

Important Legal Documents for **HIV+** People By Todd Pilcher

If you are HIV+, you should complete the legal documents listed below to insure that your wishes are known and respected in case you become seriously ill or die. Don't wait to complete these documents. Making plans for the future while you are healthy and clear-headed will help you keep control over your own life and protect your loved ones.

Last Will and Testament

A Will states who you want to receive your money, belongings and property after you die. Unless you state your wishes in a Will, your next of kin will inherit everything you own. (Certain relationships are not legally recognized, so in most states next of kin means legal spouse, children and parents.) A Will can also express a preference for a guardian of your minor children.

Powers of Attorney

There are two kinds of Power of Attorney:

1. A **General Power of Attorney** allows you to give someone else, called your "attorney-in-fact," the legal right to act on your behalf. A Durable General Power of Attorney gives your attorney-in-fact the power to sign your checks, use your bank accounts and handle your property.
2. A **Durable Power of Attorney for Health Care** gives your attorney-in-fact the power to make decisions about your medical treatment in the event you are unable to do so.

Living Will

A Living Will is an instruction about what life-sustaining measures you want if you are unconscious with no hope of recovery.

Advance Medical Directive

An Advance Medical Directive combines a Durable Power of Attorney for Health Care and a Living Will in one document.

How do I put these documents into effect?

You can create valid legal documents by completing the forms and signing them in the presence of two witnesses. The Durable General Power of Attorney should also be signed in the presence of a notary public. It's very important to have an attorney prepare each of the documents for you.

Who should have these documents and where should they be kept?

You: once prepared and notarized, keep copies of your documents in a safe place where they can be easily located (not in a safety deposit box).


Your attorney-in-fact: the person to whom you assign the powers of attorney should have the original Advance Medical Directive and the Durable General Power of Attorney.

Your doctor: discuss your health care wishes with your doctor and give him or her a copy of your Advance Medical Directive.

Your bank: your bank may want a copy of your Durable General Power of Attorney.

What should I do if I want to change these documents?

You can change or cancel these documents either by completing new ones, tearing up the old ones or simply informing your bank or doctor that you no longer give your attorney-in-fact authority to act on your behalf. You should also notify anyone else who has copies of changes.

Even though it is difficult to think about serious illness and death, all HIV+ people should make arrangements for the future by completing these documents. For more information, contact the Legal Department of your local AIDS service agency. 

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