



## I2: What is Durable Power of Attorney?

**Type of activity:** written assignment or classroom/workshop discussion

**Level:** Intermediate

**Length of time:** 30-45 minutes

**Resources needed:** Copies of case study

**Instructions:** Explore the need for durable power of attorney for health care and hospital visitation documents for LGBTQ individuals, based partly on the following case study.

### Case Study: Janice Langbehn and Lisa Pond

The Committee for Fair Visitation at Jackson Memorial was formed in light of *Langbehn v. Jackson Memorial*, Lambda Legal's lawsuit on behalf of Janice Langbehn and her children who were denied visitation with the children's mother and Janice's partner of 18 years, Lisa Pond. While Lisa lay dying in the hospital for eight hours, Jackson Memorial refused to accept information from Janice about her partner's medical history. Janice was informed that she was "in an antigay city and state," and she could expect to receive no acknowledgment as family. Other than one five minute visit, which was orchestrated by a Catholic priest at Janice's request to perform last rites, and despite a doctor's acknowledgement that no medical reason existed to prevent visitation, neither Janice nor their children were allowed to see Lisa until nearly eight hours after their arrival.

Originally filed in June 2008, *Langbehn v. Jackson Memorial*, waited for over a year for a decision on the Public Health Trust's motion to dismiss the case on the basis that they have neither an obligation to allow their patients' visitors nor any obligation whatsoever to their patients' families, healthcare surrogates, and visitors. The case was dismissed in mid 2009, in support of the hospital.

### Discussion Questions:

- What rights do you think same-sex couples should have at hospitals and clinics? Should their rights hinge on legal marriage and change in laws, or should hospitals/clinics revise their policies?
- How would you go about assisting someone to obtain durable power of attorney for health care? What services are available at the agency in which you practice?



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- Janice Langbehn actually had durable power of attorney papers, but they were rejected by the hospital. What does this say about the ability of same-sex couples to have equal protection under the law?



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