

Disposition of Remains and Indigent Burials

Honorable Laurie Hall

Probate Judge, Marengo County

Honorable Tim Russell

Probate Judge, Baldwin County



Probate Training Conference
April 19-20, 2018
University of Alabama School of Law
Tuscaloosa, Alabama



INDIGENT BURIALS

Judge Tim Russell – Baldwin County
Judge Laurie S. Hall – Marengo County

Section 34-12-11

Authorizing agent; right of disposition.

(a) A person, who is at least 18 years of age and of sound mind, may enter into a contract to act as authorizing agent and direct the location, manner, and conditions of disposition of remains and arrange for funeral goods and services to be provided upon death. Except as otherwise provided in subsection (b), the right to control the disposition of the remains of a deceased person as an authorizing agent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services to be provided, shall vest in the following persons in the priority listed and the order named, provided the person is at least 18 years of age and of sound mind:
(1) The person designated by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving on active duty in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard.

(2) a. The person designated by the decedent in an affidavit executed in accordance with paragraph b. Any person, at least 18 years of age and of sound mind, may authorize another person to control the disposition of his or her remains pursuant to an affidavit executed before a notary public in substantially the following form:

*State of Alabama
County of _____

I, _____ designate _____ to control the disposition of my remains upon my death. I _____ have not attached specific directions concerning the disposition of my remains. If specific directions are attached, the designee shall substantially comply with those directions, provided the directions are lawful and there are sufficient resources in my estate to carry out those directions.

Subscribed and sworn to before me this ____ day of the month of _____ of the year _____.

(Signature of notary public)

(3) The surviving spouse.

(4) The sole surviving child of the decedent or, if there is more than one surviving child, a majority of the surviving children. Less than a majority of the surviving children may be vested with the rights of this section if reasonable efforts have been made to notify all surviving children of the instructions and a majority of the surviving children are not aware of any opposition to the instructions.

(5) The sole surviving grandchild of the decedent or, if there is more than one surviving grandchild, a majority of the surviving grandchildren. Less than a majority of the surviving grandchildren may be vested with the rights of this section if reasonable efforts have been made to notify all surviving grandchildren of the instructions and a majority of the surviving grandchildren are not aware of any opposition to the instructions.

(6) The surviving parent or parents of the decedent. If one surviving parent is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts in locating the absent surviving parent have been unsuccessful.

(7) The surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings. Less than a majority of the surviving siblings may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving siblings of the instructions and a majority of the surviving siblings are not aware of any opposition to the instructions.

(8) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents. Less than a majority of the surviving grandparents may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving grandparents of the instructions and a majority of the surviving grandparents are not aware of any opposition to the instructions.

(9) The guardian of the decedent at the time of the death of the decedent, if a guardian had been appointed.

(10) The personal representative of the estate of the decedent.

(11) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition.

(12) The public officer, administrator, or employee responsible for arranging the final disposition of the remains of the decedent if the disposition of the remains is the responsibility of the state or a political subdivision of the state.

(13) Any other person willing to assume the responsibility of acting on and arranging the final disposition of the remains of the decedent, including the funeral director that has custody of the body, in the absence of any person specified in subdivisions (1) to (12), inclusive. The person shall attest in writing that good faith efforts to contact the persons specified in subdivisions (1) to (12), inclusive, have been unsuccessful.

(b) The right of disposition shall be forfeited and passed to the next qualifying person listed in subsection (a), in any of the following circumstances:

- (1) The person is charged with first or second degree murder or voluntary manslaughter in connection with the death of the decedent and the charges are known by the mortician. If the charges against the person are dismissed or the person is acquitted of the charges, the right of disposition shall be reinstated.
- (2) The person does not exercise his or her right of disposition within two days after notification of the death of the decedent or within three days after the death of the decedent, whichever is earlier.
- (3) If the person is the spouse of the decedent and a petition to dissolve the marriage was pending at the time of death of the decedent.
- (4) If the judge of probate court determines, pursuant to subsection (c), that the person entitled to the right of disposition and the decedent were estranged at the time of death. For the purposes of this subdivision, estranged means a physical and emotional separation that has existed for such a period of time that an absence of affection, trust, and regard for the decedent is clearly demonstrated.

