

Legal Services Offices

Statewide Legal Services: (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

Other Legal Services Programs:

Hartford, Hartford County:

Greater Hartford Legal Aid

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5000
FAX: (860) 541-5050

Greater New Haven Area:

New Haven Legal Assistance Association, Inc.

426 State Street
New Haven, CT 06510
(203) 946-4811
TDD: (203) 946-4811
FAX: (203) 498-9271

Visit us on the internet:

www.slsct.org
www.ghla.org
www.nhlegal.org
www.connlegalservices.org
www.larcc.org
www.ctelderlaw.org

This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with CT Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on the laws in CT as of March 2007. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

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Throughout Connecticut:

Connecticut Legal Services:

Administrative Office: (860) 344-0447

Offices:

211 State Street
Bridgeport, CT 06604
(203) 336-3851

587 Main Street
New Britain, CT 06051
(860) 225-8678

153 Williams Street
New London, CT 06320
(860) 447-0323

20 Summer Street
Stamford, CT 06901
(203) 348-9216

85 Central Avenue
Waterbury, CT 06722
(203) 756-8074

872 Main St., P.O. Box 258
Willimantic, CT 06226
(860) 456-1761

CLS Satellite Offices:

Danbury (203) 348-9216
Meriden (860) 225-8678
Middletown (860) 225-8678
Norwalk (203) 899-2451
Norwich (860) 447-0323
Rockville 1-800-413-7796
Torrington 1-800-413-7797

AIDS Legal Network for Connecticut

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5027 or 1-888-380-3646

**Your right to choose
your health care
in advance**

***Advance Directives
or
Health Care Directives
(including Living Wills)***



Introduction

You have the right to choose to receive or to refuse medical treatment. However, in some cases, you might not be able to tell your doctors and other medical care providers what you want. For example, you might be in a coma, or have advanced Alzheimer's disease or a similar mental impairment.

To assure that your medical care wishes are carried out, even under such circumstances, you may wish to prepare a written document, called ***Health Care Directives or Advance Directives***. These documents include your living will and other health care wishes. The documents are legally binding and must be honored when presented to your health care providers. If your doctor or other health care provider, such as a hospital or nursing home, objects to any of the provisions of your health care directives, you have a right to be referred to another doctor or institution to have your wishes carried out.



It is ***very*** important for you to carefully discuss your decisions about the types of health care you want to have or to refuse, with your doctors, other health care providers, your family and anybody else who is involved with your medical care. Make sure they know what you want, to assure that you are treated in accordance with your desires.

Connecticut Health Care Directives include the following:

- A **Living Will**
- Appointment of a **Health Care Representative**
- **Voluntary Appointment of Conservator** and
- **Organ Donor Decisions.**

The Health Care Directives document was enacted into Connecticut law to protect your rights to receive or refuse medical care or treatment.



By law, hospitals, nursing homes and other health care providers **MUST ASK** if you have Health Care Directives. You **CANNOT** be **REQUIRED** by **ANY** health care provider, including hospitals and nursing homes, to prepare such a document. However, if you want to express your wishes about your medical care and treatment, or the refusal of treatment if you can no longer speak for yourself, you should execute Health Care Directives.

If you do not have written Health Care Directives and you are unable to communicate your wishes, health care providers must determine whether you have expressed your medical care opinions to others, or whether your views can be ascertained by examining a health care provider's records. (In general, health care providers will consult with your next of kin, if possible.)

The different parts of the Health Care Directives document:

Living Will

The Living Will (or Health Care Instructions) is used to make statements about whether or not to prolong your life by using medical equipment and technology.

Connecticut law provides that a Living Will comes into effect only when you are **permanently unconscious** (which means an irreversible permanent coma or persistent vegetative state), or if you are **terminally ill** (which means the very final stage of an illness where death would be near, unless a life-support system, such as a respirator, is used).

