

## Sample Text for a Handwritten Advance Directive

The Swiss child and adult protection law (KESR) allows a person with the capacity to act to determine how and by whom they would like to be cared for in the event of a loss of decision-making capacity.

The following sample text for an advance directive is a general template that must be adapted to your situation and personal needs.

Please note that an individual consultation is essential in the case of special requests such as a different representative for personal affairs and assets, setting up joint representatives, complex financial situations, business assets or key roles in limited companies, specific instructions and requirements for the representative.

### Advance Directive

I, [first name last name], born on [date], from [place(s) of origin or nationality] resident in [postal code/city], at [address], hereby issue the following Advance Directive to cover the eventuality of any loss of decision-making capacity on my part:

1. I hereby appoint the following persons, in the order in which they are listed, to protect my person and assets and represent me accordingly for legal purposes:
  - a. *For example* husband/wife: [first name, last name], born on [date], resident in [postal code/city], at [address]
  - b. As first substitute representative(s): *For example* daughter/son 1 [first name/last name], born on [date], resident in [postal code/city], at [address]
  - c. As second substitute representative(s): *For example* daughter/son 2 [first name/last name], born on [date], resident in [postal code/city], at [address].
2. This Advance Directive and the corresponding representation for legal purposes shall apply universally in every respect. I hereby exempt all persons subject to a duty of confidentiality from such a duty with respect to my appointed representative. This directive includes, but is not limited to, the following:
  - a. Arranging all measures necessary to care for my health and exercising all associated rights.
  - b. Ensuring that my day-to-day life is properly ordered.
  - c. Protecting my financial interests, managing my entire assets, the disposition of the same, and taking all associated measures. *See note 1*
  - d. The acquisition, encumbrance, and sale of real estate, and arranging for the corresponding entries in the land records.
  - e. All procedural steps required for the fulfillment of this Directive.
  - f. The representative may not dispose of any of the directing party's assets without receiving payment, with the exception of occasional gifts or gratuities in order to fulfill a moral obligation.
  - g. The representative is entitled to seek assistance from auxiliaries in order to fulfill this Directive.
3. All the persons referred to in paragraph 1 have the right to inspect the files of the representative, as well as the right to request information from them.
4. This Advance Directive is governed by Swiss law.
5. Separately drafted living wills shall take precedence over this document. *See note 2*

[Place], [date]

[Signature]

## Note 1

### In cases regarding larger financial assets, we recommend the following supplementary information:

My securities, including account balances, are to continue to be managed in accordance with the investment strategy defined and/or followed at my bank at the time this Advance Directive comes into force. The representative designated with financial care is entitled, but not obliged, to adapt, where appropriate, the strategy and to choose a lower-risk investment profile. He/she is expressly empowered to issue asset management instructions to the bank, as well as to take out, extend or repay mortgages and other loans. The representative designated with financial care may represent me in the capacity of authorized representative in all matters in which legal representation is possible.

## Note 2

### Separation of an Advance Directive from a Living Will

If a living will is not present, Art. 378 of the Swiss Civil Code determines, in order, who is entitled to consent to or refuse the planned outpatient or inpatient medical care in the place of the person lacking mental capacity. In this case, the person designated in the advance directive is also authorized to provide representation regarding medical care.

## Formalities

The advance directive, according to the Swiss Adult Protection Law (Art. 360 et seq. SCC) is only valid if it is handwritten from start to finish, dated, and signed by the applicant. In addition to being written by hand, the advance directive can also be established in the form of an official record with the assistance of a relevant public official according to cantonal law.

## Safekeeping

The advance directive must be stored safely, and it is recommended that family members/trusted individuals are informed regarding the contents and location of the document. It can also be registered with a registry office. In some cantons, the advance directive can be stored with the child and adult protection services (CAPA).

## Additional Information

Detailed explanations can be found in our information sheet [Advance Directive](#).

We recommend that you create a living will as well as the advance directive.

Information on living wills can be found on the internet, for example at: [fmh.ch/advance\\_directive](http://fmh.ch/advance_directive).

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## Contact Us

We will be happy to arrange a personal consultation.

Please contact your advisor or schedule a personal consultation at

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