these specific instructions, health care providers will try to help you if your heart stops or if you stop breathing.

Durable Power of Attorney for Health Care:

...is someone you have chosen to carry out your wishes documented in your living will. You are giving this person legal authority to make health care decisions on your behalf. Remember to ask this person if they accept this responsibility, and not just name them in your living will. They can say no.

This person is often referred to as “durable power of attorney,” “health care agent,” “health care proxy,” or “attorney-in-fact.”

Health Care Agent/Health Care Proxy:

also known as “durable power of attorney for health care” or “attorney-in-fact” (see definition directly above)

Health Care Declaration:

also known as a “living will” (see definition on [page 3](#))

Living Will:

also known as “advanced health care directive” or “health care declaration” (see definition on [page 3](#))

Palliative care:

... is care given to a patient to increase comfort when one chooses to forego life-prolonging treatments. It is an approach to specialized medical and nursing care for people with life-limiting illnesses, focusing on relief from the symptoms and stress of a serious illness.

Physician Orders for Life Sustaining Treatment (POLST):

also known as “Provider Orders for Life-Sustaining Treatment” ... is an approach used to improve end-of-life care, a one page form. It is a doctor’s order, whereas a living will is a legal document. To create a POLST, you must first speak with your physician, nurse, or other health care professional. Note: this is not a required form. A POLST can inform EMT and hospitals your immediate medical treatment preferences.

If you have a POLST, you’ll want to include it within your living will. Having both will help ensure your end-of-life wishes are protected. Keep them together and handy to share easily.

Do you have more questions on vocabulary terms relating to your living will?

Let us know!

WHAT TO INCLUDE?

Your living will outlines your medical care wishes, to instruct medical professionals on what type of care is or is not to be provided.

Wishes that many choose to mention in their living will include the following:

- To be/not be put on a ventilator, and for how long
- To have/not have intravenous food and water (feeding tube)
- To have/not have life-saving surgery
- To have/not have blood transfusions
- To have/not have radiation or chemotherapy
- To be/not be put on a dialysis machine if your kidneys cease to function
- To have/not have a DNR order, use cardiopulmonary resuscitation (CPR)
- Pain management options
- Organ and tissue donation wishes

Some may consider their religious beliefs in deciding on their wishes. To help you decide on what you should include, think about your quality of life and your family.

Under what circumstances would your physical body need to function in order to maintain meaning in your life?

Make sure to include who you choose to be your durable power of attorney.

It's important to know the difference between a Power of Attorney (POA) vs. a Durable Power of Attorney (DPOA). A POA gives rights for someone to act on your behalf in managing your personal affairs, however a DPOA has those rights and will also continue to act on your behalf if you become unable to speak for yourself, until the time of your death.

The date that a DPOA becomes effective varies. You can have it be effective immediately, or at a specific date in the future, or only when you are deemed incapable by one or more physicians to make decisions on your own.

It's important to take your time in writing your living will. However, it's not necessary to stress over going into too much detail describing specific medical scenarios, since it's impossible to predict every possibility.

IMPORTANT

It is not required but a smart idea that you talk to your physician about your choices for medical intervention at the end of life. Ask what your provider's policy is on Living Wills, and if your wishes are something that they can honor at their practice.

When you complete your living will, you will want your health care provider to have a copy.

(See [page 5](#) for more information about Physician Orders for Life Sustaining Treatment)

HOW TO CREATE?

The most affordable options for creating a living will are to find living will forms and assistance online. A few websites that may be of value to you are [Legalzoom Living Will](#) and [RocketLawyer Living Will](#).

Website Notes:

Also, many hospitals will have forms accessible you can fill out. You do not have to use an attorney, but they can greatly help you understand and create a living will if you prefer. Choosing how to create a living will depends on your comfort level with creating it yourself and understanding state requirements.

Many states have different requirements for a living will. Often you will need to sign your completed living will, have it witnessed and notarized. Generally witnesses cannot be related to you (by blood or marriage), they cannot be receiving any part of your estate, and cannot be your physician or employed by your health care provider.

You can alter or revoke your living will at any time. Your living will becomes valid once it meets state requirements and when you are unable to speak for yourself about medical treatment.



DISCUSS YOUR WISHES WITH LOVED ONES

If you were to have a sudden accident or be diagnosed with a terminal illness, would your loved ones know what wishes you prefer? Having the discussion surrounding your living will with your family can be very difficult.

As with funeral and cremation planning, discussing your end-of-life medical wishes is a topic that most are fearful of. It may be an uncomfortable conversation but in the end, it is very beneficial.

Remember, it is much easier to discuss your living will while everyone is healthy, than when faced with a crisis or an emergency in the future. Here are some helpful conversation tips to get you started:

- Find a comfortable space, a non-threatening atmosphere to discuss your wishes.
- As a way to start the conversation, bring up a relevant news event, the death of a neighbor, or even a story in a movie.
- Talking about what others wishes are before you go into your own wishes will be a good icebreaker.
- Remind your loved one that It is okay for them to not understand your wishes at first. It often takes time to comprehend the depth of this discussion.
- Ask what your family would want for their own wishes, to help them get in the mindset to better understand how you came to your conclusions.
- Don't forget to share that you can make changes to your living will in the future if you wish.

IMPORTANT

When you have completed your living will, be sure to share the final document again with not only your physician, but your family.

Keep a copy in an easy to find location in your home, rather than in a safe deposit box at a bank, which may not be opened prior to death.

OTHER DOCUMENTS

If you are going to work on creating a living will, it's a great time to think about these other documents to be truly prepared for your end-of-life wishes:

Traditional Will

A traditional will, also known as a last will and testament, documents who you leave property to, what you want done with your money, name an executor, a guardian for your children, etc. In most states, a traditional will must be signed, with witnesses present. If you do not have a will at the time of death, you are considered intestate, and your property will be distributed by the state.

Estate Planning

Everyone has an estate, no matter how large or modest. Estate Planning is organizing the things you own into instructions so that when you die, they are distributed according to your wishes. A large part of an estate plan is a traditional will, however it is also important to think about a living trust, guardianship designations, long term care insurance, and more.

Funeral Planning

Regardless if your funeral preferences are more traditional or simple, it's key to plan ahead for them. The last thing you'll want to leave your family with is the task of making your funeral arrangements in the days after your passing. Planning ahead saves you money, is a true gift to your family, and ensures your wishes are carried out. Don't hesitate to contact us when you are ready to discuss funeral plans and pricing.



This guidebook is written to assist you in understanding and creating a living will. However, it is not intended as legal advice. Legal advice can only come from a licensed qualified attorney. Using this guidebook does not equate to having a legally sound document in any state. If you have any question regarding end of life matters, please consult an attorney.