



General Assembly

January Session, 2001

Raised Bill No. 1420

LCO No. 4961

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING DISPOSITION OF REMAINS OF DECEASED PERSONS.

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

1 Section 45a-318 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) Any person eighteen years of age or older may execute in
4 advance of such person's death a cremation permit on a form
5 authorized by the Department of Public Health for the incineration or
6 cremation of such person's body upon the death of such person. Any
7 such document shall be signed and dated by the maker.

8 [(a)] (b) The custody and control of the remains of deceased
9 residents of this state shall belong to the surviving spouse of the
10 deceased. If the surviving spouse had abandoned, and at the time of
11 death was living apart from, the deceased, or if there is no spouse
12 surviving, then such custody and control shall belong to the next of
13 kin, unless the decedent, in a duly acknowledged writing, designated
14 another person to have custody and control of [his] the remains of the
15 decedent. The court of probate for the district of the domicile of the

16 deceased may at any time, upon the petition of any of the kin or such
17 person, award such custody and control to that person who seems to
18 the court most fit to have the same. If a deceased resident of the state
19 leaves no spouse, next of kin or designated person surviving, or if the
20 spouse, next of kin or designated person cannot be contacted after due
21 diligence to assume custody and control of the remains of such
22 decedent as provided in this section, or if the spouse, next of kin or
23 designated person refuses to assume such custody and control, the
24 court of probate for the district of the domicile or residence of the
25 deceased may, upon the petition of a selectman or chief officer of such
26 town, a licensed funeral director or the director of health of such town,
27 grant such custody and control to some suitable person. If a person has
28 made written authorization for the incineration or cremation of such
29 person's body upon death on a form authorized by the Department of
30 Public Health, then such instructions may be relied upon by any
31 person acting in good faith in reliance upon such written instructions
32 and shall permit any licensed funeral director to obtain a cremation
33 certificate and a cremation permit, in accordance with the provisions of
34 section 19a-323, without the necessity of obtaining the signature of the
35 surviving spouse, next of kin or designated person having custody and
36 control of the deceased person. No funeral director acting in good faith
37 in reliance upon the written instructions of a decedent in obtaining a
38 cremation certificate and cremation permit and in performing a
39 cremation shall be liable to any person.

40 [(b)] (c) This section shall not apply to the disposition of a body of a
41 deceased person under the provisions of sections 19a-270 and 54-102;
42 nor shall it affect the powers and duties of the chief medical examiner
43 under the provisions of sections 19a-406 to 19a-408, inclusive.

Statement of Purpose:

To enable a person to indicate that such person desires to be cremated and to prevent that indication to be changed after death of such person.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]