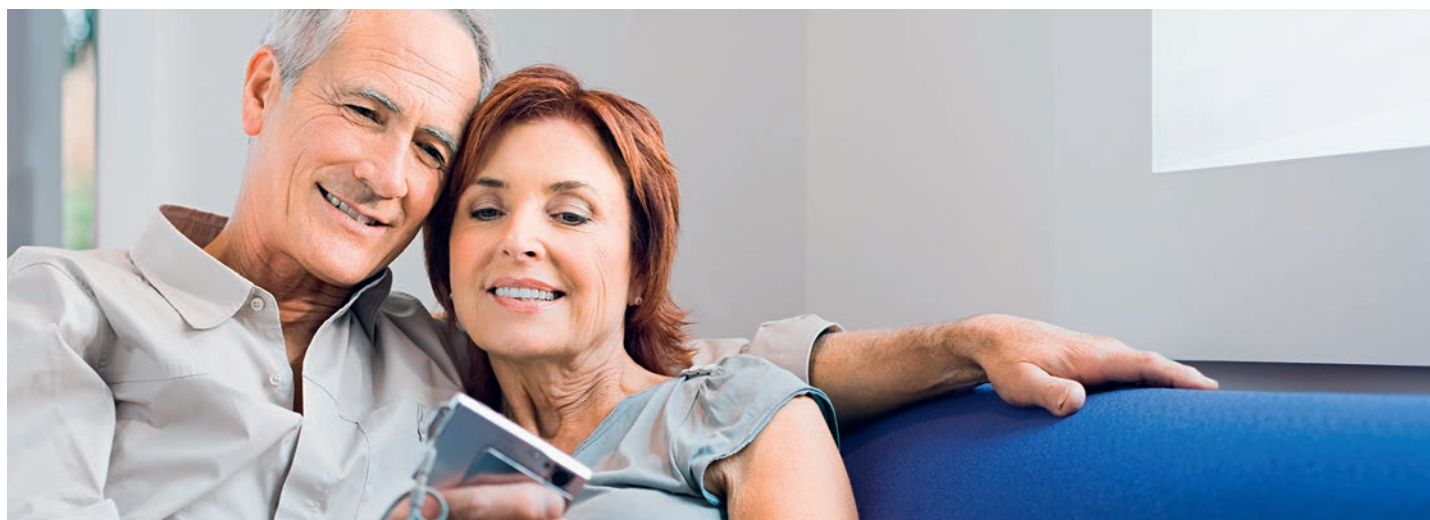


Do you want to decide for yourself?

Determine what is important to you with a care agreement and a living will.



A situation in which we can no longer express our wishes can happen to all of us – suddenly after an accident or stroke or gradually due to an age-related illness. However, by making appropriate arrangements, we can ensure that our will still applies in such situations.

The new Law on the Protection of Adults of 2013 strengthens the rights of people who can no longer express their wishes: It offers a variety of ways to determine what is important to you in the event that you lose your power of judgment, meaning that your right of self-determination is maintained, even in difficult situations.

Living will

The living will comes into effect when a decision has to be made about **medical treatment or nursing care**, but the person concerned is no longer able to do so him-/herself. The living will allows you to define which medical measures you wish to have in the event that you should lose your power of judgment and which you wish to reject. In addition, it is possible to appoint a trustworthy person who, in the event that you lose your power of judgment, discusses treatment options with the doctors and takes decisions.

Living will

- It contains medical instructions regarding resuscitation and life-sustaining measures.
- It can authorize a trusted person to take medical decisions.

Formal requirements for the living will

- A living will can be drawn up using existing templates.
- It must be in writing and be dated and signed.
- A living will should be updated approximately every two years and/or be confirmed with a new date and signature.
- Where a living will is deposited is entirely up to you (e.g. your doctor, trusted person, private organization) and can be entered on the health insurance card.

Care agreement

- **Personal care:** This relates to decisions on private affairs and health (accommodation, nursing and medical care, opening mail, etc.).
- **Asset protection:** This concerns the safeguarding of financial interests and managing income and assets.
- **Legal matters:** Representation in legal and tax-related matters is defined here.

Formal requirements for the care agreement

- The care agreement must be completely handwritten, dated and signed.
- Alternatively, public authentication by a notary is possible.
- Ideally, the care agreement should be kept in an easily accessible location. It is advisable to register the relevant location with the registry office in a central database.

Instructions in the event of death

- These include a list of persons/institutions to be notified.
- They contain information on insurance, bank accounts, subscriptions, profiles in social media, etc.
- They provide information on burial wishes.
- There are no formal requirements. Logically, they should be written down and kept in a location that is easy to find.

Important: In the absence of a care agreement, spouses and registered partners who live in the same household only have a limited right of representation. In addition, extraordinary investments, such as a real estate purchase, require the official approval of the Child and Adult Protection Authority (Kindes- und Erwachsenenschutzbehörde, KESB). In the case of unmarried persons, the KESB also automatically takes over the representation if there is no care agreement.

Care agreement

Anyone who is incapable of judgment due to serious illness, following an accident or due to infirmity is dependent on the help of third parties. With a care agreement, you determine from which persons or institutions you receive this help by issuing instructions regarding the following points:

- Responsibility for personal and pecuniary matters
- Assumption of the legal representation
- Taking medical decisions

In addition, information regarding medical treatment should be recorded in detail in a living will.

Instructions in the event of death

No-one likes to deal with the subject of their own death. But anyone who writes down their wishes in the event of their death, does their family a great service. Here it is possible to record how one would like to be buried, who is to be notified, which contracts have to be terminated, etc. This information is not subject to any formal requirements, but should be recorded in writing. Anyone who issues instructions in the event of their death should also inform relatives of where they can be found. Talk to them about it and place a note stating the location in an easily accessible location, such as your wallet.

Important: The instructions in the event of one's death are not a testament and cannot replace it. The testament regulates the succession of assets, which is governed by specific formal requirements – experts such as lawyers and notaries can be of assistance here.

Further information

The following institutions can provide you with further information as well as templates and forms relating to **care agreements** and **living wills**

- Swiss Red Cross → www.srk.ch
- Pro Senectute → www.prosenectute.ch
- Pro Infirmis → www.proinfirmis.ch
- FMH, Swiss Medical Association (living will) → www.fmh.ch
- Regional KESB office
- Your notary or fiduciary (care agreement)

Forms for the **instructions in the event of death** can be obtained from the following addresses or deposited online. Online services are subject to charges and sometimes offer additional services.

- Pro Senectute → www.prosenectute.ch
- ANNEX – Planung im Leben, Koordination im Todesfall (Planning in life, coordination in the event of death) → www.annex-planung.ch
- LegacyNotes → www.legacynotes.ch

The information provided in this fact sheet is intended for reference purposes only. It cannot replace a consultation with an expert such as a lawyer, notary or fiduciary. Zurich is not an intermediary for the above-mentioned organizations.