

Disposition of Remains
Texas Health & Safety Code **NOTES AND EMPHASIS ADDED**:
Sec. 711.002. **DISPOSITION OF REMAINS; DUTY TO INTER.** (a) **Unless a decedent has left directions in writing for the disposition of the decedent's remains as provided in Subsection (g), the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains, and are liable for the reasonable cost of interment:**
(1) the person designated in a written instrument signed by the decedent **see NOTE 2**;
(2) the decedent's surviving spouse;
(3) any one of the decedent's surviving adult children **see NOTE 3**;
(4) either one of the decedent's surviving parents **see NOTE 3**;
(5) any one of the decedent's surviving adult siblings **see NOTE 3**; or
(6) any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.
NOTE 1 - such as a [**Body Disposition Authorization Affidavit**](index.php?option=com_content&view=article&id=245:prior-to-death-may-i-declare-in-a-legally-binding-form-my-wishes-for-final-body-disposition&catid=41:Check%20here%20for%20answers%20first&Itemid=57) or [**Authorization for Cremation & Disposition**](http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.716.htm#716.052) [a funeral home form **(*)**] signed and acknowledged by the decedent. **Also through preneed arrangements with a funeral home.**
NOTE 2 - such as an [**Appointment of Agent to Control Disposition of Remains**](index.php?option=com_content&view=article&id=246:prior-to-death-may-i-appoint-an-agent-to-make-all-decisions-about-my-final-body-disposition&catid=41:Check%20here%20for%20answers%20first&Itemid=57) signed and acknowledged by such person.
NOTE 3 - for cremation, funeral homes will most likely require the written concurrence of **ALL** surviving adult children, parents, or siblings as applicable.

[**\(*\)**](http://www.lakeshorefuneralhome.com/wp-content/uploads/2014/01/AUTHORIZATION_FOR_CREMATION.pdf) **EXAMPLE - "Authorization for Cremation" Form**

()** [Section 716.052](http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.716.htm#716.052) of the Health and Safety Code states that "(a) A cremation authorization form must ... (4) include a statement by the authorizing agent that: (A) the authorizing agent has the right to authorize the cremation of the deceased person and is not aware of any person with a superior or equal priority right; or (B) if **span**

style="text-decoration: underline;"/>**another person has an equal priority right to authorize cremation**, the authorizing agent: (i) has made all reasonable efforts but failed to contact that person and believes the person would not object to the cremation; and (ii) agrees to indemnify and hold harmless the funeral establishment and the crematory establishment for any liability arising from performing the cremation without the person's authorization"

SOURCE (Viewed February 10, 2013): <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.711.htm#711.002>
Sec. 711.002. DISPOSITION OF REMAINS; DUTY TO INTER.
RELATED LINKS
* [What information does my family need to fill out my death certificate?](index.php?option=com_content&view=article&id=251:what-information-vital-statistics-does-my-family-need-to-fill-out-my-death-certificate&catid=41:Check%20here%20for%20answers%20first&Itemid=57)
* [Prior to death, may I declare in a legally binding form my wishes for final body disposition?](index.php?option=com_content&view=article&id=245:prior-to-death-may-i-declare-in-a-legally-binding-form-my-wishes-for-final-body-disposition&catid=41:Check%20here%20for%20answers%20first&Itemid=57)
* [Prior to death, may I appoint an agent to make all decisions about my final body disposition?](index.php?option=com_content&view=article&id=246:prior-to-death-may-i-appoint-an-agent-to-make-all-decisions-about-my-final-body-disposition&catid=41:Check%20here%20for%20answers%20first&Itemid=57)