



Adult Protection Law

A look at Swiss adult protection law: Strengthening individual rights

Adult protection law is an essential part of Swiss civil law. It protects individuals and promotes the self-determination and dignity of persons who are unable to handle their own matters due to age, sickness, disability, or for other reasons. The Adult Protection Law effective since January 1, 2013 introduced decisive changes to strengthen individual autonomy and reduce reliance on state intervention.

Important tools of adult protection law

- **Living will:** Makes it possible for a person to decide in advance who is to represent their interests in terms of wealth management and healthcare in case they become unable to do so. A living will must be made in writing and may be signed by hand or certified by a notary.
- **Advance care directive:** Allows an individual to determine what medical measures should be taken or not taken in case of incapacity to judge. The document must be established in writing and signed by hand or confirmed by two witnesses.

Promotion of self-determination and relief for the federal government

The revised law stresses the importance of personal precautions using instruments such as living will and advance care directive to clearly establish individual needs and wishes in time. Moreover, it strengthens solidarity within a family by granting spouses or domestic partners the power of attorney in decision-making.

Regulatory measures and adjustments

Newly designed regulatory measures allow for individualized and needs-based support through various forms of guardianship¹. The cantons play a central role in organizing and implementing adult protection law and may issue specific laws and ordinances.

Minimizing a potential risk for business owners

Are you an entrepreneur who has not yet established an advance care directive? You may be running the risk that, in the event of your incapacity, the continuity of your company's management is not ensured. This can lead to uncertainty among your employees, clients, and business partners, and in the worst case, may threaten the very existence of your business. To minimize such risks, it is advisable to create a comprehensive living will that covers both your personal and business interests, and ideally, is certified by a notary.

Conclusion

Switzerland's modern adult protection law marks a milestone in promoting the autonomy and dignity of individuals who, whether temporarily or permanently, are unable to fully care for themselves. By introducing tools such as the advance care directive and the living will, adapting regulatory measures, and strengthening family solidarity, the law reflects society's shift toward greater self-determination and less state intervention.



¹ Legal representation of an adult who is incapacitated and therefore unable to act on their own behalf.

smzh tip



Thomas Kaufmann
Chairman of the Board

Thanks to years of experience as a lawyer and court president, Thomas Kaufmann knows that it is essential to be informed and seek advice in time:

“ **The amended law grants new opportunities and freedoms, but it also creates the need for careful planning. It is important to consult with experts to organize your personal matters in advance – according to your own wishes and needs, and in line with your personal situation.** ”

smzh for you

Our experts look forward to, together with you, drawing up a carefully worded living will and an advance care directive that is in line with your wishes.

- **Individual advice:** Support in creating a living will and advance care directive, aligned with your situation in life.
- **Legal and medical expertise:** Our experts provide comprehensive advice when it comes to legal and medical matters.
- **Ensuring implementable solutions:** We help you draw up your documents properly, to store them, and make them accessible to your persons of trust.
- **Regular updates:** We support you in assessing and adjusting your precautionary documents to new life situations.



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