



## Advance Directives: Two Legal Documents You Should Have to Make Your Wishes Known

### Creating Advance Directives

When it comes to making health care decisions, most of us are able to tell our doctors and family members what we do or do not want. Unfortunately, this may not always be the case. What if you had a stroke or fell into a “persistent vegetative state” and were unable to communicate with those taking care of you? Would they know and be able to carry out your wishes? Taking the time to write advance directives and make your personal choices known will provide your family and those you care about with guidance at a time of great stress. These legal documents will speak for you when you are unable to speak for yourself.

### A Health Care Proxy

**What is it?** Sometimes called a Health Care Power of Attorney or Durable Medical Power of Attorney, a Health Care Proxy is a legal document that gives the person you appoint the right to make health care decisions for you if you are unable to make those decisions for yourself. You may give this person as little or as much authority as you wish, i.e. you may allow your proxy to make all your health care decisions or only certain ones.

**Why Should I Have a Health Care Proxy?** A health care proxy can make sure that health care providers follow your wishes. Your proxy can also decide how your wishes apply as your medical condition changes. Hospitals, doctors and other health care providers must follow this person’s decisions as if they were your own.

**Who should be my proxy?** Generally, you may appoint any competent adult you want. You may decide on your spouse or partner, an adult child, or an attorney. Whoever it is, be sure it is someone you trust to carry out your wishes. You should also consider where your proxy lives. If you are terminally ill and unable to make decisions, your proxy might have to spend a great deal of time nearby to see that your wishes are followed. If that person lives far away, that might not be possible.

Find out more at: [www.wiserwomen.org](http://www.wiserwomen.org)

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## A Living Will

**What is it?** A Living Will is a legal document that is a written declaration of your health care wishes for a time when you cannot communicate them personally.

**Why Should I Have a Living Will?** It explains your health care preferences and instructs your doctor about your end-of-life decisions. You may say something as simple as, "I prefer that all care be directed at comfort and that life-supportive treatments not be used." Or, you may want to be more precise and describe the medical situations in which you would accept or refuse medical treatment or specify the kind of treatment you may or may not want. For example, a do not resuscitate order (DNR) makes clear that you do not wish to have cardiopulmonary resuscitation (CPR) to restart your heart and lungs if your heartbeat or breathing stops. You may include this order in both your Living Will and your Health Care Proxy. (Note: a living will is not used to name a proxy. You must name your proxy in a separate document—see above.)

### If you write a Living Will, be sure:

- Your name is clear as the person creating the Living Will.
- The Living Will is dated.
- The Living will contains a clear statement of your personal health care wishes.
- You sign the document.
- There are two witnesses who sign and date the document.
- The witnesses make short statements that you signed the document willingly.
- You have the Living Will notarized. (Not all states require this, but why take a chance.)

### Can I Sign Either a Living Will or a Health Care Proxy, or Should I Do Both?

It is advisable to do both. A living will specifically outlines your decisions about health care treatment, but it does not provide a spokesperson. The person with your health care proxy is designated to make decisions, based on your instructions, if and when you are unable to speak for yourself. Together a living will and a health care proxy can work to make your health care wishes clear and make sure those wishes are carried out.

### After preparing and signing the documents:

- Make copies of the completed documents.
- Keep the originals in a safe place.
- Give copies to your proxy, your attorney or other advisor, close family members, your doctor and anyone else involved in your health care.

## Remember:

- Advanced Directives as discussed here, can help to insure that your health care wishes are followed if you are unable to speak for yourself.
- Advance Directives can be cancelled at any time.
- Advance Directives are most effective when they are accompanied by discussions with the people who mean the most to you.
- Advance Directives must comply with the requirements of your state. It is wise to consult with an attorney to be sure the documents are in proper order.

## Online Resources:

There are numerous online sites with easy-to-fill-in forms and advice. Some require payment others are free. You will find some examples at the following:

- **Legal Zoom** provides forms for customizing Wills and other legal documents: [legalzoom.com](http://legalzoom.com)
- **Caring Connections** provides free information and resources to help people make decisions about end-of-life care and services before a crisis (in English and Spanish): [caringinfo.org](http://caringinfo.org)
- **Five Wishes** is a document written in easy, clear language that meets the legal requirements for an advance directive in most states. Families also use Five Wishes to help start and guide family conversations about care in times of serious illness: [agingwithdignity.org/five-wishes](http://agingwithdignity.org/five-wishes)