

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 397

Representative Galonski

Cosponsors: Representatives Sobecki, Lepore-Hagan

A BILL

To amend section 2108.81 of the Revised Code 1
regarding parental right of disposition for a 2
deceased adult child. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2108.81 of the Revised Code be 4
amended to read as follows: 5

Sec. 2108.81. (A) If either of the following is true, 6
division (B) of this section shall apply: 7

(1) An adult has not executed a written declaration 8
pursuant to sections 2108.70 to 2108.73 of the Revised Code that 9
remains in force at the time of the adult's death. 10

(2) Each person to whom the right of disposition has been 11
assigned or reassigned pursuant to a written declaration is 12
disqualified from exercising the right as described in section 13
2108.75 of the Revised Code. 14

(B) Subject to division (A) of this section and sections 15
2108.75 and 2108.79 of the Revised Code, the right of 16
disposition is assigned to the following persons, if mentally 17

competent adults who can be located with reasonable effort, in	18
the order of priority stated:	19
(1) The deceased person's surviving spouse;	20
(2) The sole surviving child of the deceased person or, if	21
there is more than one surviving child, all of the surviving	22
children, collectively;	23
(3) The deceased person's surviving parent or parents, <u>_____</u>	24
<u>subject to division (C) of this section;</u>	25
(4) The deceased person's surviving sibling, whether of	26
the whole or of the half blood or, if there is more than one	27
sibling of the whole or of the half blood, all of the surviving	28
siblings, collectively;	29
(5) The deceased person's surviving grandparent or	30
grandparents;	31
(6) The deceased person's surviving grandchild, or if	32
there is more than one surviving grandchild, all of the	33
surviving grandchildren collectively;	34
(7) The lineal descendants of the deceased person's	35
grandparents, as described in division (I) of section 2105.06 of	36
the Revised Code;	37
(8) The person who was the deceased person's guardian at	38
the time of the deceased person's death, if a guardian had been	39
appointed;	40
(9) Any other person willing to assume the right of	41
disposition, including the personal representative of the	42
deceased person's estate or the licensed funeral director with	43
custody of the deceased person's body, after attesting in	44
writing that a good faith effort has been made to locate the	45

persons in divisions (B) (1) to (8) of this section. 46

(10) If the deceased person was an indigent person or 47
other person the final disposition of whose body is the 48
financial and statutory responsibility of the state or a 49
political subdivision of this state, the public officer or 50
employee responsible for arranging the final disposition of the 51
remains of the deceased person. 52

(C) (1) If a parent was the residential parent and legal 53
custodian of the deceased person at the time the deceased person 54
reached the age of majority, that parent's right of disposition 55
for the deceased person shall take precedence over the parent 56
who was not the residential parent and legal custodian of the 57
deceased person at that time. 58

(2) Division (C) (1) of this section shall not apply if the 59
parent with precedence is disqualified from the right of 60
disposition for the deceased person under section 2108.75 of the 61
Revised Code. 62

(3) Section 2108.79 of the Revised Code shall not affect 63
the precedence under division (C) (1) of this section. 64

Section 2. That existing section 2108.81 of the Revised 65
Code is hereby repealed. 66