(c) Notwithstanding subsections (a) and (b), the judge of probate of the county of residence of the decedent may award the right of disposition to the person the judge of probate determines to be the most fit and appropriate to manage the right of disposition, and may make decisions regarding the remains of the decedent if the persons possessing the right of disposition do not agree. If two or more persons who possess an equal right of disposition are not able by majority vote to agree upon the disposition of the remains of the decedent, any of those persons or the funeral establishment with custody of the remains may file a petition asking the judge of probate to make a determination in the matter. In making such a determination, the judge of probate shall consider all of the following:

- (1) The reasonableness and practicality of the proposed funeral and disposition arrangements.
- (2) The degree of the personal relationship between the decedent and each person possessing a right of disposition.
- (3) The financial ability and willingness of each person possessing a right of disposition to pay the cost of the funeral and disposition arrangements.
- (4) The convenience and needs of other family members and friends who wish to pay their respects and the degree to which the funeral arrangements would allow maximum participation by all who wish to pay their respects.
- (5) The desires of the decedent.

(d) Absent negligence, wantonness, recklessness, or deliberate misconduct, in the event of a dispute regarding the right of disposition, a funeral establishment may not be held liable for refusing to accept remains, for interring, or for otherwise disposing of the remains of a decedent or for completing arrangements for the final disposition of remains unless and until the funeral establishment receives an order from the judge of probate, or other written agreement signed by all persons possessing a right of disposition, regarding the final disposition of the remains. If a funeral establishment retains remains for final disposition during a disagreement, the funeral establishment may embalm or refrigerate and shelter the body, or both, to preserve the body pending the final decision of the judge of probate. The funeral establishment may add the cost of embalming or refrigeration and sheltering, or both, to the final disposition cost. If a funeral establishment files a petition pursuant to subsection (e), the funeral establishment may add any associated legal fees and court costs to the cost of final disposition. This section may not be construed to require or impose a duty upon a funeral establishment to bring an action pursuant to this section. A funeral establishment and its employees may not be held criminally or civilly liable for not bringing an action pursuant to this section.

(e) Except to the degree that it may be considered by the judge of probate pursuant to subdivision (3) of subsection (c), the fact that a person has paid or has agreed to pay for all or a part of funeral and final disposition arrangements does not give that person a greater voice in right of disposition decisions than he or she would have had otherwise. The personal representative of the estate of a decedent, by virtue of being the personal representative, does not have a greater voice in right of disposition decisions than he or she would have had otherwise.
(Act 2002-239, p. 498, §1; Act 2010-701, p. 1699, §1; Act 2011-623, p. 1439, §1; Act 2017-433, §1.)

Section 22-9A-16

Authorization for final disposition.

(a) The funeral director or person acting as the funeral director who first assumes custody of a dead body shall, prior to final disposition of the body, or prior to removal of the dead body from the state, obtain authorization for final disposition of the body or removal of the body from the state. The completion of the medical certification of cause of death on the death certificate by the physician, county medical examiner, state medical examiner, or coroner shall constitute authorization. If the body is to be cremated or buried at sea, additional authorization shall be obtained from the county medical examiner, state medical examiner, or coroner.

(b) With the consent of the physician, county medical examiner, state medical examiner, or coroner who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition. Prior to removing a dead body from the place of death, the funeral director shall do either of the following:

- (1) Obtain assurance from the attending physician that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death and receive permission to remove the body from the place of death.
- (2) Notify the county medical examiner or coroner and obtain authorization to remove the body.

(c) Prior to final disposition of a dead fetus, the funeral director, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus shall obtain from the parents authorization for final disposition. In the event the parents are incompetent, unable, or unwilling to sign the documents authorizing final disposition, the institution where the fetal death occurred, or if the fetal death occurred outside an institution, any licensed hospital in reasonable proximity, shall establish a mechanism to determine the final disposition.

