



[www.llmlaw.com](http://www.llmlaw.com)

[immigration@llmlaw.com](mailto:immigration@llmlaw.com)

## **Living Will in Illinois**

### **Overall**

A living will is used for a person who suffers from terminal illness and does not wish to take any heroic measures such as a breathing machine.

### **Creation Requirements**

- The person must suffer from incurable and irreversible conditions that make death imminent; and
- It can be used only for withholding procedures such as assisted breathing, artificial kidney treatments, intravenous medication, or blood infusion.

### **Formation**

A living will is a form that is to be executed in the same way as a regular will. Two disinterested persons, meaning who will not inherit anything from the estate and are not providing any care with the testator, witness and sign on the living will in front of the testator.

### **Concern**

In Illinois, a living will has very limited uses and will not withhold hydration and nutrition, and it applies to people have incurable terminal illness only. Generally, a Power of Attorney for Health Care will give the person named in the Power of Attorney a broad power to make health care decision for the testator.

### **Power of Attorney for Health Care**

A power of Attorney for Health Care gives the person appointed by the testator a full range of power to make medical decisions, including consent to medical treatment, admission to the hospital, admission to long-term care facilities, disposition of body after, and etc. A person (Principal) can make a Power of Attorney become effective at any time or at the moment that more than one physician have certified that the person is no longer able to make decisions for him/herself. The Principal of a Power of Attorney for Health Care can appoint more than one person as his/her agent, but only one agent can make the decision at one time. A Power of Attorney can last for a period of time specified by the Principal or can last until the Principal's death.