

A photograph of two men smiling warmly. The man on the left is younger, with a beard and glasses, wearing a blue shirt and a dark vest. The man on the right is older, with grey hair and a beard, wearing a blue sweater. They are both looking towards the camera. The background is a light-colored wooden wall.

**PRO  
SENECTUTE**  
GEMEINSAM STÄRKER

**Docupass**

[docupass.ch](https://docupass.ch)

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# New adult protection law

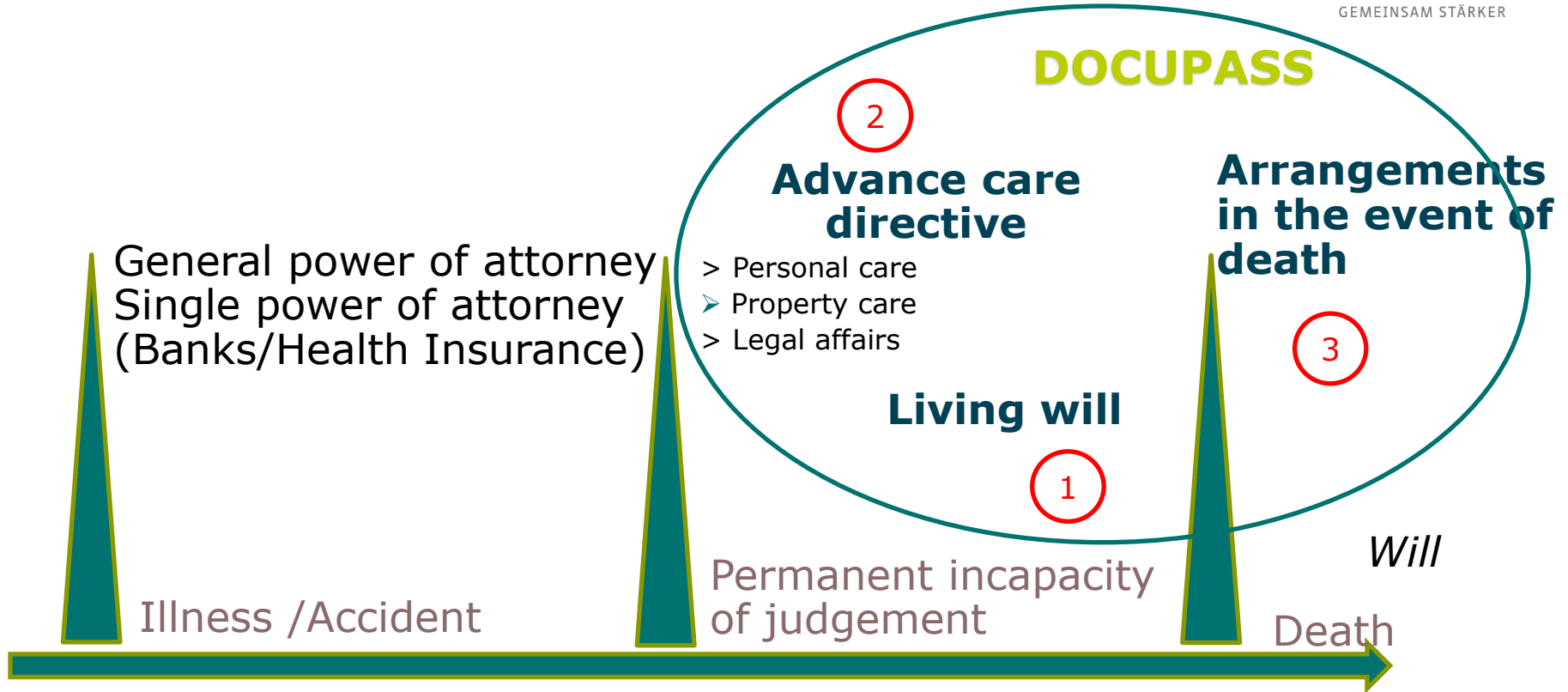
## Balancing protection and self-determination

