



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Chenwei Zhang

H.B. 510

132nd General Assembly
(As Introduced)

Reps. Galonski, Lepore-Hagan, DeVitis, Kent, Seitz, Becker, Dever, Celebrezze, Reece, Rezabek, Green, Barnes, Ashford

BILL SUMMARY

- Provides that, when there is no written declaration of disposition, a parent exercising the right of disposition of a deceased adult child is not required to obtain consent or input regarding the child's funeral, burial, or other disposition arrangements from a parent who has abandoned the child at any time during the child's life.
- Defines a child as "abandoned" if the child's parent has failed to visit or maintain contact with the child for more than one consecutive year, regardless of whether the parent resumes contact with the child after that period of one year.
- Requires a parent exercising the right of disposition to make a good faith effort to notify the parent who abandoned the child of the child's death.
- Requires the funeral home or director, crematory operator, cemetery organization, or other person overseeing the deceased child's disposition arrangement to maintain on file an affidavit documenting a parent's good faith effort to notify the parent who abandoned the child of the child's death.
- Requires the affidavit to state whether notification was successful, and if not, the reason why.
- Provides that the bill is not to be construed as limiting, affecting, or impairing other laws governing disposition of a deceased person's body.

CONTENT AND OPERATION

No input regarding adult child's remains

Under the bill, if a parent has abandoned his or her adult deceased child at any point during the child's life, the parent who has not abandoned the child does not have to obtain input or consent regarding the funeral, burial, or other disposition arrangements of that child's remains from the abandoning parent.¹ The bill defines a child as "abandoned" if the child's parent has failed to visit or maintain contact with the child for more than one consecutive year, regardless of whether the parent resumes contact with the child after that period of one year.²

Ohio law, unchanged by the bill, provides an order of priority over the right of disposition of a deceased adult. The order of priority applies if the deceased adult did not execute a written declaration assigning such rights to a representative while the adult was alive, or if each person to whom the right of disposition has been assigned or reassigned under a written declaration is disqualified.³ Subject to certain exceptions, if mentally competent adults can be located with reasonable effort, the order of the first three classes of individuals with disposition rights are the deceased person's (1) surviving spouse, (2) sole surviving child (or all of the children, collectively, if there is more than one), and (3) surviving parent or parents.⁴

The bill would only apply if: (1) the deceased adult child did not execute a valid written declaration, (2) the deceased adult child does not have a surviving spouse or child who is qualified, mentally competent, and can be located with reasonable effort, and is not otherwise unqualified to exercise the right of disposition, and (3) the parent who has not abandoned the child has not been disqualified or has otherwise lost his or her right of disposition under Ohio law.

Notification of adult child's death

The parent who has not abandoned the child must make a good faith effort to notify the parent who abandoned the child of the child's death.⁵ The funeral home, funeral director, crematory operator, cemetery operator, cemetery organization, or other

¹ R.C. 2108.812(A).

² R.C. 2108.811.

³ R.C. 2108.81(A), not in the bill.

⁴ R.C. 2108.81(B)(1) to (3), not in the bill.

⁵ R.C. 2108.812(B).



person overseeing the deceased child's funeral, burial, cremation, or other disposition arrangements must maintain on file an affidavit documenting a parent's good faith effort to notify the parent who abandoned the child of the child's death. The affidavit must state whether the notification was successful. If notification was not successful, the reason must be provided.⁶

Effect on other laws

The bill provides that nothing in the bill is to be construed as limiting, affecting, or impairing other laws governing the disposition of a deceased person's body.⁷

HISTORY

ACTION	DATE
Introduced	02-14-18

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⁶ R.C. 2108.813.

⁷ R.C. 2108.814.

