

**BODY DISPOSITION
AUTHORIZATION AFFIDAVIT**

STATE OF TEXAS §
 KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF §

I, _____ (print name), based on the authority of the Texas Health and Safety Code, §711.002(g), upon my oath make the following declaration and directive concerning the disposition of my body after my death: I declare that it is my wish and I hereby authorize and direct that, upon my death, my remains be (initial one box):

- Cremated
- Interred at a cemetery or on private property
- Interred at a mausoleum
- Donated to medical science; if this disposition is not possible because no medical or research facility will accept my body, I direct that my remains be (initial one box):
 - Cremated
 - Interred at a cemetery or on private property
 - Interred at a mausoleum
 - Other disposition as specified:

Other disposition as specified:

Signature of Declarant: _____ Date: _____

Printed name of Declarant: _____

BEFORE ME, the undersigned notary public for the State of Texas, personally appeared _____, the Declarant in this Body Disposition Authorization Affidavit, who upon his/her oath made the foregoing declaration(s), including placing his/her initials in the boxes he/she choose on this the _____ day of _____, 20_____.

Notary Public for the State of Texas

My commission expires: _____

Funeral Consumers Alliance of North Texas
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Based on the Texas Health and Safety Code, 711.002(g)

Using ‘Body Disposition Authorization Affidavit’ and ‘Appointment of Agent to Control Disposition of Remains’ form avoids confusion and conflicts in families.

The right of consumers in Texas to use a **Body Disposition Authorization Affidavit** or similar written instrument was created by the Texas Legislature several years ago and codified in section 711.002(g) of the Health and Safety Code. The provision was embedded in the law dealing with cemeteries and was overlooked by many.

This form, the **Body Disposition Authorization Affidavit**, has been drafted for use by consumers to help secure this right to specify one’s body disposition. This law provides that the consumer’s wishes as expressed in such an instrument must be “faithfully” carried out by whoever has legal authority to control the disposition.

The other primary advantage of the **Body Disposition Authorization Affidavit** is its use by people who want to be cremated. In the absence of such a properly executed Affidavit, the funeral director must secure permission of all the immediate family members who have the authority to control disposition. For instance, in the case of several adult children scattered across the country, this often time-consuming task can delay disposition and drive up the costs of the arrangements.

Using the **Body Disposition Authorization Affidavit** eliminates confusion and allows the cremation to proceed without unwanted delay. For those interested in body donation for medical research and teaching, the form provides for an alternative in the event the body is not accepted by the medical school because of its condition at the time of death.

A separate provision found in section 711.002(b) allows consumers to designate the person or persons they want to control the disposition. The form **Appointment of Agent to Control Disposition of Remains** accomplishes this. If no one is appointed to control the disposition, the following persons, in the order listed, have the right to control the disposition:

- 1 The decedent’s surviving spouse
- 2 Any one of the decedent’s surviving adult children
- 3 Either one of the decedent’s surviving parents
- 4 Any one of the decedent’s surviving adult siblings, or
- 5 Any adult in the next degree of kinship in the order named by law to inherit the estate of the decedent.

This **Appointment of Agent** form is useful to reduce the possibility of conflicts between those persons who have equal authority to control the disposition decision, such as several adult children.

Both these forms should be completed in order for a person’s wishes to be carried out after death. The **Appointment of Agent** form avoids conflict among survivors and the **Body Disposition Affidavit** assures that the decedent’s wishes for body disposal will be carried out.

Section 711.002(g) also provides that consumers may make their disposition decision known in a will or in a prepaid funeral contract. However, a will might not be located until after arrangements have been made and carried out, and the **Funeral Consumers Alliance** strongly recommends against buying prepaid funeral contracts.