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Will Appointments

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Powers of Attorney/Notaries
Mon-Fri 0745 - 1630

You can complete power of attorney & will worksheets, and read information at <https://aflegalassistance.law.af.mil>

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LIVING WILLS AND DURABLE POWERS OF ATTORNEY FOR HEALTHCARE



**31ST FW LEGAL
OFFICE**

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WHAT IS A LIVING WILL?

A living will, also known as a “Directive to Physicians” or “Healthcare Advanced Directive,” details your desires regarding medical care should you become unable to communicate those wishes. Once a doctor receives a properly signed and witnessed directive, he or she is under a duty either to honor its instructions or to make sure you are transferred to a doctor who will honor its instructions.

WHEN DOES MY LIVING WILL TAKE EFFECT?

Your living will becomes effective when three things happen:

- you are diagnosed to be close to death from a terminal condition or to be permanently comatose
- you cannot communicate your own wishes for your medical care--orally, in writing or through gestures, and
- the medical personnel attending you are notified of your written directions for your medical care.

In most instances, you can include your living will in your medical record when you are admitted to a hospital or

other care facility. However, to ensure your wishes will be followed, it is best to give copies of your completed documents to several people you trust.

WHAT IS A DURABLE POWER OF ATTORNEY FOR HEALTH CARE?

A durable power of attorney for healthcare, also called a “healthcare proxy,” gives another person authority to make medical decisions for you if you are unable to make them for yourself. Unlike a living will, a healthcare POA does not have to state what type of treatment you want to receive. You can leave those decisions to your proxy if you feel comfortable doing so. Ideally, however, the two documents work together. For example, your living will may contain a clause appointing a proxy (sometimes called an attorney-in-fact, agent or representative) to be certain your wishes are carried out. The best approach is usually to create two separate documents, a living will explaining the treatment you wish to receive and a durable power of attorney appointing someone to oversee your directive.

If you do not know anyone you trust to name as your healthcare proxy, it is still important to complete and finalize a living will recording your wishes. That way, your doctors will still be obligated to give you the medical care you want.

WHAT HAPPENS IF I DON'T HAVE ANY HEALTHCARE DOCUMENTS?

If you do not have a living will or durable power of attorney for health care, the attending doctors will use their discretion in deciding what kind of medical care you will receive.

When a question arises about whether surgery or some other serious procedure is necessary, doctors may turn for consent to a close relative--spouse, parent or adult child. Friends and unmarried partners, although they may be most familiar with your wishes for your medical treatment, are rarely consulted.

Problems arise where partners and family members disagree about what treatment is proper. In the most complicated scenarios, these battles over medical care wind up in court, where a judge, who usually has little medical knowledge and no familiarity with the patient’s desires, is called upon to decide the patient’s treatment. Such legal battles--which are costly, time-consuming and usually painful to those involved--are unnecessary if you have documented your desires in a living will or durable power of attorney for healthcare.