

ELDER LAW TODAY

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Living Wills

Though many of us would prefer to avoid it, the right-to-die legal case of Terri Schiavo has undoubtedly increased awareness regarding the importance of living wills. It has increased awareness--but will it really motivate people to actually sign living wills? Are you going to sign a living will now?

A living will is an expression of your wishes regarding end-of-life decisions. If you don't want to be kept alive artificially, should you be terminally ill and unconscious with no chance of recovery (as decided by two doctors), you should sign a living will making your wishes clear. For a doctor to withhold or withdraw artificial life sustaining treatment, the law says there has to be clear and convincing evidence that those are the patient's wishes. The best way to accomplish this, of course, is to put your wishes into writing by signing a living will. Terri Schiavo didn't do this. Her husband says that before Terri became ill, they had discussed these issues and Terri had made it clear she wouldn't have wanted to be kept alive in her condition. Her parents disagreed. Terri was kept alive for 15 years with a feeding tube.

It is important for everyone to realize that a living will can be tailored to suit their wishes. For example, some may not want their lives prolonged in any way should they be terminally ill and unconscious, while others may want all means possible used to keep them alive. Still others may wish to decline all life-prolonging treatment with the exception of food and water.

Regardless of your decision, it is critical that you discuss your wishes with your family members and loved ones. While a living will is clear and convincing evidence of a person's wishes, it is possible that from a practical standpoint in a true end-of-life situation, the documents strength might be diminished if parents, children, or spouses claim the living will does not reflect their loved one's wishes. This could also happen if close

family members simply don't agree with each other on whether or not the living will reflects their loved one's wishes. You can imagine the concerns a doctor is going to have when a patient's living will says she doesn't want to be kept alive artificially but the patient's daughter is there pleading with the doctor to keep her mother alive--saying that she knows her mother would have wanted to live. You must discuss your wishes with your loved ones.

The key is to act now. You may want to begin by contacting an elder law attorney to discuss questions you have about living wills. Once you've been educated about your options, you can make the decision that's right for you. And once your decision is made and you have acted on it, you can take the next step, of discussing your wishes with your family. Good elder law attorneys who take a comprehensive approach to serving their clients can help you with this part of the process as well.

Services Available

Adrian & Pankratz, P.A. offers the following Elder Law services:

Division of Assets	Long Term Care Planning
Guardianship	Powers of Attorney
Estate Planning	Wills
Living Trusts	Special Needs Trusts



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