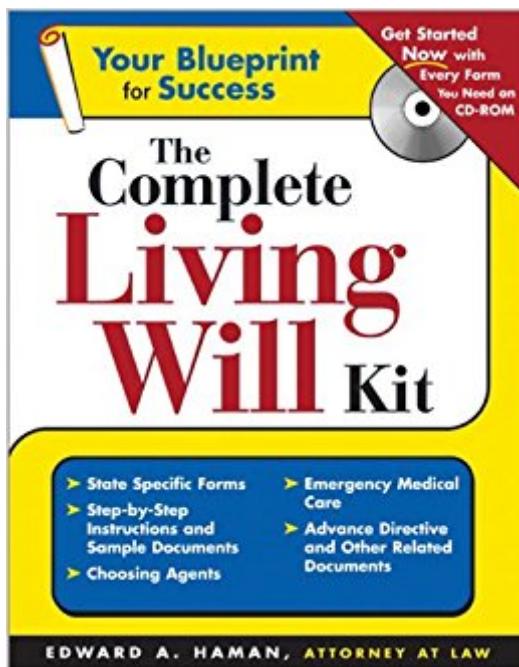


The book was found

The Complete Living Will Kit (Complete . . . Kit)



Synopsis

Control Your Critical Health Care DecisionsThe Complete Living Will Kit is an easy-to-use guide to preparing your own living will without the expense of an attorney. A living will, along with a health care power of attorney, provides your family and doctors with instructions for your health care and ensures that your wishes are followed—even if you are unable to speak for yourself. Inside, learn how easy it is to prepare all the documents you may ever need. Simple instructions and samples walk you through filling out your own forms and giving your family the power to carry out your health care wishes. Write the Best Living Will for YouWith step-by-step instructions and sample filled-in forms, you can easily personalize the documents to express exactly what you want to happen if you ever become incapacitated. Ensure Complete CoverageLearn about other valuable health care documents, including health care powers of attorney and do not resuscitate orders, that guide your family and doctors in the case of an emergency. Direct Your DoctorsEnsure that your doctors follow your specific wishes and make the health decisions you want—no matter the situation. Prepare Your Specific NeedsState-by-state listings covering every state's laws and specifically sanctioned forms make this book your one-stop guide for preparing the precise documentation you need. Share Your DecisionsLearn the importance of notifying your family and friends of your decisions and providing your health care agents with all the necessary information—before it is too late. Modify Forms for Your NeedsFind all the essential forms on the accompanying CD-ROM and modify each form to say exactly what you want. Making your health care wishes known has never been easier.

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Customer Reviews

Edward A. Haman received his law degree in 1978 from the University of Toledo College of Law. As a student, he served as coordinator of the law school's Client Counseling Competition team, and as editor of the law school's legal journal, *Discovery*. He also has a bachelor of arts degree from Western Michigan University, with a major in communication and minors in accounting and general business. Since graduating from law school, he has practiced law in three states. In Hawaii, Mr. Haman was engaged in general private practice, initially as a sole practitioner, then with a small law firm emphasizing family law, real estate, and business law. This included trial practice, as well as criminal appellate work before the Supreme Court of Hawaii and the U.S Court of Appeals in San Francisco. In Michigan, he served as a Circuit Court domestic relations hearing officer. After moving to Florida in 1986, he spent several years as an attorney for the Florida social services agency, handling a variety of legal matters, including cases involving the abuse and neglect of children, the elderly, and the disabled; public health matters; child support enforcement; welfare fraud; and the licensing of assisted living facilities, nursing homes, and other health care facilities. Mr. Haman has also engaged in private practice in area such as real estate, family law, and probate. Since 1987, Mr. Haman has authored and co-authored numerous self-help law books, including *The Complete Bankruptcy Guide*, *File Your Own Divorce*, and *The Complete Prenuptial Agreement Kit*. In connection with the self-help law books, he has been a guest on numerous radio programs, and has appeared on the Fox News Channel. He has also written several articles for *The Florida Keystone Series*, a legal publication for attorneys. Currently residing in Tampa, Florida, Mr. Haman continues to write books, and also volunteers as a support group facilitator for the Alzheimer's Association. In his spare time, he enjoys traveling, kayaking, snow skiing, hiking, and mountaineering.

Writing Your Living Will
Excerpted from Complete Living Will Kit by Edward A. Haman ©2006A

living will is a written statement that expresses your wishes to others regarding the use of specifically defined life-prolonging procedures in the event you become terminally ill, injured, or permanently unconscious. Living wills only relate to certain situations-usually when a person has an injury or illness that is fairly certain to result in death, or when the person is in a persistent vegetative state. They typically provide that one or two doctors must determine that death is fairly certain or that the person is in a persistent vegetative state with no hope of recovery. Once this determination is made, the living will tells your family, doctors, hospitals, and other health care providers-and your health care agent, if you have one-what types of medical procedures you do or do not want.

