

HB 1410 -- Designation of Next-of-Kin for Deceased Persons

Sponsor: Hilgemann

This bill changes the laws regarding the designation of next-of-kin for deceased persons. The bill:

(1) Creates a new definition inclusive of the terms "custody," "control," "disposition," "final disposition," and "the right of sepulcher" and revises the definition for a person designated as the "next-of-kin";

(2) Requires the designated next-of-kin to fulfill the plans for the final disposition of a deceased person that are contained in a prepaid burial plan or a duly executed written instrument such as a will or trust. Sufficient assets must exist in probate or the trust estate of the deceased person in order to fulfill the final disposition plans. The plans must be consistent with applicable laws, including applicable health codes;

(3) Requires funeral directors or establishments to fulfill the lawful instructions of any person claiming to be the next-of-kin of a deceased person if a required written statement is presented by the next-of-kin; and

(4) Prohibits funeral directors or establishments from being liable for civil actions resulting from complying with the lawful instructions presented by a designated next-of-kin unless the director or establishment had actual knowledge of fraudulent activities conducted by the designated next-of-kin or had information revealing the claim of the designated next-of-kin was false.