

# Where There's a Living Will, There's a Way

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While surfing the web recently, I noticed that 'People' magazine reported that there was drama in the Kardashian family. Shocked at this revelation, I was intrigued and read on. Seriously, though, my interest was piqued because the article mentioned a living will.

According to the report, in a new episode of 'Keeping Up with the Kardashians,' Kris Jenner was going under the knife for a medical procedure. Prior to being sedated, she can be seen signing papers. When asked by the nurse about her "advance directives for health care," Jenner responded that she just changed it to her daughter, Kourtney Kardashian, just in case "anything was to happen."

She further indicated that although Bruce Jenner had been named as her decision maker for more than 20 years, Kris updated it in light of their divorce. Bruce, however, accompanied Kris to the procedure and pointed out to Kris that Kourtney was nowhere to be found.

Kris insisted that because of the couple's divorce, she didn't think Bruce "should be the one that would decide." In typical dramatic fashion, the cameras then catch Bruce removing his glasses to wipe a tear from his eye.

While I definitely don't want my kids to be learning life lessons from watching 'Keeping Up with the Kardashians,' I was very happy to hear that Kris had her affairs in order because you never know when tragedy will strike – especially for reality TV stars, because tragedy is great for ratings.

While Kris referred to her 'living will,' in Wisconsin this document is called a health care power of attorney. A health care POA allows someone to designate another person, called an 'agent,' to make medical decisions for them in the event they become incapacitated. For that to happen, two separate doctors have to determine that the person is unable to process information and make sound decisions in their own best interest.

The health care POA also allows you to authorize your agent to admit you to a long-term care facility if your doctor deems it necessary. In addition, you can authorize your agent to either withhold or withdraw a feeding tube from you if you are in a hopeless situation and a doctor determines it would not cause pain or discomfort or would be otherwise harmful.

In Wisconsin we do have a separate document called a living will, however. The legal name for it is called a 'Declaration to Physicians.' This document authorizes your doctor to remove life-sustaining treatment or a feeding tube if you have a terminal condition or are in a persistent vegetative state. Unlike a health care POA, however, a living will only allows your doctor to make life-ending decisions – not life-saving or life-prolonging decisions.

Health care POAs and living wills are documents that fall under the heading of 'advance directives,' which is a document you would sign before you would become incapacitated that spells out your wishes and/or designates someone to make decisions for you. Also falling under this heading would be a financial power of attorney and, in Wisconsin, a document called an 'Authorization for Final Disposition.' This document allows you to spell out your funeral and burial wishes and nominate someone to carry those wishes out.

As a nervous lawyer, we think everyone should have these advance directives in place. With them, you can hopefully avoid drama during a crisis. Unless you're a Kardashian.

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