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## **Article on life and death decisions**

### **Now you can make life and death decisions in advance**

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The law is changing to make it easier for us all to decide, while we're still healthy, what should happen if we become incapable of making decisions for ourselves about our money, property and even whether we should be kept alive if we suffer a debilitating illness.

Most people dread becoming so ill that they can't make decisions for themselves and become a burden on their families. None of us want to leave our children with the agonising dilemma of whether or not a life support system should be switched off. In the past people have been able to make advance treatment directives, known as living wills, but they have not been considered legally binding.

But that is all about to change.

The Mental Capacity Act, introduced on April 2<sup>nd</sup> this year, addresses issues that can affect anyone unable to make some or all of their decisions should they become mentally or physically incompetent. It allows you to make these decisions providing they are in writing, signed and witnessed. The document will cover a refusal of treatment even if your life is at risk.

At the moment an 'enduring power of attorney' grants your chosen person the right to make decisions on your behalf on such things as financial matters, property and business affairs. Come October, this will change to a 'lasting power of attorney' and will be extended to cover these new welfare matters such as health care. Your enduring power of attorney will still be valid but it does not cover health issues. If you were to become incapacitated without having granted anyone power of attorney and you have no family to help you, then you could be provided with an advocate to represent your interests and known wishes. And the Court of Protection will be able to settle any disputes over finances or welfare.

Sheila Glyn-Owen comments: "The Act may invite us all to consider some uncomfortable choices but it does present us with an opportunity to take control of our futures in a way that has not been possible before."

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**ENDS**

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