



FACT SHEET ***In re: Lavers***

ABOUT In re: Lavers

Heather Lavers went into a coma after suffering a heart attack in September and had been receiving medical care—including nutrition and hydration—at a Tampa, Florida, hospital not far from her and her husband’s home. Her husband, Robert Lavers, wants to preserve her life and is being represented by Alliance Defense Fund allied attorneys in a legal proceeding to keep his wife’s sister, Heidi Kaczala, from attaining guardianship of her and possibly ending her life. Robert Lavers agreed to Kaczala’s request that she be moved to Ohio where she could receive better medical care and be close to her family. He then moved to Ohio when his wife was transferred to a Toledo hospital. However, after the transfer, Kaczala applied to be appointed as her sister’s legal guardian. Telling Robert Lavers that her sister would not want to live in her current condition, Kaczala indicated she would consider withdrawing life-sustaining care, including food and water tubes, if the court grants her guardianship. Ohio law says a person must be a resident of the state in order to claim guardianship over another person living in the state. Robert Lavers became an Ohio resident shortly after moving there from Florida to be with his wife.

CURRENT STATUS OF In re: Lavers AS OF 11/24/08

In a hearing set for Nov. 25, ADF-allied attorney Joel Kirkpatrick will represent Robert Lavers in a hearing at the Lucas County Probate Court, arguing that the court should not appoint Kaczala as legal guardian over her sister, which could possibly be a death sentence for Lavers, and arguing the court should recognize Robert as Heather’s guardian.

FOCUS OF HEARING – WHAT IS AT STAKE?

If the court strips Robert Lavers of guardianship over his wife and grants it to his sister-in-law, the floodgate would be opened allowing relatives to usurp the traditional caring responsibilities of spouses over their mates with little or no justification.

CONTACT

Greg Scott, National Media Relations Director

Phone: (480) 444-0020, ext. 18111 / E-mail: gscott@telladf.org / Web: www.telladf.org/pressroom

ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Joel Kirkpatrick

Joel J. Kirkpatrick is an allied attorney with the Alliance Defense Fund. Practicing law for 10 years, Kirkpatrick is the founder of Kirkpatrick Law Offices, P.C., based near Detroit, Mich. Having earned his J.D. from the University of Detroit Mercy School of Law, Kirkpatrick is a member of the bar in Michigan and Ohio; the U.S. Court of Appeals for the 6th Circuit; the Federal District Courts of the Northern District of Ohio and Southern District of Ohio and the Eastern and Western Districts of Michigan. Kirkpatrick attended the ADF National Litigation Academy in 2007.