- In force since: 01.01.2013
  
- Changes to the Swiss Civil Code, Strengthening areas in:
  - **The Right to Self-Determination**
  - **Solidarity within the family**
  - **Protection of individuals incapable of judgement**
  
- First-ever legal establishment of the advance care directive and living will  
→ Safeguarding the right to self-determination

# What is KESB?

- Interdisciplinary expert authorities
- Disciplines: law, social work, psychology, social pedagogy, medicine / psychiatry, accountancy etc.
- Decisions must be made by at least 3 members (exceptions possible)
- Adult protection or child protection authority depending on the activity
- Exact structure is a decision for the cantons (Canton of Lucerne: 7 KESB regions  
Canton of Zug: Office for Child and Adult Protection, KES, Zug)

# What is needed and when?



# Docupass

**Living will (PV)**

**Advance care directive (VA)**

**Arrangement in the event of death (AT)**

**Will**

**Advance directive certificate**

# Living will -Patientenverfügung (PV)

## PRINCIPLE:

The PV contains information that is important for doctors and medical staff and relieves the burden on authorised representatives in an emergency.

## CONTAINS:

- Declaration of personal values
- Statement of intent regarding life-prolonging measures
- Representation in medical matters
- Information on religion / spirituality
- Organ donation
- Update page

## FORMAL REQUIREMENTS:

- Signed with date and place



# Wording and content

- As a general rule, a living will does not comment on individual illnesses and the associated treatment measures, but on life-prolonging measures in a near-death state.
- The clearer and more unambiguous the wording, the better.
- The only exception is illegal content: For example, the wish for active euthanasia cannot be complied with. Legal euthanasia requires full capacity at the time of the act, which would render the living will invalid.



# Application situations for a living will

- The Docupass living will may only be used if there is permanent and severe damage and other severely limiting circumstances.
  - **Permanent and severe** means that damage or the function of an organ cannot be improved even with maximum medical support.
  - **Example:** A large part of the brain has been so severely damaged by a hemorrhage or lack of oxygen that the brain or nerve cells cannot recover.

# Declaration of values

- The declaration of values is part of the living will.
- In difficult decision-making situations, the declaration of values helps representatives and medical staff to ascertain the presumed wishes of the person lacking capacity.
- The declaration of values can set out the values and convictions that usually guide important decisions.
- These include, for example, one's own attitude towards dignity, the prospects and risks of life, loss of control, dependency and tolerance.

# Life-extending measures

- Life-prolonging measures can be refused or accepted in their entirety in the living will.
- It is also possible to refuse or accept them individually.
  - Treatment in the intensive care unit
  - Artificial respiration via a tube
  - Cardiopulmonary resuscitation
  - Providing artificial nutrition/fluids via a feeding tube or vein

# Palliative medicine

- Objective: To enable people with incurable or chronically progressive illnesses to enjoy the best possible quality of life during the course of their illness until death, i.e. with as little discomfort and pain as possible.
- The focus is not on prolonging life at any cost, but on the patient's quality of life.

# Organ donation

- The extended living will can state whether organ removal after death is desired or rejected.
- If consent is given, preparatory measures for organ removal before death can be initiated under certain circumstances.

**Example.** Ventilation and circulatory support can be continued in order to supply the organs with sufficient oxygen before and during the dying process.

# Representatives

- Representation in the event of loss of capacity
- The representative is authorised to protect the interests of the patient in medical matters in accordance with the patient's medical plan by rejecting or approving proposed treatment measures.
- It must be an individual (not an institution) who is trusted in full.
- **Important:** Talk to the representative in detail when drawing up and renewing the living will so that they know what the person writing it wants.

# Order of precedence for determining the authorised representative (Art. 378 ZGB)

1. The person designated in the living will or advance care directive
2. The guardian with a right of representation for medical measures
3. The spouse or registered partner who shares a household with the person concerned or cares for them
4. The partner who shares a household with the person concerned and cares for them
5. The descendants, if they are caring for the patient
6. Parents, if they are caring for the patient
7. Siblings, if they are caring for the patient

# Finally, an important point...

- A living will is never a substitute for a new point of view, provided that this can be communicated in a state of capacity.
- Every living will can be changed at any time and as often as desired.
- No wishes can be fulfilled that contradict the applicable law.
- No one may be pressured into writing a living will.
- A review with a dated signature every two years is recommended.





