

What Is a Living Will?

"Living will" is a term commonly used to refer to a legal document available in most states that allows an adult to state in advance whether or not life-sustaining medical procedures should be used to prolong life when there is no chance for a reasonable recovery.

Why Should You Consider a Living Will?

Reasons to consider a living will include:

1. A belief that adults have the right to control medical decisions regarding their care, including the right to refuse or withdraw life-sustaining treatment.
2. Concern about the suffering and loss of dignity that can occur when life-sustaining measures are used to prolong an inevitable death.
3. Easing the emotional pain the family might otherwise have to suffer in making such a difficult decision.
4. Relieving a doctor's and hospital's fears of liability in withholding or withdrawing treatment.
5. Language concerning organ donation can be included in a living will.

How Do You Implement a Living Will?

While the validity of a living will is determined by state statute, the requirements generally include that the document be (1) in writing, (2) dated, (3) signed and (4) witnessed by two people who are not related to the declarant and are not heirs of his or her estate. In addition, doctors and their employees, as well as hospital employees, are generally not acceptable witnesses. Consult your doctor or attorney for more information about the availability of a living will in your state.

Once a living will has been executed, copies should be given to close family members, the primary doctor and the family attorney.

A living will can be revoked at any time by destroying the document and any copies or by signing a notarized revocation of the document.