

## **November 2003 - The Living Will**

By now everyone has heard about the tragic case of Terry Schiavo-the young woman who now is the subject of tremendous legal wrangling.

With that said, I am dedicating this month's article on a few important legal documents that everyone should have.

First the Living Will. The Living Will, as you may have guessed, is a document that outlines your wishes should you find yourself the victim of a terminal condition. Basically, a Living Will states your desires in advance of a terminal condition that prevents you from making an informed medical decision regarding your care and treatment. This is a must document for anyone who wishes to not live in a vegetative state should they find themselves a victim of a catastrophic illness or injury.

Next is the Health Care Surrogate. Unlike the Living Will whereby you express your desires, the appointment of a Health Care Surrogate is charged with the important responsibility of making health care decisions not necessary related to a catastrophic illness or injury. The Health Care Surrogate comes into play should you find yourself needing medical procedures that you may not be able to make informed decisions about, but not necessarily a terminal condition.

Next is the Durable Power of Attorney. This document provides for a person to act as the "attorney" for the person executing the document. This document is important if you find yourself in a position where you can't take care of your personal business and need someone to keep the status quo until such time you can resume responsibility.

Finally, the Will. As you all know, should you die in Florida without a will, your estate passes through intestate succession. This means that your property will be dispersed to your lineal descendants in the order outlined in Florida Statutes. However, should you desire to leave your property to specific individuals, you must have a will or trust. To avoid having your estate pass by intestate succession, I strongly recommend executing a will.

These documents are in no way meant to be a complete and comprehensive solution to address each and every person's personal and estate needs, but are a good start to protect yourself and your estate.

And as you all know, I provide free basic wills to FOP members and their spouses. I also draft Living Wills and POA's at a nominal fee for FOP members.

Should you like to take advantage of these services that the FOP provides by virtue of your membership, do not hesitate to contact me.