

367.97527 Preneed cremation authorization form -- Procedure in event of conflict.

- (1) A person, or anyone who has legal authority to act on behalf of that person, may authorize his or her own cremation and the final disposition of his or her cremated remains, by executing, as the authorizing agent, a preneed cremation authorization form. The original preneed cremation authorization form shall be retained by the entity with which the arrangements are made. A copy of the preneed cremation authorization form shall be provided to the person signing the preneed arrangements. The person prearranging his own cremation shall have the right to transfer or cancel this authorization at any time prior to death, by notifying the entity with which the preneed cremation authorization form is filed by certified mail.
- (2) In the event that no different or inconsistent instructions are provided to the crematory authority at the time of death, the crematory authority shall release or dispose of the cremated remains as indicated in the preneed agreement.
- (3) In the event that there is a conflict between the decedent's prearrangement and the demands of the next class of authorizing agent in the order set forth in KRS 367.97501(1) regarding cremation, the crematory shall not accept for cremation those human remains without an order deciding the issues entered by the District Court of the county of the decedent's residence or the county where the funeral home or the crematory authority is located. This order may be issued by the court after a petition for resolution has been initiated by any natural person listed in KRS 367.97501(1) or the crematory authority. Unless extraordinary circumstances exist, the court shall give due deference to the desires of the deceased as expressed in the prearrangement.
- (4) Neither the crematory authority nor a licensed funeral director arranging a cremation shall be held liable for the crematory authority's or the funeral director's good faith reliance on representations made by the authorizing agent regarding the authority or decision to cremate.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 171, sec. 2, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 140, sec. 9, effective July 15, 1994.