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Higher Education
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Tavia Galonski State Representative

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and my colleagues on the House Civil Justice Committee, thank you for giving me the opportunity to provide sponsor testimony on House Bill 397.

House Bill 397 concerns parental disposition of a deceased child when one of the parents has abandoned the child. First and foremost this bill does not impede the laws pertaining to the right of disposition, but rather elaborates on parental rights in regards to disposition. This legislation would allow the residential parent and legal custodian of the deceased child at the time the child reached the age of majority to take precedence over the parent that was not when it comes to making burial arrangements for the deceased child.

This bill is a result of a heartbreaking situation a constituent was subjected to. After the death of her child, she had to obtain the permission of the child's father in order to cremate the child's remains. The father had not been in contact with the child for years and still his input was necessary for these final decisions. Not only was there no relationship between the child and the father, but also significant emotional distress for the mother as she was just trying to put her child to rest.

With the rise of the opioid epidemic, it is not unlikely that more cases like this will arise. We need to attempt to reduce the emotional and bureaucratic frustration during an already difficult situation. As legal custodian of the child, the residential parent has been tasked with making decisions pertaining to that child's life. It only makes sense that said parent would be able to make the burial arrangements for their child as they see fit.

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and my colleagues on the House Civil Justice Committee, thank you for giving me the opportunity to provide sponsor testimony on House Bill 397. I am open for questions and points of clarification in regards to House Bill 397.