

HB 1737 -- Designation of Next-of-Kin

Sponsor: Lampe

This bill changes the laws regarding the designation of a next-of-kin for the disposition of a deceased person. The order of priority will begin with any person designated by the decedent in either a prepaid funeral plan or a notarized written document. A decedent may designate more than one individual; however, the authority will be in the order listed. When multiple documents have been executed, the one with the latest date will be used.

When lawful instructions have been specified by a decedent, prior to exercising his or her right of sepulcher, an individual must deliver to the funeral director or establishment a written document acknowledging agreement to follow the decedent's wishes. An obligation to comply with the decedent's wishes may be altered when the costs associated exceed the assets available.

If a decedent did not designate a funeral plan or a written document, the normal order of succession as next-of-kin will be used. The next-of-kin must provide a written document specifying his or her relationship to the decedent and each individual who has a superior or equal right to control the final disposition and that he or she has notified or made a reasonable attempt to do so. The funeral director or establishment will not be held liable unless they had actual knowledge that the person's claim was false or had information that a reasonable person could conclude that the claim was false.

The bill requires the person designated as a next-of-kin to be mentally competent and at least 18 years old at the time of death of the decedent.