

Instructions for Execution of a Health Care Power of Attorney

Insert the date on the first page and then complete the paragraphs as follows:

Paragraph 1. Insert the name and address of the principal and the name and address of the agent. Then, if you wish to specifically authorize your agent to make an anatomical gift, you may initial one of the two organ donation lines. If you choose a specific organ or organs for donation, list your preferences on the lines provided.

Paragraph 2. The principal can limit the powers granted to the agent by adding restrictions in this paragraph. If the principal does not wish to limit any powers, the word “NONE” should be added to this paragraph on one of the blank lines. Next, there are three general statements regarding the withholding or removal of life-sustaining treatment. If the principal agrees with one of the statements, the principal may initial it, but the principal must not initial more than one statement. The principal does not need to initial any of the statements. The first statement is the broadest, and gives the agent the most discretion. The second statement directs that life-sustaining treatment be terminated only if the principal is in an irreversible coma. The third statement directs that the principal be continued on life-sustaining treatment regardless of the benefits or burdens.

Paragraphs 3 and 4. The power of attorney is effective immediately and terminates on death unless the principal makes a change in these paragraphs. If the principal wishes the power to be effective at a time other than the date of execution of the power, then the principal should add this to Paragraph 3 and initial the paragraph. If the principal wishes the power to terminate prior to death, then the principal will need to add a provision to Paragraph 4 and initial that paragraph.

Paragraph 5. The principal can name a successor agent to act if the agent appointed under Paragraph 1 is unable to act.

Paragraph 6. If you wish to name your agent as guardian of your person, in the event a court decides that one should be appointed, you may do so by leaving the language of paragraph 6 in your document. The court will then appoint your agent if the court finds that such appointment will serve your best interests and welfare. If you **do not** want your agent to act as your guardian strike out paragraph 6 by placing an X through the entire paragraph.

Paragraph 7. The form must be signed by the principal. An independent witness must witness the execution of the form by signing on the “witness” line and adding his or her address. There is no need to complete the specimen signature area unless the principal desires to do so.

If the principal is competent but too weak to sign his or her name, he or she can sign with a mark. To do that, a witness can print the patient’s name as follows:

John () Doe
His Mark

The principal would then place an “x” in the parenthesis. The execution by using a mark must be witnessed by two independent witnesses. The witnesses should sign their names wherever space is available adjacent to the mark.

If the principal has both a Living Will Declaration and a Health Care Power of Attorney, the Living Will Declaration will not be used as long as there is an agent available to act under the Health Care Power of Attorney. If no agent is available to act, the Living Will Declaration will be used if the patient has a terminal condition. If you have any questions about the Health Care Power of Attorney or what it means, you should consult your attorney.

Instructions for Execution of a Living Will Declaration

1. An individual of sound mind and having reached the age of majority (18 in Illinois) or having attained the status of an emancipated person pursuant to the “Emancipation of Mature Minors Act” may execute a living will declaration.
2. The declaration must be signed by the individual, or by another person at the direction of the individual, and witnessed by 2 persons 18 years or older who are not entitled to any portion of the estate of the individual if the individual dies without a will; who are not, to the best of the witness’ knowledge, a beneficiary under the individual’s will; and who are not financially responsible for the individual’s medical care.
3. If the individual is an emancipated minor or if the living will declaration is to be signed by another person at the direction of the individual, you should consider consulting your attorney. In addition, if you have any questions about the living will declaration or what it means, you should consult your attorney.

*** Please remember that Carle employees involved in your care may not witness the above-named documents. We also encourage you to discuss your plans with your family, your physician, and your attorney.