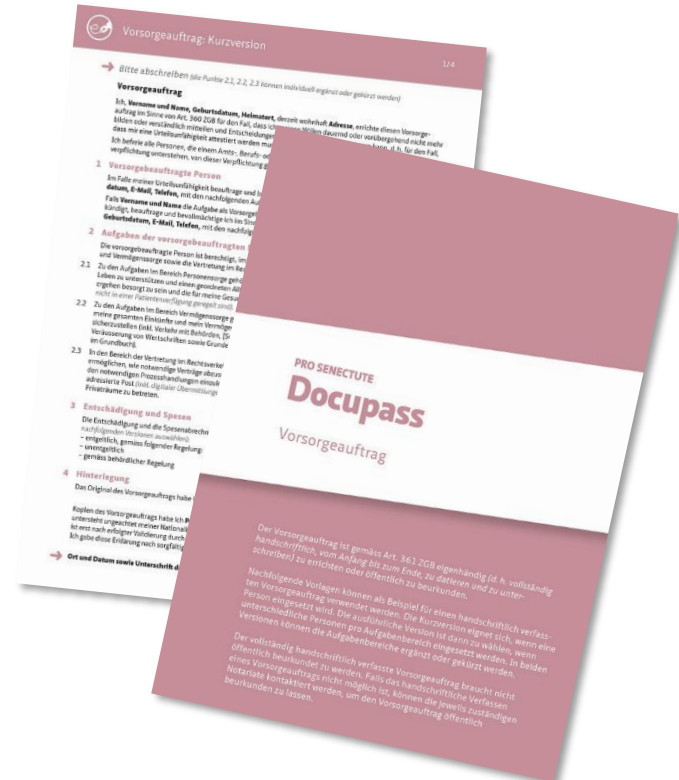
# Advance directive (Vorsorgeauftrag VA)

My provisions for representation in personal,  
property and legal matters

# Advance directive I

## PRINCIPLE:

- Instruction to an individual or legal representative in the event of incapacity to judge
- Seek discussion with the future representatives during the drafting process
- A basis of trust as a prerequisite for the choice of the future representative
- Capacity to judge and act must be present at the time of appointment



# Advance directive II

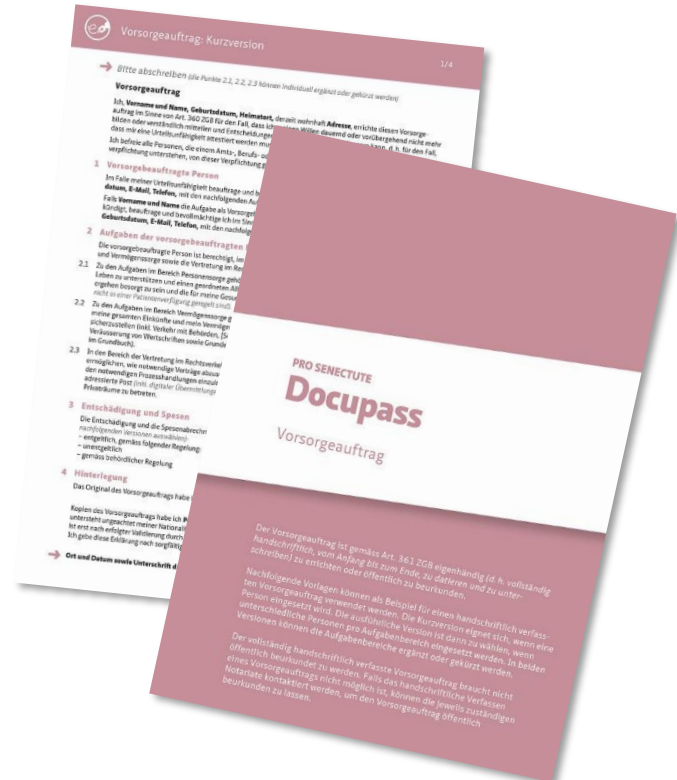
## CONTENT:

