

Illinois Living Will Act
(Illinois Compiled Statutes, 755 ILCS 35/1 *et seq.*)

DECLARATION

This declaration is made this _____ day of _____ (month, year).

I, _____ being of sound mind, willfully and voluntarily make known my desires that my moment of death shall not be artificially postponed.

If at any time I should have an incurable and irreversible injury, disease, or illness judged to be a terminal condition by my attending physician who has personally examined me and has determined that my death is imminent except for death delaying procedures, I direct that such procedures which would only prolong the dying process be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, sustenance, or the performance of any medical procedure deemed necessary by my attending physician to provide me with comfort care.

In the absence of my ability to give directions regarding the use of such death delaying procedures, it is my intention that this declaration shall be honored by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

Signed _____

City, County and State Residence _____

The declarant is personally known to me and I believe him or her to be of sound mind. I saw the declarant sign the declaration in my presence (or the declarant acknowledged in my presence that he or she had signed the declaration) and I signed the declaration as a witness in the presence of the declarant. I did not sign the declarant's signature above for or at the direction of the declarant. At the date of this instrument, I am not entitled to any portion of the estate of the declarant according to the laws of intestate succession or, to the best of my knowledge and belief, under any will of declarant or other instrument taking effect at declarant's death, or directly financially responsible for declarant's medical care.

Witness _____

Witness _____

For copies, contact the Illinois Department on Aging
One Natural Resources Way, #100, Springfield, IL 62702-1271
Senior HelpLine at
1-800-252-8966, 1-888-206-1327 (TTY)
www.state.il.us/aging

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal Statutes. If you feel you have been discriminated against, you have a right to file a complaint with the Illinois Department on Aging. For information, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).

What is a Living Will? A Living Will is a document in which a person can declare his or her desire to have death-delaying procedures withheld or withdrawn in the event he or she has been diagnosed with a terminal condition by a physician. (Specific definitions are provided for these legal terms in the Illinois Living Will Act).

What are the advantages of a Living Will? A Living Will assures that your rights will be respected if you are not able to actively participate in death-delaying decisions relating to your own health care due to a physical or mental condition. Additionally, a Living Will saves your family from the burden of having to make health care decisions about consenting to or refusing death-delaying procedures without knowing your wishes.

Who may execute a Living Will? Any person age 18 or older who is a resident of Illinois may execute a Living Will at any time. The Living Will document (see reverse side) must be signed by you and two (2) independent witnesses.

Must an attorney prepare the Living Will document for you? Although Illinois law does not require that an attorney prepare a Living Will document, you may want to consult with an attorney for additional guidance in protecting your interests using advance directives.

When should you execute a Living Will? The best time for you to execute a Living Will is right now, long before you anticipate anything happening to you. This will ensure that the attending physician and your family know your wishes if you are ever in a situation where death-delaying procedures become necessary.

When does a Living Will take effect? Under Illinois law, a properly signed and witnessed Living Will takes effect once a person has been diagnosed with a terminal condition and his or her attending physician verifies such information in writing as a part of the medical record.

If the attending physician is unwilling to comply with the instructions stated in a Living Will document, then the physician must notify his or her patient of that fact. If the patient is unable to initiate a transfer of his or her care to another physician, then the physician is required by law to notify: (1) any person authorized by the patient to make such arrangements, (2) the patient's guardian, or (3) any member of the patient's family.

HOWEVER, a Living Will shall not be given effect so long as an agent is available who is authorized to deal with death-delaying decisions on your behalf under a Durable Power of Attorney for Health Care.

How can a Living Will be revoked? You may revoke your Living Will by (1) burning, tearing, or otherwise destroying or defacing the document, (2) signing a written revocation, or (3) making an oral revocation in the presence of a witness 18 years of age or older who then puts the revocation in writing for you.

Will your Living Will be recognized in another state? The answer depends on the laws of each state. Although most states will recognize a Living Will, some require a document to be both witnessed and notarized to be valid. After you execute a Living Will, you may want to sign this document in the presence of your witnesses and a notary public to avoid any possible problems.

HOWEVER, a Living Will document which has been executed in compliance with the law of another state will be recognized in Illinois.

Other things to consider:

- (1) You should talk to your physician about your Living Will to be sure that he or she will comply with your instructions about withholding or withdrawing death-delaying procedures.
- (2) You should give the original Living Will document upon its completion (signed, witnessed, and notarized) to your physician, and provide copies to your health care facility, hospital, lawyer, agent under a Durable Power of Attorney for Health Care, family, or other individuals whom you can rely on to act according to your interests and values.
- (3) You may want to make a note about your Living Will on the reverse side of your driver's license or add a notification card to your wallet.

