



## What Is a Living Will and Why Do I Need One?

By Ashley B. Han, Esq.

People often call our office and state that they need a Living Will so that they can decide who inherits their assets when they die. They may very well need a Living Will, but a Living Will does not do what they think it does; it does not determine who gets your stuff when you die. Other estate-planning documents, including a Last Will and Testament, dictate who inherits your assets when you die. A Living Will is a particularly important document for other reasons.

In simple terms, a Living Will governs a very extreme, end-of-life situation when you are no longer able to communicate. The term “Living” Will can be very misleading. A Living Will, sometimes also called an Advance Medical Directive, memorializes an individual’s wishes or intent about certain health procedures when that individual is terminally ill, in a vegetative state, or in an irreversible coma. A Living Will is essentially a set of instructions to health care providers from the individual who executed it. If certain conditions in the Living Will are met – if you are in a persistent coma or permanent vegetative state, if you suffer from a terminal condition and an attending physician has determined that there is no realistic hope of significant recovery – health care providers are instructed not to keep you alive by artificial means.

A Living Will is NOT a Do Not Resuscitate Order (DNR). In other words, a Living Will does not state that health care providers will not use artificial means (or try to keep you alive) if you are otherwise healthy and suffer an accident or a sudden injury or illness. DNRs are documents completed by a medical doctor, not an estate-planning attorney.

The individual preparing a Living Will with an estate-planning attorney can tailor it according to their wishes. There are advantages to a Living Will being drafted in general terms; this can give health care providers more discretion and allow for some input from family members. Some people may want specific treatment or may want to provide more directions to health care providers based on their personal preferences or situation. Although these are difficult decisions to make, giving them thoughtful

consideration with an experienced estate-planning attorney can bring peace of mind and comfort to you and your loved ones.

A Living Will IS essential to ease the burden on family members at a difficult time. A Living Will contains instructions directly from the individual who created it to health care providers, so that family members and loved ones will not have to make the decision to withhold treatment when that difficult time comes. Although we hope we are never in this situation, we do not know what the future holds and need to be as prepared as we can be. If you are interested in learning more about Living Wills or any other estate-planning documents, contact HighPoint Law Offices today!

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