

HCS HB 1696 -- RIGHT OF SEPULCHER (Christensen)

COMMITTEE OF ORIGIN: Standing Committee on Children and Families

Current law establishes next-of-kin as it relates to the right of sepulcher to include any surviving parent of the deceased.

This bill modifies these provisions to have the surviving parent be considered next-of-kin if the deceased is not a minor. If the deceased is a minor with a court-appointed guardian, then the court-appointed guardian is to be considered next-of-kin unless such person is being investigated for his or her role in the death of the minor.

If the court appointed co-guardians, the guardian specifically granted the right of sepulcher by the court has the superior claim; if the court did not specifically grant such a right to one guardian, the guardian whose residence is the minor child's residence has the superior claim.

Additionally, if the deceased is a minor without a court-appointed guardian, a surviving parent with custody of the minor is considered next-of-kin. If the deceased is a minor without a court-appointed guardian and the parents have joint custody, the parent whose residence is the minor child's residence is considered next-of-kin. A court-appointed guardian may opt out of becoming the designated next-of-kin, provided that the opt-out occurs during the court proceedings determining which individual will become the court-appointed guardian.

The bill provides that religious, cultural, family, and individual beliefs of the deceased person must be considered when disposing of any human remains.