

## A Lifesaving Detour on the Journey from Queens County Supreme Court to Lakewood

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By: Mordechai Avigdor, Esq.

For me, it always seems to happen not just on Erev Shabbos, but on an Erev Shabbos when I need to get from Brooklyn to Lakewood for a family Shabbos sheva brachos.



The call came in to the Chayim Aruchim hotline from Kalman\* who desperately needed help. His mother, Sara, was in the intensive care unit of a Queens hospital and had been intubated, breathing only with the help of a tube inserted into her trachea. Kalman and his siblings were at an impasse, with Kalman the sole voice insisting that the hospital should be instructed to take all lifesaving measures needed if a medical emergency arose. Kalman's siblings felt that Sara should not be subjected to superseding intervening medical procedures and that since there appeared to be no hope for recovery, there was no point in prolonging Sara's death. Kalman disagreed, feeling strongly that he was prolonging his mother's life, not her death.

Not having executed a health care proxy or any other instructions regarding her medical care, there was no proof of Sara's wishes in this kind of scenario. Kalman's four siblings insisted that their mother had appointed them her health care proxy and expressed her preference not to have her life prolonged, but Kalman doubted those claims and contacted Chayim Aruchim. The Chayim Aruchim team tried their best to settle things between the siblings but it became clear very quickly that there was no choice but to pursue the legal route, going so far as to have Chayim Aruchim cover some of the associated expenses.

The call came to me on my way home from Thursday night sheva brachos in Lakewood. Having

married off a child that week, I was exhausted from the many trips back and forth but I read the papers carefully when I received them at 11 PM. This was not a question of life or death; it was a certain death. Without action, the IV which provided nutrition and hydration would be removed and Sara would die of starvation or dehydration as per the instructions given by Kalman's siblings to the hospital.

A hearing was scheduled for a restraining order the next morning in Queens Supreme Court. Everyone wanted to proceed with the case quickly and jurisdictional objections and acknowledgment of receipt of legal papers were waived by the parties, with the judge's approval. The case was clear: the petitioners and respondents had conflicting opinions with respect to their mother's wishes for her end of life medical care. The siblings asserted that Sara did not want to live with a respirator and feeding tube, while Kalman denied that claim. The judge was informed that Sara was at times lucid, and during those periods had purportedly expressed her desires to her family. The siblings represented to the court that the hospital planned to extubate Sarah in the very near future, which meant certain death without Kalman's intervention.

The hearing dragged on and on, with a change in venue to a different courthouse. By 3 o'clock I called my wife and told her that if I wasn't home by 4 PM she should go to Shabbos sheva brachos in Lakewood without me. Ironically, we had put the same plan into play two years earlier for the Shabbos sheva brachos of my older son and while I felt bad at the prospect of missing a family simcha, I had no choice. I needed to stay in Queens and try to save Sarah's life and if that meant to miss my son's sheva brachos, I would do that. It was an easy call to make it, albeit one with tough ramifications.



I made a motion to the judge to adjourn for Shabbos, while keeping the injunction in place, but he denied the motion, telling me that Shabbos didn't start until 7:15 PM. Needing further evidence, the judge rushed over to the hospital himself with the court officer and stenographer and concluded that Sara was unable to give medical directives for herself. In light of the lack of a health care proxy, his restraining order would remain in effect and Sara would live to see another day.

My wife had decided to stick it out with me and with the judge's permission to leave, I left and drove back to Brooklyn. While I never intentionally leave to Lakewood without a three hour window, in this case I was too emotionally exhausted and physically drained to notice the time. My wife drove to Lakewood, rather quickly, while I fell asleep in the car. We arrived 35 minutes before Shabbos, unpacked quickly and joined the simcha.

Three weeks after the court hearing, I spoke to Kalman. Sara was released from the hospital and was recuperating in a nursing home facility in Queens. She was no longer intubated and was once again talking to her family and friends.

All I could think was, "Baruch Hashem. She is alive." Thank you Hashem that we have here such a wonderful organization Like Chayim Aruchim that enabled me to take part in saving that life.

No one knows the day of their own petira, but everyone must respect the kedushas hachaim we all possess, even chaye shaa. As for the "life" we do have, let's make the best of it.

I believe that is Chayim Aruchim's mission.

P.S. The Shabbos sheva brachos were especially beautiful and I promised my wife not to leave so late anymore... But she knows better.

\*Names have been changed in the interests of privacy.