The following areas are regulated

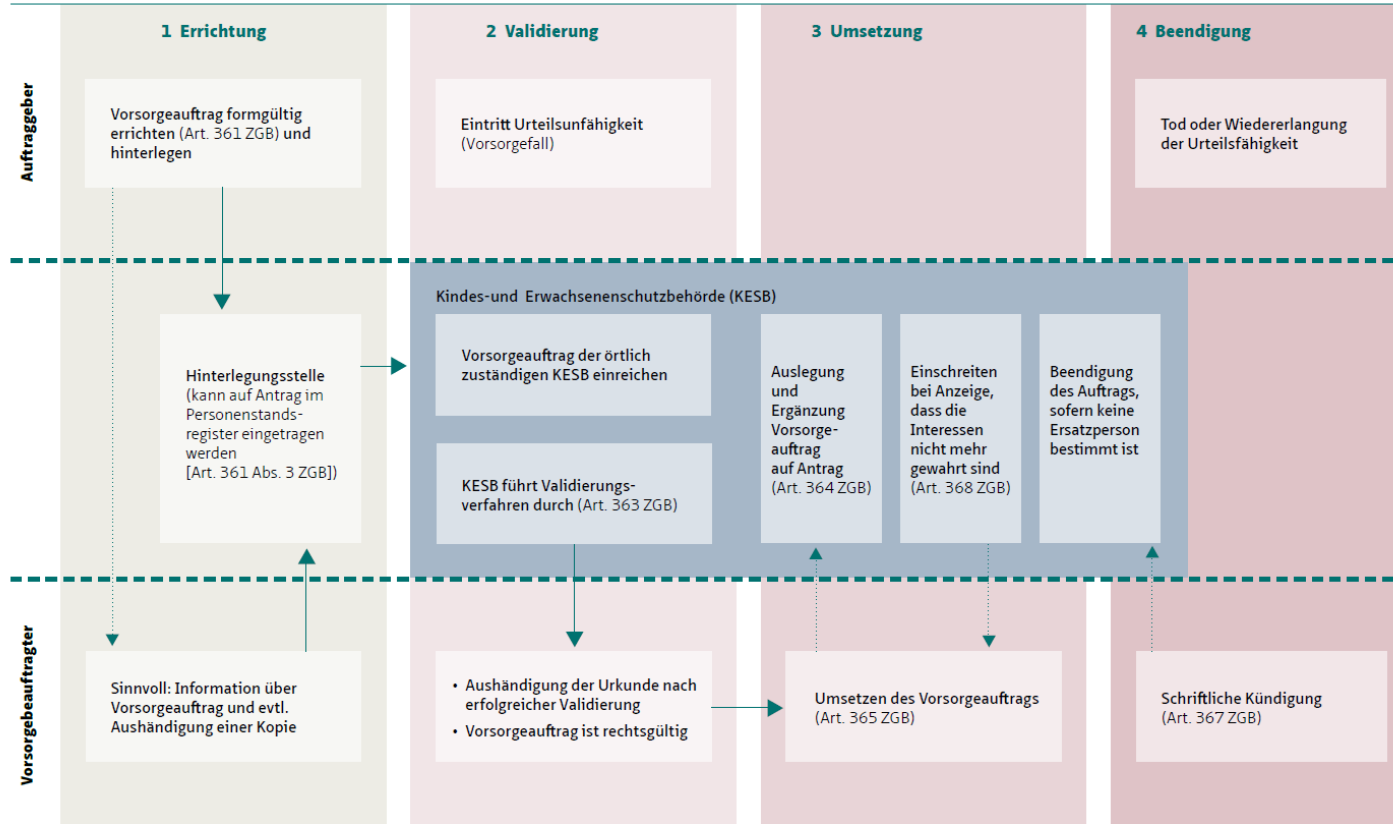
- personal matters
- legal matters
- One representative can be appointed for each area (detailed version template).
- However, one person can also be appointed for all three areas (short template)

## FORM REQUIREMENTS (comparable to a will):

Completely handwritten or public notarialisation  
(notary's office)



# Th 4 phases of an advance directive



# Further precautionary options:

- Arrangements for death(AT)
- Will
- Pension fund certificate (Vorsorgeausweis)

# Arrangement in the event of death (AT)

## PRINCIPLE:

- The AT contains information that is important for the bereaved.

