

Atlanta Estate Planning Attorney Answers, 'What is a Living Will or Health Care Directive in Georgia'

As an Atlanta area estate planning attorney, I'm often asked, "what is exactly is a health care directive or living will?"

Basically, a health care directive, commonly known as a Living Will in Georgia, is a legal document that permits someone to make medical decisions on your behalf. This type of document is commonly associated with the decision of maintaining or removing life support for a critically ill loved one, but Living Wills cover far more than that.

Specifically, an Advanced Health Care Directive, or "Living Will" in Georgia, allows someone to:

- Decide if you want your life to continue on life support or if you want to have them withhold treatment. (aka "pulling the plug")
- Pick a person to make health care decisions for you if you are unable to do so.
- Make decisions about pain relief options.
- Decide if you want your organs to be donated.
- To make any other decisions about your health care and treatment.

As you can see, a Living Will is essential for someone looking to have their wishes carried out in the event they die or become incapacitated.

The person you select to make the decisions for you is called your Healthcare agent. The agent will be acting on your behalf so their role is very important. When you are selecting your agent, you should consider a few things:

- He or she must be over the age of 18.
- He or she must be reliable and readily available in case something happens to you.
- He or she must be emotionally able to make end of life decisions for you.
- You should consider adding two to three alternative agents in the event that the primary agent is unable or unwilling to make the critical decisions.
- If you appoint your spouse as your agent, and your marriage is dissolved or annulled, your agent's authority is automatically revoked, unless you specify otherwise.
- If you are pregnant, your health care directive will not be honored.

While a health care directive can give someone the right to make all healthcare decisions for you, it is also possible to limit authority by clearly defining what their scope of power includes. For example, you may decide that your healthcare agent has the authority to decide what type of pain relief you are given, but limit their ability to decide whether to “pull the plug.” It is important to discuss this with an experienced **Atlanta estate planning attorney** to make sure that you are very clear and specific in defining this scope.

Once a Health Care Directive is signed, dated, and notarized or witnessed by two qualified persons, the Health Care Directive is valid forever, unless the individual revokes it. If the primary Agent refuses to follow the instructions dictated, the alternative Agents will be called upon to act on behalf of you, which is why it is important to name alternative Agents.

One final key point to consider when choosing your agent is that the person should actually *want* to have this responsibility. There are people who do not feel comfortable making such important decisions – even for their own spouse. Therefore, it is critical to have a conversation with whomever you are considering to ensure that they *can* and will be able to make the decisions that you want them to make.

Setting up a Health Care Directive that truly protects your wishes in the event of your incapacity starts by meeting with an **Atlanta estate planning lawyer**. Here at GeorgiaFamilyLaw.com : Worrall Law LLC, we’ve made that process easier than ever by offering free Peace of Mind Planning Sessions (normally \$750 each month to readers of our blog. However, these appointments are limited to 8 a month so call **770.425.6060** today to secure your spot.