
HOUSE BILL 2253

State of Washington 65th Legislature 2018 Regular Session

By Representatives Graves, Dye, Kilduff, Jinkins, and Young

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1 AN ACT Relating to the right to control disposition of the
2 remains of a deceased minor child; and amending RCW 68.50.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 68.50.160 and 2012 c 5 s 1 are each amended to read
5 as follows:

6 (1) A person has the right to control the disposition of his or
7 her own remains without the predeath or postdeath consent of another
8 person. A valid written document expressing the decedent's wishes
9 regarding the place or method of disposition of his or her remains,
10 signed by the decedent in the presence of a witness, is sufficient
11 legal authorization for the procedures to be accomplished.

12 (2) Prearrangements that are prepaid, or filed with a licensed
13 funeral establishment or cemetery authority, under RCW 18.39.280
14 through 18.39.345 and chapter 68.46 RCW are not subject to
15 cancellation or substantial revision by survivors. Absent actual
16 knowledge of contrary legal authorization under this section, a
17 licensed funeral establishment or cemetery authority shall not be
18 held criminally nor civilly liable for acting upon such
19 prearrangements.

20 (3) If the decedent has not made a prearrangement as set forth in
21 subsection (2) of this section or the costs of executing the

1 decedent's wishes regarding the disposition of the decedent's remains
2 exceeds a reasonable amount or directions have not been given by the
3 decedent, the right to control the disposition of the remains of a
4 deceased person vests in, and the duty of disposition and the
5 liability for the reasonable cost of preparation, care, and
6 disposition of such remains devolves upon the following in the order
7 named:

8 (a) The person designated by the decedent as authorized to direct
9 disposition as listed on the decedent's United States department of
10 defense record of emergency data, DD form 93, or its successor form,
11 if the decedent died while serving in military service as described
12 in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States
13 armed forces, United States reserve forces, or national guard;

14 (b) The designated agent of the decedent as directed through a
15 written document signed and dated by the decedent in the presence of
16 a witness. The direction of the designated agent is sufficient to
17 direct the type, place, and method of disposition;

18 (c) The surviving spouse or state registered domestic partner;

19 (d) The majority of the surviving adult children of the decedent;

20 (e) The surviving parents of the decedent. If the decedent is a
21 minor and the parents are unmarried or legally separated, then the
22 right to control the disposition of the remains of the deceased
23 person vests in the parent with whom the decedent resided a majority
24 of the time. If the parents of the decedent shared equal residential
25 time, the right to control the disposition of the remains of the
26 deceased person vests in the parent with whom the decedent maintained
27 his or her primary residence in terms of locale for receipt of mail
28 or for purposes of attending school;

29 (f) The majority of the surviving siblings of the decedent;

30 (g) A court-appointed guardian for the person at the time of the
31 person's death.

32 (4) If any person to whom the right of control has vested
33 pursuant to subsection (3) of this section has been arrested or
34 charged with first or second degree murder or first degree
35 manslaughter in connection with the decedent's death, the right of
36 control is relinquished and passed on in accordance with subsection
37 (3) of this section.

38 (5) If a cemetery authority as defined in RCW 68.04.190 or a
39 funeral establishment licensed under chapter 18.39 RCW has made a
40 good faith effort to locate the person cited in subsection (3)(a)

1 through (g) of this section or the legal representative of the
2 decedent's estate, the cemetery authority or funeral establishment
3 shall have the right to rely on an authority to bury or cremate the
4 human remains, executed by the most responsible party available, and
5 the cemetery authority or funeral establishment may not be held
6 criminally or civilly liable for burying or cremating the human
7 remains. In the event any government agency or charitable
8 organization provides the funds for the disposition of any human
9 remains, the cemetery authority or funeral establishment may not be
10 held criminally or civilly liable for cremating the human remains.

11 (6) The liability for the reasonable cost of preparation, care,
12 and disposition devolves jointly and severally upon all kin of the
13 decedent in the same degree of kindred, in the order listed in
14 subsection (3) of this section, and upon the estate of the decedent.

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