

---

## Judiciary Committee

---

### HB 2253

**Title:** An act relating to the right to control disposition of the remains of a deceased minor child.

**Brief Description:** Concerning the right to control disposition of the remains of a deceased minor child.

**Sponsors:** Representatives Graves, Dye, Kilduff, Jinkins and Young.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Specifies criteria for determining who has the right to control disposition of the remains of a deceased minor child where the parents are unmarried or legally separated.</li></ul>
--



**Hearing Date:** 1/10/18

**Staff:** Edie Adams (786-7180).

**Background:**

Disposition of Remains.

A person has the right to control the disposition of his or her own remains. This can be accomplished by making a pre-arrangement with a licensed funeral establishment or cemetery authority or by executing a written document signed by the decedent in the presence of a witness that expresses the decedent's wishes regarding the place or method of disposition of his or her remains.

If the decedent has not made a pre-arrangement or given directions for the disposition of his or her remains, then the right to control the disposition of the remains vests in the following people in the order named:

- the person designated by the decedent on the decedent's United States Department of Defense record of emergency data if the decedent died while serving in the military service;

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- the designated agent of the decedent indicated in a written document signed and dated by the decedent in the presence of a witness;
- the surviving spouse or state-registered domestic partner;
- the majority of the surviving adult children;
- the surviving parents;
- the majority of the surviving siblings; and
- a court-appointed guardian for the person at the time of the person's death.

The responsibility for the reasonable costs of the preparation, care, and disposition of remains devolves jointly and severally upon all kin of the same degree of kindred in the order listed, and on the decedent's estate. If a funeral establishment or cemetery authority is unable to locate the next of kin or the legal representative of the decedent's estate after a good-faith effort, the most responsible person available may authorize the disposition of the decedent's remains.

#### Parenting Plans.

In any proceeding for dissolution of marriage or legal separation where there are minor children, the court must enter a parenting plan. A parenting plan may also be entered in proceedings to adjudicate parentage under the Uniform Parentage Act. The parenting plan must allocate decision-making authority and include residential provisions for the children.

Decision-making authority covers the right of each parent to make decisions regarding the child's care and growth, including decisions regarding education, health care, and religious upbringing. The court may order mutual decision-making authority or sole decision-making authority. The residential provisions of a parenting plan designate in which parent's home each minor child resides on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions. The residential schedule may provide a majority of time to one parent or may provide shared residential time, allowing the child to frequently alternate between the two residences.

#### **Summary of Bill:**

In the case of a decedent who is a minor child where the parents are unmarried or legally separated, the right to control disposition of the minor child's remains vests in the parent with whom the minor child resided a majority of the time. If the parents shared equal residential time, then the right vests in the parent with whom the minor child maintained his or her primary residence in terms of locale for receipt of mail or for purposes of attending school.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.