(d) A written authorization for final disposition issued under the law of another state or the District of Columbia which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

(e) When a dead body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body was released, date of removal from the institution, or if finally disposed of by the institution, the date, place, and manner of disposition.

(f) A funeral director, embalmer, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other report required by this chapter or rules promulgated pursuant to this chapter, shall keep a record which shall identify the name of the deceased, the date and place of death, and the date, place, and manner of disposition.

(g) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus as prescribed by rules of the board.

(Acts 1992, No. 92-607, p. 1255, §16.)

Section 38-8-2

Burial of persons dying with no estate, etc.

Upon the decease of any person having no estate and leaving no relatives in the county with the ability or estate adequate to defray his necessary burial expenses, such necessary burial expenses are a charge upon the county in which such death shall take place, and the county commission, upon the presentation of the account of such burial expenses shall make payment therefor.

Code 1945, §§ 444, 1442; Code 1936, §§ 171, 1719; Code 1934, §§ 1174, 1175; Code 1936, §§ 130, 3241; Code 1981, §§ 1472, 1513; Code 1933, §§ 1796, 1841; Code 1968, § 44, §§ 15, 16

10. Any other funds accepted by a the current contractor to upgrade services, including, but not limited to, urn, caskets or location of burials, voids county participation.

11. Anyone wishing to move a body from the County owned cemetery (such as unclaimed body or cremated remains) must receive permission from the County Commission and do so at their own expense. Anyone wishing to move a body or interred remains from the current or previous contractor's cemetery, must contact the contractor for permission and do so at their own expense.

12. Markers are not provided by the County in the County owned cemetery. Anyone wishing to purchase a marker and install it in the County owned cemetery must do so at their own expense. All markers must be pre-approved by the Council on Aging and be of a standard size: 2 ft. in length, 1 ft. wide and placed level to the ground.

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IN THE PROBATE COURT OF _____ COUNTY, ALABAMA
IN THE MATTER OF _____
DECEDENT, }
DICEASKER, } CARE NO. _____
DICEASKER }

VERIFIED PETITION FOR APPOINTMENT OF AN AUTHORIZING AGENT

COMES NOW, the undersigned, PETITIONER, and petitions the Honorable Court for its determination regarding the appointment of an authorizing agent to make decisions regarding the final disposition of DECEDENT, and represents unto the Honorable Court as follows:

1. DECEDENT died on or around December 26, 2017, at the Clinch Inn, in City, County, Alabama. The appointment of an authorizing agent is necessary to arrange the final disposition of the decedent.
2. To the best knowledge of the undersigned the decedent had not executed a Pre-Need burial or cremation plan prior to death.
3. To the best knowledge of the undersigned the decedent had no surviving spouse, children, grand-children, siblings, parents, grandmothers, grandfathers, or personal representatives.
4. To the best knowledge of the undersigned the decedent was not dependent on the person in the closest of the next degree of kinship, by descending line, under the laws of descent and distribution to take the estate of the decedent as intestate.
5. To the best knowledge of the undersigned the decedent was not dependent on the person in the closest of the next degree of kinship, by descending line, under the laws of descent and distribution to take the estate of the decedent as intestate.
6. The undersigned, as the funeral director has custody of the body, is willing to assume the responsibility of acting on and arranging the final disposition of the remains of the decedent, including the funeral director has custody of the body, in the absence of any person specified in Ala. Code (26-12-1) notwithstanding (1)(a)-(f), Indiana.
7. The undersigned swears the good faith efforts to contact the persons specified in Ala. Code (26-12-1), which, if not done, have been unsuccessful.

WHEREFORE, the petitioner respectfully requests your honor to issue a determination from the Honorable Court as follows:
1. That Mr. Director PETITIONER, as the funeral director having custody of the body be named authorizing agent to arrange final disposition of the decedent, DECEDENT.
Respectfully submitted, this the ____ day of _____, 2017.

