



Ohio Legislative Service Commission

Bill Analysis

Amber Hardesty

H.B. 231

128th General Assembly
(As Introduced)

Reps. Bacon, Murray, Ruhl, Evans, Grossman, Mecklenborg, Harwood, Skindell, Bulp, Lehner, Derickson, Blessing, Brown, Stebelton, Ujvagi, Yuko, Hagan

BILL SUMMARY

- Gives the right of disposition to the United States Secretary of Veterans Affairs regarding abandoned or unclaimed remains of persons who are entitled to be buried in a national cemetery.

CONTENT AND OPERATION

Disposition of unclaimed remains

(R.C. 2108.75 and 2108.81)

Continuing law establishes an order of priority for the right of disposition of a deceased body or remains when a person has not executed a written declaration that remains in force or when each person to whom the right of disposition has been assigned or reassigned pursuant to a written declaration is disqualified from exercising the right. Generally in such cases, the right of disposition is assigned to the following persons, if they are mentally competent adults who can be located with reasonable effort, in the following order of priority:

- (1) The deceased person's surviving spouse;
- (2) The sole surviving child of the deceased person or, if there is more than one surviving child, all of the surviving children, collectively;
- (3) The deceased person's surviving parent or parents;
- (4) The deceased person's surviving sibling, whether of the whole or of the half blood or, if there is more than one sibling of the whole or of the half blood, all of the surviving siblings, collectively;
- (5) The deceased person's surviving grandparent or grandparents;

(6) The deceased person's surviving grandchild, or if there is more than one surviving grandchild, all of the surviving grandchildren, collectively;

(7) The lineal descendants of the deceased person's grandparents;

(8) The person who was the deceased person's guardian at the time of the deceased person's death, if a guardian had been appointed;

(9) Any other person willing to assume the right of disposition, including the personal representative of the deceased person's estate or the licensed funeral director with custody of the deceased person's body, after attesting in writing that a good faith effort has been made to locate the persons in (1) to (8) above;

(10) If the deceased person was an indigent person or other person the final disposition of whose body is the financial and statutory responsibility of the state or a political subdivision of Ohio, the public officer or employee responsible for arranging the final disposition of the remains of the deceased person.

Under the bill, before proceeding to a person described in (9) above, the person having custody of a deceased person's body or remains must notify the United States Department of Veterans Affairs that the person has custody of the body or remains of a person and the name of and other identifying information relating to that person. The person having such custody must give the Secretary of Veterans Affairs 60 days within which to examine the records of the deceased person, and the body or remains of the deceased person, to determine whether the deceased person was a veteran entitled to be buried in a national cemetery. The bill requires the person having custody to permit, upon request, the United States Secretary of Veterans Affairs to examine any records the person has in relation to the deceased person, and to examine the body or remains. If the Secretary determines that the deceased person is entitled to be buried in a national cemetery, upon notifying the person with custody of the body or remains, the Secretary is assigned the right of disposition, and that right must take priority over any right assigned under (9) above. The Secretary can request the person with custody of the body or remains to release custody of the body or remains to the Secretary. And if the Secretary makes such a request, the person with custody of the body or remains must release the body or remains to the Secretary.

HISTORY

ACTION

DATE

Introduced

06-17-09

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