

Making The Final Arrangements

You Are Doing Just Fine

The passing of a loved one is not a situation that is easy for anyone to face. The suffering and grief that this kind of loss brings makes even the thought of it so unpleasant that most of us simply don't. We tend not to make final arrangements before they are absolutely necessary, let alone look into the rules and laws that govern funeral and funeral arrangements. That's ok.



How do we determine who can legally make final arrangements for a loved one?

What Does the Law Say?

The California Health and Safety Code spells out exactly who has the legal rights to make end-of-life care decisions. The order of control is:

- **Self** (the person for which the arrangements are made)
- The Agent(s) listed in a **Durable Power of Attorney for Health Care (DPOAHC)** or an **Advanced Health Care Directive (AHCD)**
- The **Spouse** or the **State Registered Domestic Partner (SRDP)**
- The Majority of the surviving competent **Children**
- The Majority of the surviving competent **Brothers and Sisters**
- The Majority of the surviving competent **Nieces and Nephews**
- The Majority of the **Next Degree of Kinship**

The laws that a mortuary must follow are quite specific, and it is also important to know that the laws governing hospice care are a bit different.

Frequently Asked Questions

How much can other family members and friends help the next of kin to make the arrangements?

Many times it is easier for someone other than the next of kin to be the mortuary's primary point of contact. This happens regularly, and is not an issue. The mortuary similarly needs the next of kin to sign the forms to authorize the services.

What if we cannot contact the next of kin?

The family and the mortuary must make a good faith effort to find the next of kin, but if no contact is made in a week (or 10 days for a spouse or SRDP), the next level of kinship takes control.

What if our loved one's legal next of kin does not, or cannot for medical reasons, make the final arrangements?

The law does allow the legal next of kin to give up their rights, and a doctor can declare the legal next of kin medically unable to make the arrangements.

What if our loved one does not have any family?

The only way for a non-family member to be able to authorize the arrangements is either through a DPOAHC or AHCD holder before the passing, or a court order or designation by the county public administrator after the passing.

What if I'm not ready to have a memorial service?

There are no rules. Do the things that feel right with you and your family. Give yourself time to know what you want to do, and what your loved one would have wanted.

We Are All Here To Help

The laws and regulations for the legal rights to control the disposition, like many aspects of making final arrangements, are simply things most of us do not spend much time thinking about. The health care providers and mortuary are well versed in the matters, and are more than willing to help. If you have any questions, don't be afraid to ask.

Simplicity Cremation (888) 959-9101