## CONTENT:

- Attendance, rituals, place of death
- Funeral wishes
- Funeral service
- Gravestone and grave design
- Helpful lists



# Will template

## PRINCIPLE:

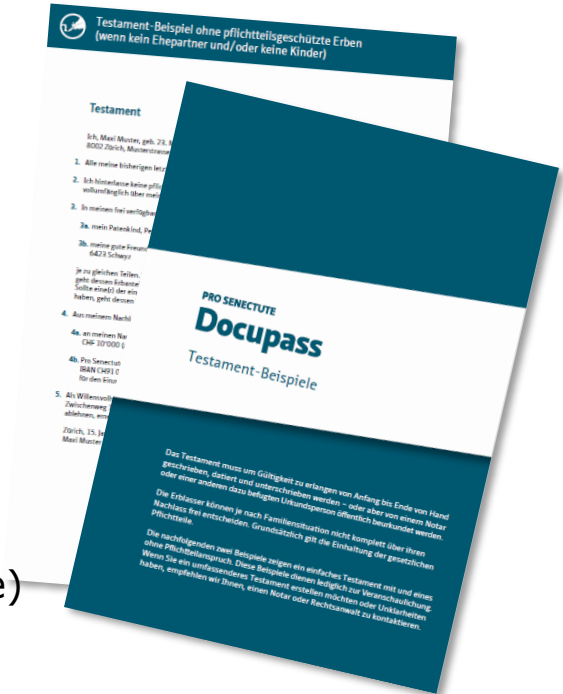
- The allocation of assets is regulated in a will, taking into account statutory inheritance law

## CONTENT:

- Consideration of compulsory share claims
- Appointment of heirs for the freely disposable estate
- Instruction for the payment of legacies (bequests)
- Appointment of an executor

## FORM REQUIREMENTS:

Completely handwritten or public notarisational (notary's office)





# Pension fund certificate

## PRINCIPLE:

- The fund certificate card is used in emergencies

## CONTENT:

- Contact details of owner on inside
- Contact person for emergencies
- Optional: details of existing precautionary documents and location of deposit



## IMPORTANT:

- Always carry it with you, preferably in your wallet.

From June 2023, the pension certificate can also be completed online and printed

[www.docupass.ch/vorsorgeausweis](http://www.docupass.ch/vorsorgeausweis)

