

48 Peace with A Living Will

From the Field with The Law Firm of Gold, Kourey & Turak

*Since 1978, the law firm of **Gold, Kourey & Turak** has represented thousands of individuals with their legal concerns. They are licensed to practice in Ohio, West Virginia, and Pennsylvania, but have supported clients from across the country in obtaining the legal services necessary in their time of need. Their website is located at www.gkt.com.*

As personal injury attorneys, we see firsthand the devastating effects that an injury or death can have on a family. Oftentimes the injured person can make a full recovery and maintain a healthy lifestyle, however, this is not always the case. Unfortunately, there are times when the injured person becomes incapacitated with little or no chance to recover, or the family member dies as a result of the accident. While no family is truly ever fully prepared to deal with a serious injury or the loss of a loved one, the challenges they face can be made easier if their loved one has a living will, a medical power of attorney, and a will. It is our experience that most families are ill prepared to make decisions for their loved one.

As a military family, your needs are similar to those of a civilian family. An unexpected tragedy can strike a member of your family at anytime. If a loved one sustains a life-threatening illness or injury while you're overseas, you may not know about decisions made by hospital administrators or doctors. If family members are local, they will be under tremendous stress deciding what is in their loved one's best interest. Parents often hold as much legal standing as a spouse, so conflicts can arise when family members disagree on how to proceed when a dramatic change in the health status of their loved one occurs.

While no one wants to think about an unexpected incapacitating injury, illness, or death occurring to themselves or a loved one, consideration should be given to the benefits of having such documents

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as a living will, a medical power of attorney, and a will. Having these documents can remove any potential guilt or confusion experienced by your loved ones by letting your family members know your preferences in advance. This also relieves your family of the stress and conflict that often arises with having to make these types of decisions. In addition, preparing these documents forces you to ask yourself difficult questions and provides you, and your loved one, the opportunity to think things through with a clear mind before any significant health changes occur.

The Terri Schiavo case brought national attention to the importance of having an advance health-care directive. Having an advance health-care directive, such as a living will, medical power of attorney, or health-care power of attorney, can help you communicate your wishes regarding medical care if you are unable to speak for yourself. Anyone can create an advance health-care directive, and the process is relatively easy. There is no need to hire an attorney. Check the resources listed on The Military Family Network for websites to forms and information for each of the fifty states and the District of Columbia. These forms are free and can serve as legally binding documents when properly completed. If you do not have access to a computer, your local hospital may have information packets available that include these forms. In addition, the hospital may have a representative on staff that can answer your questions and, if necessary, assist you in completing the forms.

While living wills and power of attorneys can be easy to complete, you should consider contacting an attorney to assist you in preparing your last will and testament. Depending on your circumstances, the issues surrounding wills and trusts can be extremely complex, and an attorney can help make sure your preferences are set forth in your will without any confusion, and in accordance with state law.



FAQs

Q. What is a living will, is it the same as an advance directive?

A. *A Living Will, also known as a health-care directive or health-care declaration, is a legal document that goes into effect while you are still alive. Generally, your condition is such that you have no reasonable chance of recovery*

to what you consider a meaningful life. A living will generally sets out your wishes regarding end-of-life medical treatment, but it may not appoint a decision maker should you become unable to communicate your wishes.

Q. What is a Medical Power of Attorney?

A. A Medical Power of Attorney allows you to designate someone to make health-care decisions for you when you are unable to make those decisions for yourself. The person should be knowledgeable of your wishes, values, and beliefs, and be someone who has your trust and confidence to make health-care decisions in your best interests.

Q. What is a will?

A. Wills are legal documents, when drafted and executed in accordance with law, that allow you to name your beneficiaries for such items as jewelry, property, money, and other assets in your name at the time of your death. In your will, you may also wish to nominate a person to care for your young child and select an executor of your estate. An executor has the responsibility of distributing your assets in accordance with the provisions of your will.



Need to Know

In preparing to meet with your attorney regarding your last will and testament, it is helpful for you and your attorney if you bring the following information with you:

- **Personal information about you and, if married, your spouse:** including full legal names, address, telephone numbers, date and place of births, and information about your children, if applicable.
- **Information about marital status:** date and place of marriage(s), bring any agreements or contracts; list any children from previous marriage.
- **Summary of your assets:** including, but not limited to, cash and bank accounts, life insurance policies, pension plans, property, and personal items that have sentimental value. Where are these items located; list account numbers and designated beneficiaries.
- **Summary of your debts:**

bring a list that includes amounts owed and to whom for loans, mortgages, and any other debt in your name.

- **Outline of your beneficiaries:**
who will receive your cash distributions and amounts, and whom do you want specific possessions to go to?
- **Determine who will represent your interests:**
bring full names and addresses of your executor, trustee, and guardian for infant children, if necessary.

