

Advance Directives, or "Living Wills"

Contacts

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The Advance Directive Statute in New Jersey allows a person to execute an "**advance directive**" or **living will**, which may include a proxy directive or an instruction directive, or both. A proxy directive means a writing which designates a health care representative, but does not give that person any guidance as to what should be done. An instruction directive means a writing which provides instructions and directions regarding the person's wishes for health care, but does not appoint anyone to make those decisions. Generally, it is usually recommended to execute a combined advance directive, which combines the proxy and instruction directive.

On this form, you are first asked to pick a proxy. You should pick someone who knows how you feel about life sustaining treatment and someone who will be able to make that tough decision for you. You should not pick your doctor, even if he or she is related to you, because it puts the doctor in a conflict of interest. You should also pick at least one alternate in the event the primary designee is unavailable or unable to serve.

You are then asked whether or not you would want life-sustaining treatment withheld or withdrawn under certain circumstances. If you indicate that there are certain circumstances where life-sustaining treatment should be withheld or withdrawn, you are then asked what medical conditions you find to be unacceptable. Examples of unacceptable medical conditions are a terminal illness such as cancer; becoming permanently unconscious; or conditions which are not necessarily terminal but result in you losing some faculty which you value highly, such as advanced alzheimer's, advanced dementia, Lou Gehrig's disease or Parkinson's disease. You are also able to list particular examples of conditions which you may find unacceptable based upon your own experience.

You are then asked to decide which treatments you find unacceptable if you have one of the above conditions, such as a respirator, artificially provided fluids and nutrition, and CPR.

Finally, you are asked decide whether or not you would like to be an organ donor.

In order to be valid, the advance directive must be signed and dated in the presence of two adult witnesses or by an attorney or a notary. A designated health care representative cannot act as a witness.

An advance directive becomes effective when it is given to the attending physician or health care institution and it is determined by your attending physician and at least one other physician, that you lack capacity to make a particular health care decision.

You should give copies to your physician, each of your health care representatives and keep one at home. A copy is as good as an original. If you do not have a living will, it does not mean you will be kept alive forever, but it may require court intervention which could cost several thousand dollars, and there may be situations where your family members may disagree, and as a result, you may end up receiving treatment that you would not have wanted if given the choice.