Living Wills and Specific Situations
Originally, living will forms were merely statements

that a person did not want life-prolonging procedures if he or she became terminally ill or injured. All that was needed was for the person to fill in his or her name, then sign and date the form. Sometimes they were also signed by witnesses, and sometimes they were notarized. Some of the forms approved by state legislatures are still of this simple nature. Over the years it became apparent that people were often facing complicated situations, and forms were developed to cover a wider range of possibilities. Many forms now allow you to make choices on matters such as: including coverage for a persistent vegetative state, even if your condition is not terminal; specifying which medical procedures you do or do not want; determining the use of artificial nutrition and hydration (i.e., the use of gastric tubes and intravenous feeding); stating that you do want life-prolonging procedures; and, having spaces for you to write in any other specific instructions or wishes regarding your medical treatment. Some forms approved by state legislatures have one or more of these features. If your state's form does not include a provision you would like, you can either write it in on the state form, attach a sheet of paper with the additional provision, use form 67 in Appendix B, or use the forms in this book as guides for preparing your own custom form. Just be sure to use the signature, witness, and notary formats found on the form for your state (or use form 65, p.243, if there is no form for your state). **Artificial Nutrition and Hydration** The most common question when these situations arise is whether to provide the person with food and water. If the person will quickly die without artificial means to maintain heart or lung function, then providing food and water will not be an issue. However, this may become important if the person is not likely to die or not likely to die soon. Most people want to be as comfortable as possible, even if they want to be allowed to die. Withholding food or water can cause additional pain. Some people are willing to accept this pain in order to hasten death (and overall relief). Others would rather live a little longer if it means avoiding pain. You will find this option in many of the forms in Appendix B. To decide which option is best for you, discuss the matter with your doctor, a nurse, or some other health care professional. **Living Will Forms** Every state except New York, Massachusetts, Michigan, and New Jersey has adopted specific living will forms, which are usually very similar. Forms specific for these states are found in Appendix B. Many of these forms have instructions right on the form, so be sure to read through the form carefully. If your state is one of the four listed above, you may want to check the most current version of your state's statutes or code, because your state legislature could adopt a form at any time. Some states have very simple living will forms, where all you need to do is fill in the date and sign the form before witnesses or a notary public. Other states have specific living will provisions within a statutory health care power of attorney form. Still others just have spaces for you to write in any wishes you may have regarding life-prolonging procedures. For those states that

have no separate living will form, but do have a living will provision within a power of attorney form, the entire state power of attorney/living will form has been included in Appendix B. If all you want is a living will, you can just complete the living will portions of the form and the section for signatures, witnesses, and notary. For those states with separate living will and power of attorney forms, both are provided in Appendix B. If you live in one of the states that has a living will form, refer to Appendix B for your particular state form. The state LIVING WILL forms found in this appendix are basically as simple as form 1 (discussed later in the chapter), so the instructions given for form 1 will help you complete your state form. (As indicated, many state forms also have instructions on the forms themselves.) All of them are simple to complete. For further help, see the sample completed form for Minnesota beginning on page 14 in this chapter. (The Minnesota form was selected because it is not a simple check-the-box form like those for most states, and it requires the most work to complete.)

Witnesses Many states prohibit certain people from serving as a witness to a living will. Some of the state forms spell out who may or may not serve as a witness, so be sure to read the form carefully. The list contained in this section covers most of the types of people who may not serve as a witness in at least one state. By avoiding the types of people listed, you will most likely avoid using an improper witness. However, to be certain of exactly who may or may not serve as a witness in your state, you should check the most current version of your state's laws. Generally, it is not a good idea to have a witness who is:

- ? your spouse;
- ? your parent;
- ? your child;
- ? related to you by blood, adoption, or marriage;
- ? your physician or an employee of your physician;
- ? a provider of health care to you, or an employee, agent, or patient of such a health care provider;

NOTE: This includes places such as hospitals and nursing homes, and their administrators, operators, and employees. It generally only applies to persons connected with a facility where you reside or that provides services to you. So, if you have a friend who happens to work at a nursing home, but you are not a resident of that nursing home, that friend may act as your witness.

- ? entitled to any part of your estate-either by law or through your will-or who has any kind of claim against your estate;
- ? a beneficiary on your life insurance policy;
- ? directly financially responsible for your medical care;
- ? under the age of 18; or,
- ? the person named as your agent in a health care power of attorney.

Notarized Signatures Even if your state does not require a living will to be notarized, it is a good idea to have it notarized. This is just one more thing that may make it more likely for a health care provider to honor the living will without question. It will also be helpful if you are traveling to a state where living wills must be notarized. Form 65 (see p. 243) is a notary page that you can attach to your living will (of course, this is not necessary if you are in a state with an approved form that already has a notary provision).

NOTE: Some states have specific

requirements as to the form of a notarization statement (which can also be changed by the legislature at any time). Check with the notary you intend to use to be sure the notary format is valid for your state.

I just received it this week. I am still reading it. It is a very thick booklet with CD-ROM. It did arrive pretty late.

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