

Rights

It's important to address certain personal and legal questions in advance of old age. Planning ahead allows you to have a say, for example regarding what should happen if you fall ill or need care, or in the event of your death.

Advance directive

An advance directive (Vorsorgeauftrag) is a written arrangement. It's helpful if, for example, someone is no longer able to make decisions for themselves due to an accident, illness or the effects of old age (incapacity to make decisions). The advance directive appoints a trusted person to take care of personal matters. It can be drawn up as a handwritten declaration or be prepared by a notary. The advance directive should describe exactly what tasks are to be handed over. It may be amended or withdrawn at any time. The child and adult welfare authority (Kindes- und Erwachsenenschutzbehörde, KESB) checks whether the advance directive is valid. The KESB may take measures to protect the interests of the person preparing the directive.

Power of attorney

A power of attorney (Vollmacht) authorises a particular person or entity to take care of certain matters on someone else's behalf. The person or entity who receives the power of attorney may act in the name of the other person (authorising person, bevollmächtigende Person).

Unlike an advance directive, a power of attorney becomes effective as soon as it is granted.

The power of attorney must be drawn up in writing. The person who grants it may amend or withdraw the power of attorney at any time. The power of attorney may state exactly what the other person or entity is authorised to do. There are specific powers of attorney (spezifische Vollmacht) for certain tasks or a general power of attorney (Generalvollmacht) that allows another person or entity to carry out all legal actions.

Normally, a power of attorney ends when the person dies or if they no longer have capacity to make decisions (nicht mehr urteilsfähig).

Living will

A living will (Patientenverfügung) states what someone wants in the event that they are no longer able to make decisions themselves. For example, it may describe what medical treatments are allowed or refused, whether they want to make an organ donation and what wishes the person has for their funeral. It's important that at least one trusted person is entered in the contact details of the living will.

Last will

Statutory succession determines who gets the money and possessions of a deceased person. If someone wishes to make other arrangements, they can write a last will (Testament). This allows them to make changes to statutory succession. In a last will, you can describe exactly who should receive what. However, spouses and children are always entitled to a certain share. This share is known as the compulsory portion (Pflichtteil). A last will is necessary if you don't want the law to determine everything. The rules on inheritance are set down in the Swiss Civil Code (Schweizerisches Zivilgesetzbuch, ZGB). Without a last will, the estate is distributed according to the provisions of the ZGB.

A last will may be written by hand. For it to be valid, certain rules need to be followed. A notary can help to make sure the last will is properly prepared and confirmed (certify, beglaubigen).

Death and funeral

If someone dies at home, it's important to call their family doctor. If they are unavailable, the emergency medical service (emergency doctor) should be contacted on 0800 401 501 (free of charge). If someone has died as a result of an accident or is found dead, the police must be informed (call 117).

The death must be reported to the funeral office (Bestattungsamt) in the commune of residence within two days. The funeral office will then provide information on the next steps.

The relatives must also inform other organisations about the death. This includes the landlord, the pension fund (Pensionskasse), the health insurer (Krankenkasse), banks, insurance companies as well as other institutions and authorities.

Specific information is available for Muslims in the Canton of Aargau from the Association of Aargau Muslims (Verband Aargauer Muslime, VAM), for example on the topic of Islamic cemeteries.

Additional information (links, addresses, information sheets, brochures)

www.hallo-aargau.ch/en/alter-und-migration/rechte