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# Living Will Advance Directive Medical Directive

**A** person with senile dementia who has been declared mentally incompetent by a court and been given a court-appointed guardian cannot sign a valid and binding medical directive regarding artificial feeding, hydration, CPR or respiratory intubation.

However, according to the Superior Court of New Jersey, Chancery Division, a court can issue directives to a nursing home on these issues on behalf of a person who has been adjudged legally incompetent to make his or her own healthcare decisions. The court, in making its decision, should consider that the person, although technically legally incompetent to make his or her own decisions, has expressed a meaningful personal preference by the very act of attempting to execute an advance directive. **Matter of Roche, 687 A. 2d 349 (N.J. Super. Ch., 1996).**