JAI BOE

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IN RE: THE MATTER OF _____
DECEDENT, }
DICEASKER, } CARE NO. _____
DICEASKER }

ORDER APPOINTING AUTHORIZING AGENT FOR FINAL DISPOSITION AND ORDER FOR DIRECT CREMATION OF DECEDENT

Here the Verified Petition of PETITIONER, Owner of Funeral Home and Crematory in City, County, Alabama, and the matter being will taken, it is hereby ORDERED:

1. That DAUGHTER, daughter of the decedent, be named authorizing agent to arrange final disposition of the decedent, DECEDENT;
2. That Direct Cremation of the decedent is proper in this matter;
3. That DAUGHTER arrange for Direct Cremation of DECEDENT, to be carried out by Funeral Home and Crematory in City, Alabama, in accordance with the wishes of the decedent;
4. That the cremation, Funeral Home and Crematory release the remains of the decedent to the authorizing agent.

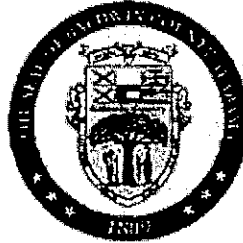
ORDERED AND ADJUDGED that the same be and is hereby GRANTED.

Dated this the ____ day of _____, 2017.

Probate Judge

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Judge



BALDWIN COUNTY COMMISSION

POLICY #6.1	
Subject	Indigent Cremation/Burial Policy
Date Adopted	June 6, 2017
Agenda Item	BA2
Obsolete Versions	August 21, 2001 Minute Book 28, pg. 387 March 20, 2007 Minutes Page 123 February 19, 2008 Minutes Page 26 April 15, 2014 Agenda Item BE1

POLICY STATEMENT

This policy is to provide cremation/burial of indigent persons or unclaimed bodies in Baldwin County, pursuant to Section 38-8-2 of the Code of Alabama (1975), burial of persons dying with no estate, etc. This policy also relies upon the opinion issued by the Office of the Attorney General of Alabama to the Honorable James A. Dunn, Chairman of the Calhoun County Commission, date April 17, 1995.

PROCEDURAL REQUIREMENT

1. The death must have occurred in Baldwin County.
2. The Deceased must be found to have been indigent, without sufficient assets to pay for cremation or burial, and leaving no relatives who reside or own property in Baldwin County with the ability to defray necessary burial expenses, or the Deceased must be declared unclaimed by the County Coroner, after investigation for next of kin is complete.
3. The death must have been investigated by the Council on Aging, Baldwin County Coroner and/or the Baldwin County Sheriff's Department to verify assets or family.

4. If there are no responsible next of kin or representative of the deceased to sign a burial release, then a court order should be obtained for cremation or burial.
5. Cremation may occur at a licensed and approved funeral home or crematorium authorized to perform cremations in the State of Alabama. Upon cremation, the remains shall be given to the next of kin, or if no next of kin is found, then the remains may be retained by the Baldwin County Coroner until such time as they are interred in a vault, storage facility or grave at one of the following: (1) a cemetery owned by the Baldwin County Commission in Baldwin County, Alabama; (2) any other cemetery located in Baldwin County selected by the Baldwin County Commission; (3) scattered at a memorial garden or area established for the scattering of ashes by the current contractor providing Indigent Cremation/Burial Services for the Baldwin County Commission or the Baldwin County Commission after being held for a period of not less than 180 days; or (4) returned to the next of kin, if any. Remains of cremated persons may be interred in a common vault, storage facility and/or grave and must be labeled with an identification name (if known) and identification number, with records of such identification being maintained by the Baldwin County Council on Aging. In the event the deceased is shown to have had a religious objection to cremation, then the deceased's remains may be buried by interment in a cemetery owned by the Baldwin County Commission in Baldwin County, Alabama, or at a cemetery associated with the current contractor providing Indigent Cremation/Burial Services for the Baldwin County Commission.
6. Baldwin County will allocate funds outlined in the current Contract for Indigent Cremation/Burial Services for qualified indigent cremation or burial, paid directly to the funeral home.
7. The contracted funeral home shall provide a suitable container for cremated remains, or in the event of a burial, a minimum grade of casket, embalming, transportation both from the place of death and to burial site, coordinate closed casket graveside services, file a death certificate and check for burial policy, according to contract.
8. The Baldwin County Council on Aging will make arrangements with the current contractor for Indigent Cremation/Burial Services for the cremation of the deceased's body or the preparation of the grave site and completion of a grave.
9. The Council on Aging will coordinate with the current contractor, selected by the Baldwin County Commission, to set a date and time of cremation or burial and coordinate grave site readiness, if burial is required.
10. Any other funds accepted by a the current contractor to upgrade services, including, but not limited to, urn, casket or location of burial, voids county participation.
11. Anyone wishing to move a body from the County owned cemetery (such as unclaimed body or cremated remains) must receive permission from the County Commission and do so at their own expense. Anyone wishing to move a body or interred cremains from the current or previous contractor's cemetery, must contact the contractor for permission and do so at their own expense.

