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Do I need a Living Will if I have a Power of Attorney for Health Care?



This decision is best made after consulting with your legal advisor. The Illinois Power of Attorney Act provides that if the principal has a Living Will created under the Illinois Living Will Act, the Living Will is not operative so long as an agent is available who is authorized by a Power of Attorney for Health Care to deal with the subject of life-sustaining or death delaying procedures on behalf of the principal. So if the principal has a Power of Attorney for Health Care that grants the agent the authority to deal with life-sustaining or death delaying procedures, then the Living Will takes effect only if there is no agent acting under the Power of Attorney for Health Care or if the issue of life-sustaining or death delaying procedures is not dealt with in the Power of Attorney for Health Care.

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