

# LIVING WILLS

## WHEN YOU ARE TOO UNWELL TO MAKE DECISIONS

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So, we covered how to safeguard your legacy. Click [here](#) to catch up on those articles, if you missed them.

Morbid as it may sound, we have dealt with the event of your death. Don't get distracted. It is important that you focus on the next question: what happens in the unfortunate event of your being unable to deal with critical decisions about your life, medical care and health?

### Enter the living will.

Living wills are documents that state the health treatment that you wish to receive once you are unable to tell doctors what you want. This document is intended to ensure that your views are clear for doctors and family members, in the event you cannot present your own views for yourself.

In our experience, the actual decisions woven into the living will are the hard part, as you literally provision for making life or death decisions. As attorneys, we are but the instrument of your will and we are here to advise you on how best to enforce your directives.

These are very personal issues that oftentimes trigger deep introspection about your beliefs, your values and the people that you trust to implement your wishes. No one can do it for you.

This series has been written to give you guidance about living wills.

### The difference between a living will and a last will & testament:

Your last will and testament is a document that deals with how the assets in your estate should be distributed after your death.

On the other hand, a living will sets out your wishes relating to medical care when you are still alive, but

unable to make your own medical decisions.

### The enforceability of living wills:

Botswana does not have legislation on living wills at this point.

Thus, at common law a living will would function as a directive.

Medical practitioners should be constrained to respect the content of living wills, provided that they are satisfied that the document represents the current wishes of the patient, and for so long as its directives will not put them in legal jeopardy.

As part of the living will, a power of attorney (also known as, a medical proxy) would have to be given to another person to make decisions on behalf of the patient.

We will pause here to let all this sink in. Join us next week as we outline the benefits of living wills, deal with misconceptions that surround them, and provide guidance on how to put measures in place to ensure that you represent yourself as best possible in the unfortunate event of your being unable to speak for yourself.

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