

Witnessing Rules for Advance Care Planning Documents in Kansas and Missouri

Both states have distinct laws governing healthcare directives (living wills) and appointment of proxy decision makers (durable power of attorney for healthcare). In addition, both states have laws governing a specific kind of healthcare directive; *“out-of-hospital resuscitation”*. The latter requires further explanation and readers are advised to call the Center for assistance.

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

Advance 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. 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 interstate 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 in one 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

Advance Directive (called a Declaration in MO)

The law requires that you sign your Declaration (or direct another to sign it for you in your presence) in the presence of (at least) 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, but you do have to notarize your Missouri Appointment of an agent (see below).

Appointment of Agent

The law requires that you sign your Durable Power of Attorney for Health Care in the presence of a notary public. Note: If executing an Appointment of Agent only (with no accompanying Declaration) doing so without witnesses may affect its portability to other states.

To view the Missouri Attorney General Life Choices Document link go to:

<http://ago.mo.gov/publications/lifechoices/lifechoices.pdf>

For questions about out-of-hospital “Do not resuscitate” procedures in either state, please call the Center for Practical Bioethics (816.221.1100)