

SENATE BILL REPORT

SB 5629

As of January 20, 2022

Title: An act relating to control of the disposition of remains.

Brief Description: Concerning control of the disposition of remains.

Sponsors: Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/20/22.

Brief Summary of Bill

- Requires the relinquishment of the right of control for the disposition of human remains if any person has had a vulnerable adult protection order issued against the person related to abuse, exploitation, or neglect of the decedent; or has been convicted of a misdemeanor or other criminal conviction related to the abuse, exploitation, or neglect of the deceased vulnerable adult.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

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

- the designated agent of the decedent indicated in a written document signed and dated by the decedent in the presence of a witness;

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- 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.

If any person to whom the right of control has vested has been arrested or charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is relinquished and passed on to the next person in the order named.

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.

Summary of Bill: If any person to whom the right of control for the disposition of human remains has vested has had a vulnerable adult protection order issued against the person related to abuse, exploitation, or neglect of the decedent, or has been convicted of a misdemeanor or other criminal conviction related to the abuse, exploitation, or neglect of the deceased vulnerable adult, the right of control is relinquished and passed on to the next person in the order named.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: If a person can not be trusted to care for a loved one when they are with us, they should not be trusted to care for the decedent's remains. Our late father died in September of last year. He was diagnosed with dementia. King County Superior Court found that his spouse purposefully isolated him, obstructed his medical care, neglected, and financially exploited him. A judge granted a vulnerable adult protection order against the spouse. I was appointed guardian over my father and the last six months of his life he received excellent care. When he passed the mortuary told us that his spouse legally has control of his remains. My father's will said he wanted to be cremated but we have no idea whether the spouse honored his request to be cremated, and we don't where our father's remains are located.

Persons Testifying: PRO: Senator John Lovick, Prime Sponsor; Joelle Brouner.

Persons Signed In To Testify But Not Testifying: No one.