

RULES for Witnessing Advance Directives in Kansas and Missouri

Both states have statutes governing healthcare directives (living wills) and appointment of proxy decision makers (durable power of attorney for healthcare). In addition laws governing out-of-hospital resuscitation have also been adopted, but require detailed explanation.

Kansas provides an either/or option for notarizing/witnessing advance directives or appointments of an agent (durable power of attorney for healthcare).

Advance Healthcare Directive

The law requires that you sign your document, or direct another to sign it, in the presence of two witnesses who must be at least 18 years of age. These witnesses must also sign the document to show that they personally know you, believe you to be of sound mind, that they did not sign the document on your behalf and that they do not fall into any of the categories of people who cannot be witnesses. The law also requires that your appointed health care proxy and alternate health care proxy sign and date the document.

Note: You do **not** need to notarize your Advance Directive.

Your **witnesses cannot** be:

- your appointed health care proxy,
- related to you by blood, adoption or marriage,
- entitled to any portion of your estate upon your death, either through your will or under the laws of intestate succession, or
- someone directly financially responsible for your medical care

Appointment of Agent

The law requires that you have your Durable Power of Attorney for Health Care witnessed. You can do this in either of two ways:

1. Have your signature witnessed by a notary public, or
2. Sign your document in the presence of two witnesses, at least 18 years of age.

These **witnesses cannot** be:

- the person you appointed as your health care proxy,
- entitled to any portion of your estate,
- directly financially responsible for your health care, or
- related to you by blood, marriage or adoption.

Missouri requires the witnessing (2 adults) of either the healthcare directive or the appointment of an agent. In addition, Missouri law requires that the appointment of the agent be notarized.

Advance Healthcare Directive (called a Declaration in MO)

The law requires that you sign your Declaration (or direct another to sign it for you) in the presence of two witnesses, at least 18 years of age, who must also sign the document to show that they know you and believe you to be of sound mind, that you are 18 years of age or older, and that you voluntarily signed the document. If you have someone sign the Declaration on your behalf, that person cannot serve as a witness.

Note: You do not need to notarize your Missouri Declaration.

Appointment of Agent

The law requires that you sign your Durable Power of Attorney for Health Care in the presence of a notary public. It should be witnessed by two persons 18 years or older who are not related to you or financially connected to your estate.

For questions regarding out-of-hospital "Do not resuscitate" procedures in either state, please call the Center for Practical Bioethics (816.221.1100) and ask for John Carney.