



Life, Liberty, and the... Reality

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FRUSTRATED YOUR RELATIONSHIP IS NOT RECOGNIZED IN GEORGIA?

Don't sit and fret about it, take action and get some of those benefits of marriage!

When Georgians voted overwhelmingly in 2004 to pass a state constitutional amendment prohibiting same sex marriage and the recognition of same sex unions from other states, that should have been a giant wake up call for LGBT couples in Georgia that it was time to take care of business. Until the time comes that Georgia law changes to allow same sex marriage or civil unions, we must be proactive in taking steps to protect our families of choice. The good news is that there are many steps we can take to provide protections similar to those enjoyed by our straight, married counterparts.

This month we will focus on hospital visitation rights. This is a benefit you can get for FREE, by logging on to Georgia Equality's website, www.georgiaequality.org, and downloading the Georgia Advance Directive for Health Care. This document allows you to name your partner or other close friend to be the primary person for hospital visitation and medical decision making authority, up to and including the decision to remove you from life support under certain medical conditions, and to handle your funeral wishes. Without this form, your biological family will be in charge of those decisions, and your partner may be excluded from your hospital room. No matter how "married" you consider you and your partner to be, even if you have lived together for 50 years, were married in Massachusetts or Canada, or entered into a Civil Union in another state, in Georgia, without this piece of paper, you have no legal rights as a couple.

But wait! You don't have all your rights just by having this document signed. It doesn't do you any good if it is sitting home in a drawer or in a safe deposit box. If an emergency strikes, you don't want to waste valuable time running home to get your documents when you should be heading for the hospital. You must have it with you and available to show at the hospital. I always advise my clients to keep copies in the glove boxes of their cars, and to carry a copy in their carry on luggage if they travel together by airplane. The tragic case of the woman on the Rosie O'Donnell cruise who died last year in Miami, with her partner excluded from her side as she died, might have been a different story if the partner had been able to present her health care power of attorney at the time of admission.

The Georgia Advance Directive for Health Care is a new form that is much more comprehensive than the older Living Will and Georgia Statutory Health Care Power of Attorney forms. If you have those old forms, they are still valid, but you may prefer to use the new form. If you download the form and have any questions about what choices to initial, please contact me, mention that you read this article in The Life Poetic, and I will talk you through it, no charge!

Kathleen Womack is in her 22nd year of practicing law in Georgia, with a focus on estate planning, domestic partner agreements, and domestic partner dissolutions. Kathleen can be contacted at her office at 404-303-0130. More information is available at www.kwomacklaw.com.