# Digital storage - eDocupass

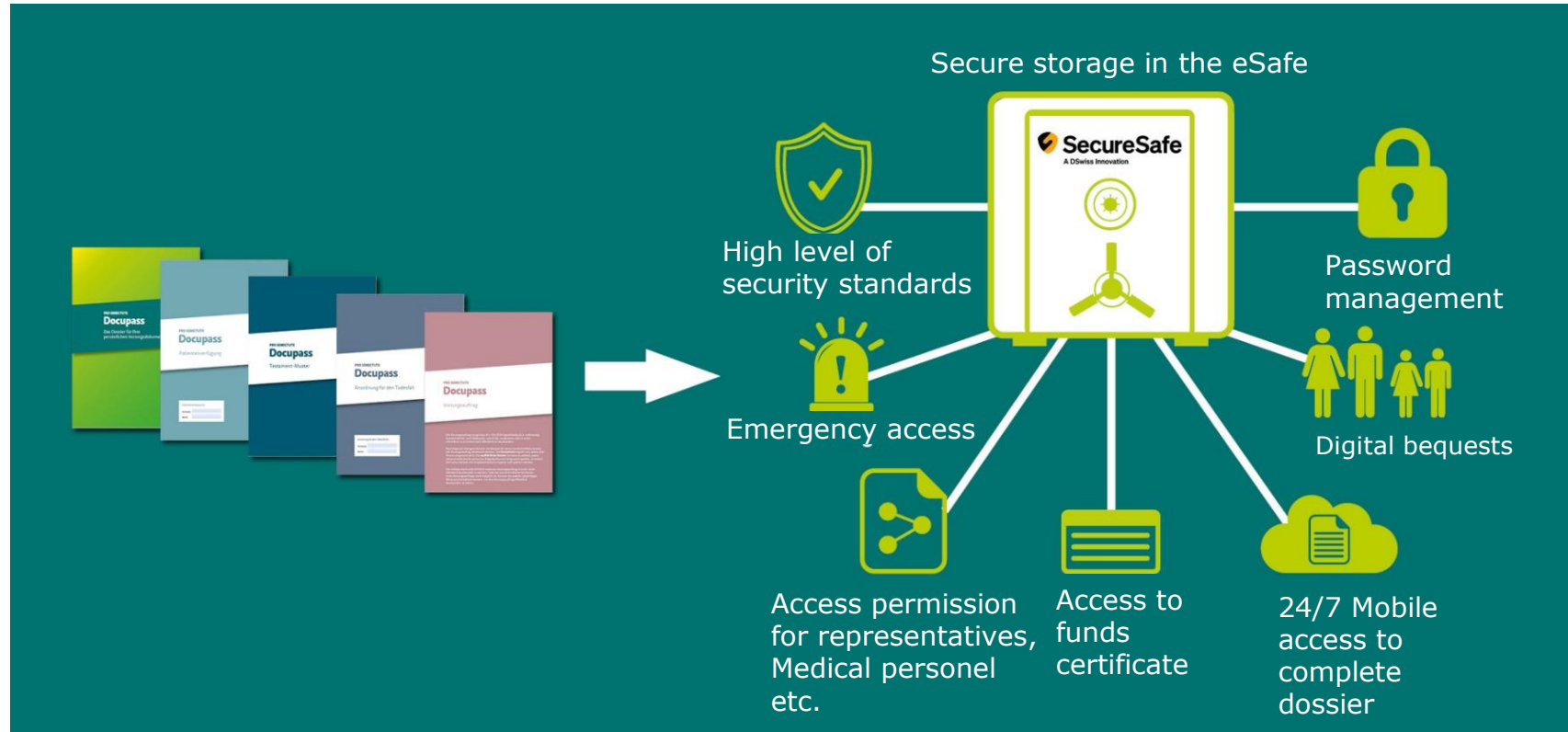
The eDocupass consists of the **digital versions of the Docupass** content and a **personal online safe** for the **digital storage** of your personal pension documents on the other.

By purchasing the eDocupass, customers receive a 12-month **subscription** to their personal online safe.

They also have the option of **appointing a representative** who has access to the account **in an emergency**, as well as **granting emergency access** to selected documents (for example, to share the living will with the family doctor).

Current information and instructions: [www.docupass.ch/informationen](http://www.docupass.ch/informationen)

# Digital storage - eDocupass



## **Online storage only in addition to the originals**

Only the physical storage of handwritten and signed forms is legally valid, i.e. the original (handwritten or publicly notarised) is always required for wills and advance directives.

For legal reasons, the Docupass forms must be retained as originals, i.e. in paper form with signature, and the online storage serves as a copy for storage-independent access, e.g. for emergency persons (living will) or relatives who have been authorised in advance.

# Go Wish

# My end-of-life wishes

# KESCHA

Child and adult protection contact point

[www.kescha.ch](http://www.kescha.ch)

# Storage



# Docupass price

## Docupass

- The Docupass can be ordered for CHF 19 at any consultation center or online (excl. postage and packaging)
- Individual documents CHF 10 (excl. postage and packaging)
- eForms Docupass (additional digital product) CHF 5.-

## eDocupass

- 2 versions are available in the webshop:  
CHF 25.- (1 access plus) und CHF 29.- (2 accesses plus)

## Go Wish

- Card set CHF 15.-

Shop link at Pro Senectute: [www.prosenectute.ch/shop](http://www.prosenectute.ch/shop)



**Life is less complicated  
when I know  
that I have everything in place for the future**

**Questions?**

**Thank you for listening**