

AN ACT

---

*Codification  
District of  
Columbia  
Code  
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To amend, on a temporary basis, the District of Columbia Funeral Services Regulatory Act of 1984 to redefine the order of priority for next of kin of deceased persons to control the disposition of remains of deceased persons and to provide a mechanism for the resolution of disputes among next of kin regarding the disposition of remains of deceased persons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Funeral Services Temporary Amendment Act of 2000".

Sec. 2. The District of Columbia Funeral Services Regulatory Act of 1984 is amended as follows:

(a) Section 14 (a) is amended to read as follows:

"(a) Unless other directions have been given by the decedent, the right to control the disposition of the remains of a deceased person, the location and conditions of interment, and the arrangements for funeral goods and services shall vest in the following persons in the order of priority indicated:

"(1) The competent surviving spouse;

"(2) The sole surviving competent adult child of the decedent, or if there is more than one competent adult child of the decedent, the majority of the surviving competent adult children; provided, that less than a majority of the surviving adult children shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving competent children of their instructions and are not aware of any opposition to those instructions by more than a majority of all surviving competent adult children.

"(3) The surviving competent parent or parents of the decedent; provided, that if one of the surviving competent parents is absent, the remaining competent parent shall be vested with the rights and duties under this section if reasonable efforts to locate the other parent are unsuccessful.

"(4) The surviving competent adult person or persons respectively in the next degrees of kindred; provided, that if there is more than one surviving competent adult person of

**ENROLLED ORIGINAL**

the same degree of kindred, the rights and duties under this section shall be vested in the majority of those persons; provided further, that less than the majority of surviving competent adult persons of the same degree of kindred shall be vested with the rights and duties under this section if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kindred of their instructions and are not aware of any opposition to those instructions by more than a majority of all surviving competent adult persons of the same degree of kindred; and

"(5) An adult friend or volunteer."

(b) A new section 14a is added to read as follows:

"Sec. 14a. Disputes.

"Disputes concerning the right to the control or the disposition of the remains of a deceased person shall be resolved by a court of competent jurisdiction. In resolving a dispute, the court shall consider the following factors:

"(1) The reasonableness, practicality, and resources available for payment for the proposed arrangements and final disposition;

"(2) The degree of the personal relationship between the decedent and each of the persons in the same degree of relationship to the decedent;

"(3) The expressed wishes and directions of the decedent and the extent to which the decedent has provided resources for the purpose of carrying out those wishes or directions; and

"(4) The degree to which the arrangements and final disposition will allow for participation by all who wish to pay respect to the decedent."

(c) A new section 22a is added to read as follows:

"Sec. 22a. Rules.

"The Mayor may promulgate rules consistent with this act."

Sec. 3. The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233 (c)(3)).

Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

**ENROLLED ORIGINAL**

(b) This act shall expire after 225 days of its having taken effect or upon the effective date of the Funeral Services Amendment Act of 2000, whichever occurs first.

---

Chairman  
Council of the District of Columbia

---

Mayor  
District of Columbia