By law, you may specify in a Living Will if you wish to receive or not receive:

- cardiopulmonary resuscitation, also called CPR (to restart your breathing if it has stopped),
- artificial nutrition and hydration (the administration of fluids or food through a throat or stomach tube if you are not able to eat or drink by mouth), and
- assistance with breathing by a respirator (placement of a tube down your throat and into your lungs).

And,

- You may add other directions about any other care or treatment you wish to have or not have, should you become permanently unconscious or terminally ill.

LIVING WILL or HEALTH CARE INSTRUCTIONS
If the time comes when I am incapacitated to the point when I can no longer actively take part in decisions for my own life, and am unable to direct my physician as to my own medical care, I wish this statement to stand as a statement of my wishes.
I, _____, the author of this document, request that, if my condition is deemed terminal or if I am determined to be permanently unconscious, I be allowed to die and not be kept alive through life support systems.
(continued)

Appointment of Health Care Representative

You may appoint someone to be your Health Care Representative. The Health Care Representative is authorized to act on your behalf with regard to life support decisions *if* you are unable to speak for yourself because you are terminally ill or are permanently unconscious. Your Health Care Representative must know what your wishes are and must be willing to see to it that you are treated in accordance with your desires. The Health Care Representative is directed by law to take any action necessary to see to it that your Living Will is put into effect at the appropriate time.

In addition, your Health Care Representative can make all health care decisions other than those concerning life support at the end of life. For example, if you were recovering from surgery and a medical decision had to be made while you were still unconscious, your Health Care Representative could make the decision on your behalf.

✓ You may also want to choose an **alternate** Health Care Representative in case your first choice cannot or will not make the necessary decision on your behalf.

Voluntary Appointment of Conservator

If you are unable to care for your personal needs, the Probate Court may be petitioned to appoint a *Conservator of the Person* to assure that you are properly cared for. You may designate the person you would like to have as your *Conservator of the Person*, should such a petition ever be filed. This would allow you to participate in making this

important choice. Although the Probate Court judge will make the final decision, your designation, stated in writing at a time when you were competent to make such a decision, would be given careful consideration by the Probate Court judge. If a *Conservator of the Person* is appointed, that individual will be consulted about **all** health care decisions which must be made for you.

Organ Donor Decisions

Your Health Care Directives may include your wishes concerning organ donation. Organ donation is a very difficult subject for many people. Some people feel that donation is very important while others do not wish to donate organs. Either way, the Health Care Directives are a good place to record your wishes. Putting your organ donation decisions in your Health Care Directives will make it easier for health care providers to carry out your organ donation decisions.

Preparing Health Care Directives

For your Health Care Directives to be legally binding, you must be 18 years or older and capable of understanding the nature of health care decisions. You must sign the Health Care Directives document in the presence of two witnesses and a notary public or attorney. Neither witness may be the person you designate to be your Health Care Representative. Copies should be given to your doctors or other medical providers, to those you have appointed and to any trusted friend or relative who may be involved with

your care. Photocopies of the signed and witnessed document are acceptable for this purpose. You might also want to carry a card in your wallet or pocket to tell where your Health Care Directives document may be located, if it is needed.

You do not need a lawyer to prepare Health Care Directives. However, since there are many difficult decisions involved, after talking to your doctors and your close relatives and friends, it is highly recommended that you do seek legal counsel to help in preparing Health Care Directives that are right for you.

Revoking or Cancelling

You may revoke or cancel the Living Will portion of the Health Care Directives at any time in writing, orally, or in any way that indicates that you have changed your mind. Health Care Representative instructions and organ donation instructions must be revoked in writing. If you revoke any of the Health Care Directives, be sure to inform those to whom you gave a copy.

For more information:

- Call an office in the legal services network (*see back*).
- CT Legal Services Elder Law: www.ctelderlaw.org.
Includes a link to the forms on the CT Attorney General website.
- State of Connecticut Attorney General: www.ct.gov/ag
- Elder Services Division of the CT Department of Social Services. Call (860) 424-5244 or toll free 1-800-443-9946. On the web: www.ct.gov/agingservices