

# One Hundred Third Legislature - First Session - 2013

## Introducer's Statement of Intent

### LB441

---

**Chairperson: Senator Brad Ashford**

**Committee: Judiciary**

**Date of Hearing: February 27, 2013**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

- Create clear authority for individual 18 years or older to dictate the disposition of their remains
- create a standard notarized affidavit granting another person the right to control disposition of their remains after death
- set out the order for the right of disposition as it passes down through kinship
- establish a majority rule when there are two or more persons of equal kinship and establish necessary exception to rule after reasonable notification efforts
- allow forfeiture of the rights of disposition
- allow funeral director to arrange final disposition of unclaimed remains by attesting in writing that good faith efforts to contact individuals have failed
- create specific conditions under which right of disposition is automatically forfeited including first or second degree homicide, divorce, estrangement and missing or uncooperative relatives
- allow the county court in decedent's county of residence to award right of disposition to person determined to be most fit and appropriate
- allow relatives to petition county court to determine disposition if relatives can't agree and establish measures to be used by the court to reach a determination
- provide funeral establishment with authority to refuse request to dispose when dispute is ongoing regarding disposition
- allow funeral home to petition county court for disposition and include legal fees and court costs in the cost of final disposition
- provide criminal and/or civil liability protection to funeral establishment when relying in good faith upon predetermined burial instructions
- establish that offering to pay for final disposition does not give a person a greater right to disposition than they otherwise have

**Principal Introducer:** \_\_\_\_\_

**Senator Les Seiler**