

## LIVING WILLS

### What is a Living Will?

A living will isn't really a will; rather, it is a document indicating that you do not want to be kept alive on life support if you are considered terminally ill or in a permanent vegetative state. In Texas, it is also sometimes referred to as an advance health care directive. It alleviates family members from having to make difficult decisions about their loved one's care during a difficult, emotional time. A living will legally takes effect once the individual has been determined by a medical professional to be terminally ill or in a permanent vegetative state, and he or she is, therefore, unable to communicate their medical preferences.

### How Does a Living Will Differ from a Durable Power of Attorney?

A durable health care power of attorney gives the appointed agent or attorney-in-fact the legal power to make health care decisions for someone who is unable to themselves. This document may direct the attorney-in-fact to use his/her discretion to make health care decisions or it may direct them to follow the preferences established in a living will. It may become effective upon incapacitation, but does not necessarily require that the individual granting the power be terminally ill or permanently unconscious. Our office recommends having both documents to ensure that your wishes are honored in all possible future situations.

The person you select as your attorney-in-fact or proxy for health care decisions should be someone you trust to carry out your wishes for your healthcare. It is helpful if they are comfortable with health care matters, since they may be discussing treatment with doctors or other family members, but it is not required.

### Why is a Living Will Important?

Without a living will, family members may have to make difficult decisions about your medical care. Additionally, when important decisions about your care arise and you are unable to make them yourself, your doctor will only consult with your family for guidance. Therefore, if you would like a friend or unmarried partner to be involved in the decisions surrounding your health care, a living will allows them to be involved when they otherwise would not be.

If you have questions or would like to speak with an attorney about drafting a living will, will, or a general or medical power of attorney, please contact the [Fort Bliss Legal Assistance Office](#) at (915) 568-7141 or email [usarmy.bliss.hqda-otjag.mesg.bliss-legal-assistance-office@army.mil](mailto:usarmy.bliss.hqda-otjag.mesg.bliss-legal-assistance-office@army.mil).