

Michigan Public Act 57 of 2016
(The Funeral Representative Bill)
A Very Brief Explanation

Effective June 27, 2016 there is new law in Michigan concerning who has the authority (power) to make decisions about funeral arrangements and the handling, disposition, cremation, and disinterment of a body.

While there is much detail in the new law, it essentially does two (2) things:

- 1) It revises the line of people who might have authority to include non-kin, and makes changes in the order; and
- 2) It creates the position of "funeral representative."

The Line of People

- (a) If the deceased was a service member at the time of the deceased's death, a person designated to direct the disposition of the service member's remains according to a statute of the United States or regulation, policy, directive, or instruction of the Department of Defense;
- (b) A funeral representative;
- (c) The surviving spouse;
- (d) The individual, or individuals, 18 years of age or older in the following order of priority:
 - 1) The deceased's children
 - 2) The deceased's grandchildren.
 - 3) The deceased's parents.
 - 4) The deceased's grandparents.
 - 5) The deceased's siblings.
 - 6) A descendant of the deceased's parents who first notifies the funeral establishment in possession of the deceased's body of the descendant's decision to make arrangements and disposition.
 - 7) A descendant of the deceased's grandparents who first notifies the funeral establishment in possession of the deceased's body of the descendant's decision to make arrangements and disposition.

The law also requires notifications of death, and establishes deadlines for people to act, or the power will move to the next person.

The Funeral Representative

As of June 27, 2016, people in Michigan can choose a person to make any or all of the decisions about funeral arrangements, burial, cremation, entombment, merchandise, and cemetery services.

A person may name anyone 18 or older, with the following *exclusions*:

- 1) Anybody connected to the funeral home that will provide funeral services;
- 2) A health professional who provided care during the last illness or immediately before death;

- 3) Anybody connected to a health facility or nursing home at which the deceased received care during the last illness or immediately before death;
 - 4) Anybody connected to the cemetery at which the body will be buried, entombed, or inurned; and
 - 5) Anybody connected to the crematory that will do the cremation.
- However, if any of the above 5 are the spouse or a relative of the deceased, that spouse or relative is not excluded.

The Designation of the Funeral Representative

The designation of a person as the "funeral representative":

- 1) **Must be in writing;**
- 2) **Must be dated and voluntarily signed by the deceased** (or a notary public where the deceased had the physical incapacity to sign).

The designation **must have** been signed in the presence of **two (2) witnesses**. The witnesses can be people connected to the funeral home that will provide funeral services. They cannot be any other person excluded from being a funeral representative.

Designation of My Funeral Representative

In accordance with the provisions of 2016 Public Act of Michigan 57, MCL 700.3206(2), I, _____, hereby appoint _____ as my funeral representative with the right and power to make all decisions about my funeral arrangements and the handling, disposition, or disinterment of my body, including, but not limited to, decisions about burial, entombment, and cremation (including the right to retrieve and possess my ashes).

In the event that _____ does not accept this appointment, is incapacitated at the time of my death, has resigned, or been removed by order of court, I hereby appoint _____ as my successor funeral representative to act with all of the rights and power granted to my funeral representative.

Signatures:

_____, the Declarant _____ Date

_____, Witness _____ Date

_____, Witness _____ Date