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## Why Healthcare Directives Are Important At Any Age

As an attorney, when clients want to talk to me about estate planning, most want to discuss their plans for retirement. Who doesn't want to be prepared for their golden years -- but beyond that? Death and disability are topics that are hard to consider, much less discuss. However, as we begin to age, most people want to address end-of-life issues and make sure that family members know their wishes. In fact, it often brings peace of mind. I know it did for me. It does not have to be something that you obsess about, but doing this planning will be critical to you and your family when an issue arises.

Creating a healthcare directive is a first step that is important at any age. It addresses some important questions. Who will make decisions about my care if I become critically ill or disabled? Do they truly understand my wishes and will they be able to honor them? Many times these issues are debated among family members especially if they were never discussed in advance. Loved ones are filled with uncertainty and doubt, which is only heightened by the guesswork of unknown intentions. The stress can create rifts among family members.

The case of Terri Shiavo illustrates the effects these unanswered questions can have on a family and the importance of a healthcare directive at any age. Most folks remember Terri Shiavo's story. In 1990, Terri was a young woman who suffered a cardiac arrest, which caused serious brain damage and left her in a vegetative state. Terri had no healthcare directive to express her wishes for the level of care or lack of care she would have desired in her condition. Her family was divided. Terri's husband believed she would not have wanted to be maintained in a vegetative state, while Terri's parents believed she would have wanted to be maintained. Her parents never gave up hope that she might recover. In 1998, after eight years of Terri's persistent vegetative state, her husband began a legal battle against her parents to allow her to die. Fourteen appeals and seven years later, Terri's feeding tube was removed and she was allowed to die.

If Terri had had a healthcare directive in place, the situation would have been very different for her family. Creating a healthcare directive allows you to prepare for the worst. It conveys your wishes and allows you to choose a spokesperson to speak on your behalf. So the healthcare directive includes two things: it is a living will and it is a healthcare power of attorney. The living will allows you to choose the long-term treatment or lack of treatment you want in the event of a terminal illness or a permanently non-communicative condition. The healthcare power of attorney allows you to appoint the person or persons who will be making your healthcare decisions when you are unable to make these decisions. But note, if you are conscious the healthcare directive does not apply. If you can communicate and make your own decisions the healthcare directive is not needed. Only when you are unconscious and unable to make or communicate your own decisions will the healthcare directive be used.

Terri's case and others like it have significantly raised the awareness and benefits of having a healthcare directive. For the Shiavo family, a little bit of planning could have eliminated fifteen years of legal and personal struggles. We will never know what Terri's personal wishes were, but we can only imagine that she would not have wanted her family to face the turmoil and hardship that divided them. Unfortunately, what happened to Terri could happen to anyone at any age.

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