

Additional Information: Living Will (Health Care Directive)

How do I make my Living Will valid?

- Your Living Will does not become valid until you sign it in the presence of witnesses or have it notarized.

What steps should I take next?



Print your completed Living Will and/or Medical Power of Attorney and carefully read over the document(s) to make sure you fully understand it and there are no mistakes or missing information.



Gather your chosen witnesses and inform them that the document(s) is your Living Will and/or Medical Power of Attorney. This is not necessary if you are using a notary public.



In the presence of your chosen witnesses, **initial the bottom of each page** except for the final page. **Sign the final page** using your usual check-signing signature.



In your presence, have both **witnesses initial the bottom of each page** next to your initials and then **sign and fill out** the required information on the final page.



Store the document in a safe place.

Additional notes:

- Initials and signatures should be below any document text in order to prevent confusion and improperly inserted or replaced pages.
- Remember that your witnesses need to be competent adults who are not your health care, community care, or residential care provider or an employee of said providers. At least one of your witnesses cannot be related to you by blood, marriage, adoption, or entitled to any portion of your estate.
- Make sure to keep a record of any people or institutions who have received a copy of your Living Will.
- If you haven't done so already consider creating a [Last Will and Testament](#) to control how your estate will be dispersed. A Living Will only covers your health care choices when you are unable to do so yourself.
- Review your Living Will periodically to see if it still reflects your wishes.

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Understanding your printed Living Will and/or Medical Power of Attorney



What are my rights?

The U.S. Constitution allows you to choose the kind of health care you will receive. However, many states limit the types of health care decisions that can be made so your health care providers may be restricted in their ability to follow every instruction you provide depending on your state's laws. This will not invalidate your document and LawDepot does not restrict your choice of instructions since this area of the law is still developing.



What is the "Instructions for Health Care" document?

This document specifies the health care choices you made in the questionnaire (e.g. artificial life support). It also comes with its own Statement of Witnesses, additional Witness Statement, Notary Statement, and Record of Copies. In order to be valid you must sign it in the presence of your witnesses (and have them complete the Statement of Witnesses with one witness also completing the additional witness statement) or bring the document to a notary public. The Record of Copies is included to help keep track of any copies you give out.



What is the "Durable Power of Attorney for Health Care" document?

This document grants legal authority to the person you chose to act as your health care agent and make *health care* related decisions on your behalf. Like the "Instructions for Health Care," it also has its own Witness Statements and Record of Copies and will not become valid until you sign in front of witnesses or it is notarized. If you wish to appoint an agent to make *all* (not just medical) decisions on your behalf you will also need to create a standard [Power of Attorney](#).



How do I update or revoke my Living Will and/or Medical Power of Attorney?

Our Living Will and Medical Power of Attorney include clauses that revoke all previous Living Will and Medical Power of Attorneys you may have created. Legally, you will revoke any old documents once you sign the new forms and have them properly witnessed or notarized. You should also notify any persons or institutions that have old copies of your Living Will which is why we have included a Record of Copies form to aid in this process.

Additional Information: Estate Planning



How can LawDepot help me protect my estate and my loved ones?

You need more than a Living Will to protect yourself and your estate. A good estate plan will also include a Power of Attorney, Last Will and Testament, and possibly a Living Trust. All these documents, along with educational articles, are available for free at [LawDepot](https://www.lawdepot.com).



Estate Planning Resources

The following legal documents and guides will help you create a solid estate plan:

- **Last Will and Testament**
Manage your estate and provide instructions for the distribution of your property at death.
<http://www.lawdepot.com/contracts/last-will-and-testament/>
- **Power of Attorney**
Give another person authority to act on your behalf should you become incapacitated.
<http://www.lawdepot.com/contracts/power-of-attorney-forms/>
- **Revocable Living Trust**
An estate planning document that allows you to place your assets in a trust so that they can be distributed according to your wishes upon your passing.
<http://www.lawdepot.com/contracts/living-trust/>
- **Estate Planning Guide**
Learn about the basics of estate planning.
<http://www.lawdepot.com/estate-articles/your-guide-to-estate-planning/>
- **Estate Planning Checklist**
See what steps you should take when planning your estate.
http://www.lawdepot.com/contracts/static-forms/Estate_Planning_Checklist.pdf
- **Estate Planning With Your Spouse**
How to plan your estate when you have a significant other.
<http://www.lawdepot.com/estate-articles/estate-planning-for-married-couples/>
- **Estate Planning For Singles**
How to plan your estate if you are widowed, divorced, or never married.
<http://www.lawdepot.com/estate-articles/estate-planning-for-singles/>

Know someone who could benefit from affordable access to legal resources?

Help them out by using the links below:

