



General Assembly

February Session, 2012

Raised Bill No. 5171

LCO No. 927

* _____HB05171VA_JUD030912_____*

Referred to Committee on Select Committee on Veterans'
Affairs

Introduced by:
(VA)

**AN ACT CONCERNING THE DISPOSITION OF REMAINS OF
MILITARY PERSONNEL.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 45a-318 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any person eighteen years of age or older, and of sound mind,
4 may execute in advance of such person's death a written document,
5 subscribed by such person and attested by two witnesses, either: (1)
6 Directing the disposition of such person's body upon the death of such
7 person, which document may also designate an individual to have
8 custody and control of such person's body and to act as agent to carry
9 out such directions; or (2) if there are no directions for disposition,
10 designating an individual to have custody and control of the
11 disposition of such person's body upon the death of such person. Such
12 disposition shall include, but not be limited to, cremation, incineration,
13 disposition of cremains, burial, method of interment and cryogenic
14 preservation. Any such document may designate an alternate to an
15 individual designated under subdivision (1) or (2) of this subsection.

16 (b) No person may challenge a funeral director's decision to carry
17 out the directions for disposition contained in a document executed for
18 the purposes of subsection (a) of this section if the funeral director's
19 decision and conduct in carrying out such directions for disposition in
20 reliance on such document was reasonable and warranted under the
21 circumstances.

22 (c) In the absence of a written designation of an individual pursuant
23 to subsection (a) of this section, or in the event that an individual and
24 any alternate designated pursuant to subsection (a) of this section
25 decline to act or cannot be located within forty-eight hours after the
26 time of death or the discovery of the body, the following individuals,
27 in the priority listed, shall have the right to custody and control of the
28 disposition of a person's body upon the death of such person, subject
29 to any directions for disposition made by such person pursuant to
30 subdivision (1) of subsection (a) of this section:

31 (1) The deceased person's spouse, unless such spouse abandoned
32 the deceased person prior to the deceased person's death or has been
33 adjudged incapable by a court of competent jurisdiction;

34 (2) The deceased person's surviving adult children;

35 (3) The deceased person's surviving parents;

36 (4) The deceased person's surviving siblings;

37 (5) Any adult person in the next degree of kinship in the order
38 named by law to inherit the deceased person's estate, provided such
39 adult person shall be of the third degree of kinship or higher;

40 (6) Such adult person as the Probate Court shall determine.

41 (d) A document executed by a person for the purposes of subsection
42 (a) of this section shall revoke any document previously executed by
43 such person for the purposes of said subsection or any prior cremation
44 authorization or other authorization for the disposition of remains

45 executed by such person and may be in substantially the following
46 form, but the use of such form shall not preclude the use of any other
47 form:

48 DISPOSITION OF REMAINS AND

49 APPOINTMENT OF AGENT

50 I, ..., of ..., being of sound mind, make known that upon my death
51 my body shall be disposed of in the following manner:

52 (Insert desired disposition directions)

53 I appoint ..., having an address and telephone number of ..., to
54 have custody and control of my body to act as my agent to carry out
55 the disposition directions expressed in this document, and in the
56 absence of disposition directions, to have custody and control of my
57 body and to determine the disposition of my body. If ... shall decline
58 to act or cannot be located within forty-eight hours of my death or the
59 discovery of my body, then ..., having an address and telephone
60 number of ..., shall act in that person's place and stead.

61 Executed at (insert location of execution), Connecticut on (insert
62 date of execution).

63

64 (Signature)

65 Signed in our presence by ... who, at the time of the execution of
66 this document, appeared to be of sound mind and over eighteen years
67 old.

68 of

69

70 (Signature of witness)

71 of

72

73 (Signature of witness)

74 (e) The court of probate for the district of the domicile or residence
75 of a deceased person shall have jurisdiction to hear and decide any
76 issue regarding the custody, control or disposition of the deceased
77 person's body, upon the petition of any individual designated by the
78 deceased person pursuant to subsection (a) of this section, the
79 individual entitled to custody and control under subsection (c) of this
80 section if no designation is made pursuant to subsection (a) of this
81 section, the first selectman, chief executive officer or director of health
82 of the town in which the deceased person's body is being held, or the
83 funeral director or any other person or institution holding the
84 deceased person's body, and upon such notice to interested parties as
85 the court shall determine.

86 (f) Notwithstanding the provisions of subsections (a) to (e),
87 inclusive, of this section, a DD Form 93, "Record of Emergency Data",
88 that is executed by a member of the armed forces of the state or the
89 United States, a civilian employee of the Department of Defense or an
90 employee of a military contractor, to designate a person authorized to
91 direct disposition of the remains of such member or employee, shall be
92 given the same legal effect as a document executed for the purposes of
93 subsection (a) of this section or any other document executed for a
94 similar purpose in accordance with any other provisions of the general
95 statutes.

96 ~~[(f)]~~ (g) This section shall not (1) apply to the disposition of the body
97 of a deceased person under the provisions of sections 19a-270 and 54-
98 102, (2) affect the powers and duties of the Chief Medical Examiner
99 under the provisions of sections 19a-406 to 19a-408, inclusive, or (3)
100 affect the making of anatomical gifts under the provisions of sections
101 14-42 and 19a-289 to 19a-289v, inclusive.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|---------------------|---------|
| Section 1 | <i>from passage</i> | 45a-318 |
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VA

Joint Favorable C/R

JUD