

Personal Directives / Living Wills

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Though many may prefer to avoid the thought, we are all mindful of the importance of expressing our end-of-life wishes to our families and loved ones when our time comes. A personal directive (often called a living will) is a written expression of your wishes regarding end-of-life decisions. This may include your intentions around being kept alive artificially, should you be terminally ill and unconscious with no chance of recovery (as determined by your doctors). You should sign a living will making sure your wishes are clear. For a doctor to withhold or withdraw artificial life sustaining treatment the law in Massachusetts dictates there has to be clear and convincing evidence that those are the patient's wishes. Your formalized intentions are crucial at this time.

The best way to accomplish this, of course, is to put your wishes in writing by signing a personal directive. Many of you reading this are seniors, caregivers, or elder care advocates. You may be concerned about your own end-of-life decisions, the decisions of a loved one, or you work with the elderly and their families every day. Because the end-of-life decisions are on so many peoples' minds, we all can educate the individuals we care about on these important issues and empower them with the knowledge they need to make informed decisions. It is important for everyone to realize that a living will can be tailored to suit the individual's unique 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 except for food and water. Regardless of your decision, it is critical that you discuss your wishes with your family members and loved ones.

While a personal directive is considered 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 document strength might be diminished if parents, children, or spouses claim that the living will does not reflect their loved one's wishes. This could also happen if close family members simply do not agree with each other on whether or not the living will reflects their loved one's wishes. Consider the unimaginable challenge a doctor faces when a patient's living will says she does not want to be kept alive artificially but the patient's child is pleading with the doctor to keep their parent alive. You must discuss your wishes with your loved ones to avoid placing additional stress and burden on your loved ones at such a difficult and emotionally charged time.

The key is to act now before problems arise. You may want to begin by contacting a qualified elder law attorney to discuss questions you have about living wills. Once you have been educated about your options, you can make the decision that is 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 and loved ones.

The information contained in this article is not intended to make you an expert on estate planning nor is this article intended to replace the need for the advice of a professional. Rather, this article is simply intended to provide a basic understanding of why estate planning is important for everybody and a basic understanding of some of the more common estate planning tools. This article does not constitute legal

advice.