

# ***The “Daily Plan-It™”***

*HOOPES & ADAMS, PLC*

Volume 10, Issue 13

6/26/2008

## A Terrible Lesson about to be Repeated

Every day many families are forced to make tough decisions about the health care of their loved ones. This painful situation occurs when a family must make the decision of removing a feeding tube or life support that is keeping a loved one alive. The terrible tragedy of Terri Schiavo dominated the media and raised consciousness about end of life issues several years ago. Enough has been written and debated about this issue that it would make you think more families would take action to put some form of estate plan in place to make their wishes known to avoid a similar fate.

## Terry Schiavo and Karen Weber

The Schiavo dispute occurred in 1990 when Mrs. Schiavo's heart stopped after a stroke. She was being kept alive through a feeding tube. After years of litigation the Florida Supreme Court ruled in favor of her husband stating he had discretion as her guardian to remove her feeding tube. Now another Florida family faces a similar challenge. A feeding tube is sustaining 57-year-old Karen Weber's life. Unfortunately, Mrs. Weber did not have a Living Will or Health Care Power of Attorney in place. Mrs. Weber's husband feels she is in a vegetative state and would like her feeding tube removed. Her mother argues her daughter is alert, responsive, and "wants to live." The court issued an injunction prohibiting the tube's removal and appointed a committee to decide on the woman's competency. The issue now is whether Mrs. Weber is incompetent and who has the authority to terminate her life support.

## Authority, Clarity, and Direction?

This is the Schiavo case all over again. In Schiavo, the wife did not do any form of planning. Her husband was appointed as her guardian and after many painful years decided to remove her feeding tube. Her parents objected. The battle and media circus followed. Yet here we are again: another husband confronted with a terrible decision on whether to remove his wife's feeding tube and let her die. Her parents disagree and are going to fight.

## What does this mean to families?

It still means what it meant with the Schiavo Family. This could happen to your clients or even worse, you! Do something to make sure that it doesn't.

Every state in the country has some form of Living Will or Health Care Power of Attorney to help provide guidance as to your wishes. Please encourage your clients to use them.

No one can control the situation when tragedy strikes. However, we can control who will decide and what decisions can be made for us when confronted with a tragic situation. The simplest estate plan cannot only provide guidance but can also reduce the risk.

We never know when an ill-fated event such as a stroke or similar life-altering situation can occur, but a good estate plan will save a family from suffering and assure that their wishes will be followed. Please encourage your clients to address this issue for themselves and their family's sake.

(Please feel free to forward this article to clients, friends and family to encourage them to take action on this issue.)

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