



Who Decides on the Disposition of Remains in California

The right of control to disposition of remains is found in California law. Mark W. Bidwell, an attorney in California, summarizes the law in this press release.

HUNTINGTON BEACH, CA, UNITED STATES, July 10, 2020 /EINPresswire.com/ -- The right to control the disposition of the remains of a deceased is found in California's Health and Safety Code under the section titled appropriately enough, "Dead Bodies." The person is either identified in the deceased's [power of attorney for health care](#) or by California's default plan. This press release by [Mark W. Bidwell](#) summarizes the law.

The agent in a power of attorney for health care has the right of control. In addition to [disposition of remains](#) an agent may make anatomical gifts. But the agent must be aware he or she will be held responsible for costs if the deceased's estate lacks assets.

Absent a power of attorney for health care, California confers control the surviving spouse. If there is no surviving spouse, then the majority of surviving children have the right. If no spouse or children, parents have the right of control. The majority of siblings are next in line. If no siblings, the majority in the next degrees of kinship have control. The persons who assume control are responsible for costs if the estate lacks funds.

The person who has control must defer decisions on the location and conditions of interment, and arrangements for funeral goods and services to be provided if the deceased provided direction in writing. However, the writing must both set forth clearly and completely the final wishes of the decedent in sufficient detail so as to preclude any material ambiguity with regard to the instructions; and, (2) arrangements for payment have been made.

The agent in a power of attorney for health care has makes decisions on disposition of remains and may make anatomical gifts. Decisions to be made are the location and conditions of interment, and arrangements for funeral goods and services to be provided. Absent a power of attorney for health care, the spouse makes decisions, then if no spouse, the majority of children.

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