

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2807.01 of the Code of Virginia, relating to funerals; disagreements*
 3 *among next of kin.*

4 [H 2246]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-2807.01 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-2807.01. When next of kin disagree.**

9 A. In the absence of a designation under § 54.1-2825, when there is a disagreement among a decedent's
 10 next of kin concerning the arrangements for his funeral or the disposition of his remains, any of the next of
 11 kin may petition the circuit court where the decedent resided at the time of his death to determine which of
 12 the next of kin shall have the authority to make arrangements for the decedent's funeral or the disposition of
 13 his remains. The court may require notice to and the convening of such of the next of kin as it deems proper.

14 B. In determining the matter before it, the court shall consider the expressed wishes, if any, of the
 15 decedent, the legal and factual relationship between or among the disputing next of kin and between each of
 16 the disputing next of kin and the decedent, and any other factor the court considers relevant to determine who
 17 should be authorized to make the arrangements for the decedent's funeral or the disposition of his remains.

18 C. When there is a disagreement among a decedent's next of kin concerning the arrangements for his
 19 funeral or the disposition of his remains, at least one of the next of kin shall, within 48 hours of the funeral
 20 service establishment receiving the decedent's remains, notify such funeral service establishment of the
 21 dispute, at which time the funeral service establishment shall immediately stop making arrangements for the
 22 decedent's funeral or for the disposition of the decedent's remains until such time as an agreement is reached
 23 by the disputing next of kin or a court of appropriate jurisdiction has ruled on any petition filed by such
 24 disputing next of kin. *If, after 30 days of learning of a dispute, the funeral service establishment has not*
 25 *received written notice of agreement among the next of kin or a court order resolving the dispute, the funeral*
 26 *service establishment may proceed with the funeral and disposition arrangements upon authorization from*
 27 *any next of kin or in accordance with § 54.1-2807.02. The funeral service establishment shall not be liable*
 28 *for complying with the provisions of this subsection.*

29 D. If there is a dispute regarding the identity of any persons who have the right to make arrangements and
 30 otherwise be responsible for the decedent's funeral and the disposition of such decedent's remains, a funeral
 31 service establishment shall not be liable for refusing to dispose of the decedent's remains or complete the
 32 arrangements for the final disposition of such remains until the funeral service establishment receives a court
 33 order or written agreement signed by the disputing next of kin that establishes the final disposition of the
 34 decedent's remains. If the funeral service establishment retains the decedent's remains for final disposition
 35 while any such dispute is pending, the funeral service establishment may embalm or refrigerate and shelter
 36 the decedent's body for preservation purposes *pursuant to § 54.1-2811.1* until the dispute is resolved. Any
 37 person or persons adjudged or agreed to have the right to make arrangements and otherwise be responsible
 38 for the decedent's funeral and the disposition of the decedent's remains shall be responsible for any costs
 39 incurred by the funeral service establishment pursuant to this subsection.

ENROLLED

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