

Do Advance Directives Really Work?

A Living Will...

A Durable Power of Attorney...

An Advance Health Care Directive...

Any of these documents can help to establish your wishes when it comes to the medical treatment you receive at the end of your life.

But do they really work?

According to one of the largest studies on the effectiveness of documents specifying medical treatments desired, or not desired at the end of life, yes, these documents do work. And more and more Americans are using these tools to make their wishes known.

The results of this study, published in the New England Journal of Medicine, showed that seventy percent (70%) of the people followed in the study lacked the ability to make choices toward the end of their lives because of their mental or physical health. Fortunately, most of them had advance directives and their wishes were not only known but followed. The will of the patient prevailed.

So which documentation is the right choice? Here's what you need to know:

Living Will

A Living Will specifies the type of medical treatment you desire if you become incapacitated. If you are permanently unconscious or terminally ill, your Living Will merely tells your family and the medical community whether or not you desire to receive life sustaining treatment. The Living Will does not allow you to appoint someone else to make decisions for you. It just makes your wishes known.

Durable Power of Attorney for Health Care

A Durable Power of Attorney for Health Care allows you to appoint an agent with the legal authority to make decisions for you, relating to health care issues and treatment, should you become unconscious, mentally incompetent or otherwise unable to make those decisions. By making this a "durable" document, you are including language to make sure that this document remains effective or will take effect if you are mentally incompetent. In many states, you can also include language to make your wishes known with regard to "life-sustaining procedures" if you are in a coma or terminally ill. But a word to the wise, even if you include language about your wishes in this regard, make sure you discuss them with the person you designate as your agent.

Advance Health Care Directive

In many states, the Advance Health Care Directive has replaced the Living Will and Durable Power of Attorney for Health Care as the document for making your wishes known with regard to health care treatment and decision making. This document instructs others (your family and the medical community) about your care if you are unable to make those decisions on your own. It only becomes effective under the specific circumstances you provide for in the document itself. The Advance Health Care Directive allows you to do either or both of the following:

- Appoint a health care agent
- Prepare instructions for health care

This document provides a very clear statement of your wishes about your choice to prolong your life or to withhold or withdraw treatment. You can be as specific as you like about the medical care you want at the end of your life. For example, if you are a vegetarian or vegan, you can specify that you do not want to be fed meat. You can indicate whether or not you want hydration and nutrition to be withdrawn and that it goes beyond whether or not you can breathe on your own.

The Advance Health Care Directive allows you to do everything in one document that a Living Will or Durable Power of Attorney for Health Care allow you to do separately. If you already have a Living Will or Durable Power of Attorney for Health Care, don't worry. Both of these documents are still valid until you take steps to replace them with an Advance Health Care Directive.

If you have any of these documents in your current estate plan, make sure that copies are provided to your appropriate family members, your primary care physician and/or anyone you have named as an agent in these particular documents.

If you don't currently have these documents in your estate plan and would like an expert opinion on which is appropriate for your particular circumstances, call us to schedule your Family Wealth Planning Session today. We can identify what needs to be done to ensure that you have the right documentation to make your wishes known and followed.

Also, as part of our estate planning process, we will interview you about your specific wishes and what you want your family to know. We provide you with a copy of the interview so you can pass on the information you want your family to remember. We understand that it's not just about the paper you leave behind, but the voice you leave behind. Call 949.260.1400 today and mention this article. www.MorganLawGroup.com