12. Markers are not provided by the County in the County owned cemetery. Anyone wishing to purchase a marker and install it in the County owned cemetery must do so at their own expense. All markers must be pre-approved by the Council on Aging and be of a standard size: 2 ft. in length, 1 ft. wide and placed level to the ground.

FORMS/ATTACHMENTS/EXHIBITS

N/A

Section 34-13-11

Authorizing agent; right of disposition.

(a) A person, who is at least 18 years of age and of sound mind, may enter into a contract to act as authorizing agent and direct the location, manner, and conditions of disposition of remains and arrange for funeral goods and services to be provided upon death. Except as otherwise provided in subsection (b), the right to control the disposition of the remains of a deceased person as an authorizing agent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services to be provided, shall vest in the following persons in the priority listed and the order named, provided the person is at least 18 years of age and of sound mind:

(1) The person designated by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving on active duty in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard.

(2)a. The person designated by the decedent in an affidavit executed in accordance with paragraph b.

b. Any person, at least 18 years of age and of sound mind, may authorize another person to control the disposition of his or her remains pursuant to an affidavit executed before a notary public in substantially the following form:

"State of Alabama

County of _____

I, _____ designate _____ to control the disposition of my remains upon my death. I _____ have _____ have not attached specific directions concerning the disposition of my remains. If specific directions are attached, the designee shall substantially comply with those directions, provided the directions are lawful and there are sufficient resources in my estate to carry out those directions.

Subscribed and sworn to before me this ____ day of the month of _____ of the year _____.

_____(signature of notary public)"

(3) The surviving spouse.

(4) The sole surviving child of the decedent or, if there is more than one surviving child, a majority of the surviving children. Less than a majority of the surviving children may be vested with the rights of this section if reasonable efforts have been made to notify all surviving children of the instructions and a majority of the surviving children are not aware of any opposition to the instructions.

(5) The sole surviving grandchild of the decedent or, if there is more than one surviving grandchild, a majority of the surviving grandchildren. Less than a majority of the surviving grandchildren may be vested with the rights of this section if reasonable efforts have been made to notify all surviving grandchildren of the instructions and a majority of the surviving grandchildren are not aware of any opposition to the instructions.

(6) The surviving parent or parents of the decedent. If one surviving parent is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts in locating the absent surviving parent have been unsuccessful.

(7) The surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings. Less than a majority of the surviving siblings may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving siblings of the instructions and a majority of the surviving siblings are not aware of any opposition to the instructions.

(8) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents. Less than a majority of the surviving grandparents may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving grandparents of the instructions and a majority of the surviving grandparents are not aware of any opposition to the instructions.

(9) The guardian of the decedent at the time of the death of the decedent, if a guardian had been appointed.

(10) The personal representative of the estate of the decedent.

(11) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition.

