

99046027000000

Draw up a living will

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Modul	Sachverhalt
Leistungsschlüssel	99046027000000
Leistungsbezeichnung I	Draw up a living will
Leistungsbezeichnung II	Draw up a living will
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul

Sachverhalt

Fachlich freigegeben durch

Handlungsgrundlage

- §§ 134, 1827, 1828 Bürgerliches Gesetzbuch (BGB) – Willenserklärung, Rechtliche Betreuung
- § 9 Verordnung über das Zentrale Vorsorgeregister (Vorsorgeregister-Verordnung - VRegV)

Teaser

The doctor and patient work together to provide treatment: The doctor determines what is medically indicated, informs the patient and offers treatment. The patient decides whether to consent to this treatment.

Volltext

The doctor and patient work together to provide treatment: The doctor determines what is medically indicated, informs the patient and offers treatment. The patient decides whether to consent to this treatment.

The doctor may not treat against the patient's will. This also applies to life-sustaining and life-prolonging measures. As long as you as a patient are capable of giving consent, you yourself decide on all medical measures concerning you after being informed and advised by the doctor.

However, even if you are no longer able to give consent, the patient's right to self-determination requires that your wishes be respected. If there is no clear, prior expression of the patient's will, the doctor or a representative of the patient (spouse, authorised representative or carer) must decide according to the "presumed will of the patient". For this purpose, it must be determined on the basis of concrete evidence how you would decide in the given situation if you were still able to express your will.

- It is obvious that determining the presumed will of another person can be very difficult. You should therefore deal with these questions in good time and try to be clear about your own values and wishes. With a living will, you can make provisions and decide for yourself whether and which medical measures should be carried out if you are no longer capable of making decisions.

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- Adults who are capable of giving consent can specify in advance in a written living will whether and how they wish to be treated medically if they are no longer able to express their wishes themselves. A person is capable of giving consent if they are able to understand the nature, significance, scope and risks of a medical intervention and its refusal, and can organise their will accordingly.

Content of the living will

The content of the living will relates to specific situations and provisions on medical treatment measures. With a living will, you can document your current wishes with regard to a specific, future treatment situation in which you as a patient are no longer able to consent to medical measures or to refuse this consent.

- It is possible to demand, restrict or completely refuse treatment. It is important that you state your wishes as clearly and unambiguously as possible and not just use generalised formulations (such as the wish "to die with dignity"). Even the written statement that "no life-sustaining measures" are desired does not contain the specific treatment decision of the person concerned that is necessary for a binding living will. It requires concretisation by naming specific medical measures or referring to sufficiently specified illnesses or treatment situations. As a supplement and interpretation aid to your living will, it can be useful to describe personal values, attitudes to one's own life and death and religious beliefs.

The advance directive must not call for active euthanasia. This is a criminal offence in Germany. Only the non-initiation or cancellation of life-sustaining measures (passive euthanasia) and medically appropriate pain and symptom treatment that shortens the patient's life are permitted.

Form of the living will

The advance directive must be in writing and signed in person or by a notarised signature. The effectiveness

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of a living will does not depend on whether you have received counselling before writing it. However, it is recommended that you receive medical advice explaining the possibilities and limits of medical treatment before drawing up a living will.

- The law does not require the living will to be updated within certain periods of time. Nevertheless, it makes sense to review the living will regularly: the older a living will is, the more questionable it becomes whether it still reflects the patient's current wishes.

Erforderliche Unterlagen

Voraussetzungen

- You must be of legal age to draw up a living will.
- The living will is only valid if it is drawn up voluntarily, i.e. without external pressure, and if it has not been revoked.
- The advance directive must be in writing and signed by hand or by a notarised signature.
- Instructions that violate statutory provisions will not be honoured.
- A living will is only valid if it is made for a situation that is not yet imminent. As long as you are still able to express your will yourself, the will currently expressed applies.

Note : It is advisable to obtain medical information about the possibilities and limits of medical treatment before drawing up a living will.

Kosten

- none
- if applicable: Notary fees (notarisation not required)

Verfahrensablauf

- The content of your living will should be carefully considered and discussed with trusted persons such as relatives, friends and the doctor treating you.
- The living will must be in writing. The written declaration should be unambiguous and clearly formulated.
- The person making the living will must sign it in their own hand by signing their name or with a notarised signature. The law does not require the signature to be certified or notarised.
- In addition to the signature, the time and place of signing should also be specified.

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- You should nominate trusted persons to co-sign the advance directive, as they will later be the contact persons for the attending physician.
- In addition to the living will, it also makes sense to include personal values and attitudes towards your own life and death, as well as religious beliefs, to help the medical team interpreting your living will.
- You should keep your living will in a safe place so that it is available in case it is needed.
- You can revoke your written living will informally at any time.
- It is also recommended that you renew or confirm a living will at certain intervals. This allows you to regularly check in your own interest whether the stipulations you have made are still valid or should be concretised or amended.

Note: You have the option of registering your living will with the Central Register of Advance Directives. Since 1 January 2023, this also applies independently of the registration of a power of attorney.

Bearbeitungsdauer
Frist

Validity: from date of signature

**weiterführende
Informationen**
Hinweise

- Stipulations in a living will mean that you yourself assume responsibility for the consequences if a doctor fulfils these instructions.
- You can also declare your consent to organ donation in a living will.

Rechtsbehelf

non applicable

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal