

Indiana Legal Services, Inc

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Living Wills

What is a living will?

This is a document in which you state your wish to die naturally without the use of extraordinary life support measures if you are terminally ill. The document becomes effective only if you are physically or mentally unable to give directions on your own medical care and only if you are terminally ill.

When does a living will become effective?

The living will becomes effective only if you become terminally ill. A doctor must diagnose you with a terminal illness. The living will does not apply to all health care decisions; it applies only to medical procedures/treatments that use artificial means to carry out your body's vital functions or that prolong the dying process. For example, a living will would apply to the medical decision to place you on a ventilator or put a tube in you for feeding.

The living will does not apply to medical care to provide comfort or stop pain; so even if you have a living will you could still receive medical care to help you with pain and to make you more comfortable.

What if I do want extraordinary life support measures even if I am terminally ill?

You can have a document called the life prolonging procedures declaration. This is basically the opposite of the living will. In a life prolonging procedures declaration, you state that you want to have life prolonging procedures, no matter how extraordinary the procedures are. Again, this document becomes effective only if you are physically or mentally unable to give directions on your own medical care.

How do I get a living will?

You can have an attorney do one for you, or you can do the document yourself. In order to do a living will, you must:

1. Be competent;
2. Voluntarily want to do the living will; and
3. Sign in the presence of two witnesses who are competent and at least 18 years old. (If you are unable to sign yourself, you can direct someone to sign for you while you watch).

The witnesses also must sign the document.

Can anyone be my witness for a living will?

No. Your parents, spouse, children, or anyone who would benefit financially from your estate or who are financially responsible for you cannot be your witness for a living will.

What happens after I do a living will?

You need to make sure your doctors have a copy of the living will so that it can be made a part of your medical records. You should also keep a copy of the living will with your important papers. You may also want to discuss your living will and your wishes concerning medical treatment with your family members.

What if I change my mind and decide I don't want a living will?

You can revoke your living will, which means it is no longer valid. There are several ways to revoke your living will. You can:

- Physically destroy your living will;
- Make a written document that revokes your living will; or
- Say you want to revoke your living will.

If you revoke your living will, you need to make sure you let your doctor know that you have revoked it.

Do I have to have a living will?

No. However, if you do not have one and you become terminally ill and unable to make your own decisions, the medical staff and/or your family may decide to have medical procedures done to you that you do not want. A living will can make your wishes known if you do not want such procedures to be done to you.

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