(12) The public officer, administrator, or employee responsible for arranging the final disposition of the remains of the decedent if the disposition of the remains is the responsibility of the state or a political subdivision of the state.

(13) Any other person willing to assume the responsibility of acting on and arranging the final disposition of the remains of the decedent, including the funeral director that has custody of the body, in the absence of any person specified in subdivisions (1) to (12), inclusive. The person shall attest in writing that good faith efforts to contact the persons specified in subdivisions (1) to (12), inclusive, have been unsuccessful.

(b) The right of disposition shall be forfeited and passed to the next qualifying person listed in subsection (a), in any of the following circumstances:

(1) The person is charged with first or second degree murder or voluntary manslaughter in connection with the death of the decedent and the charges are known by the mortician. If the charges against the person are dismissed or the person is acquitted of the charges, the right of disposition shall be reinstated.

(2) The person does not exercise his or her right of disposition within two days after notification of the death of the decedent or within three days after the death of the decedent, whichever is earlier.

(3) If the person is the spouse of the decedent and a petition to dissolve the marriage was pending at the time of death of the decedent.

(4) If the judge of probate court determines, pursuant to subsection (c), that the person entitled to the right of disposition and the decedent were estranged at the time of death. For the purposes of this

subdivision, estranged means a physical and emotional separation that has existed for such a period of time that an absence of affection, trust, and regard for the decedent is clearly demonstrated.

(c) Notwithstanding subsections (a) and (b), the judge of probate of the county of residence of the decedent may award the right of disposition to the person the judge of probate determines to be the most fit and appropriate to manage the right of disposition, and may make decisions regarding the remains of the decedent if the persons possessing the right of disposition do not agree. If two or more persons who possess an equal right of disposition are not able by majority vote to agree upon the disposition of the remains of the decedent, any of those persons or the funeral establishment with custody of the remains may file a petition asking the judge of probate to make a determination in the matter. In making such a determination, the judge of probate shall consider all of the following:

- (1) The reasonableness and practicality of the proposed funeral and disposition arrangements.
- (2) The degree of the personal relationship between the decedent and each person possessing a right of disposition.
- (3) The financial ability and willingness of each person possessing a right of disposition to pay the cost of the funeral and disposition arrangements.
- (4) The convenience and needs of other family members and friends who wish to pay their respects and the degree to which the funeral arrangements would allow maximum participation by all who wish to pay their respects.
- (5) The desires of the decedent.

(d) Absent negligence, wantonness, recklessness, or deliberate misconduct in the event of a dispute regarding the right of disposition, a funeral establishment may not be held liable for refusing to accept remains, for interring, or for otherwise disposing of the remains of a decedent or for completing arrangements for the final disposition of remains unless and until the funeral establishment receives an order from the judge of probate, or other written agreement signed by all persons possessing a right of disposition, regarding the final disposition of the remains. If a funeral establishment retains remains for final disposition during a disagreement, the funeral establishment may embalm or refrigerate and shelter the body, or both, to preserve the body pending the final decision of the judge of probate. The funeral establishment may add the cost of embalming or refrigeration and sheltering, or both, to the final disposition cost. If a funeral establishment files a petition pursuant to subsection (c), the funeral establishment may add any associated legal fees and court costs to the cost of final disposition. This section may not be construed to require or impose a duty upon a funeral establishment to bring an action pursuant to this section. A funeral establishment and its employees may not be held criminally or civilly liable for not bringing an action pursuant to this section.

(e) Except to the degree that it may be considered by the judge of probate pursuant to subdivision (3) of subsection (c), the fact that a person has paid or has agreed to pay for all or a part of funeral and final disposition arrangements does not give that person a greater voice in right of disposition decisions than he or she would have had otherwise. The personal representative of the estate of a decedent, by virtue of being the personal representative, does not have a greater voice in right of disposition decisions than he or she would have had otherwise.

(Act 2002-239, p. 498, §3; Act 2010-701, p. 1699, §1; Act 2011-623, p. 1439, §1; Act 2017-433, §1.)