



## What is a Funeral Designee

In many cases families are fragmented or scattered around the country and in order to carry out certain types of dispositions (i.e. cremation), state law requires that all persons with equal rights as next of kin have to sign the paperwork to order the disposition. (If no spouse, then all children must sign, if no children, then all siblings must sign, if no siblings, then all nieces and nephews must sign and etc...)

At the time of a death this process can become very stressful and if all parties are not able or are not in agreement then the expense of a lawyer and a Court Order will add time and cost to the cremation or funeral.

This designee allows a person to assign one person, even if it is not the legal next of kin, to carry out the arrangements for their disposition, (i.e. cremation, burial or donation). Some people think a legal "Will" can solve this issue but it does not, because a "Will" is not probated for at least two weeks after a death has occurred. Power of Attorney ends at the time of death and that person is not able to authorize disposition of the deceased.

This is the Code of Virginia pertaining to a funeral designee:

### **§ 54.1-2825. Person to make arrangements for disposition of remains.**

- A. Any person may designate in a signed and notarized writing, which has been accepted in writing by the person so designated, an individual who shall make arrangements and be otherwise responsible for his funeral and the disposition of his remains, including cremation, interment, entombment, or memorialization, or some combination thereof, upon his death. Such designee shall have priority over all persons otherwise entitled to make such arrangements, provided that a copy of the signed and notarized writing is provided to the funeral service establishment and to the cemetery, if any, no later than 48 hours after the funeral service establishment has received the remains. Nothing in this section shall preclude any next of kin from paying any costs associated with any funeral or disposition of any remains, provided that such payment is made with the concurrence of any person designated to make arrangements.

**APPOINTMENT OF AGENT  
TO DIRECT DISPOSITION**

I, \_\_\_\_\_, willfully and voluntarily  
(Name of Principal)

make known my desire and do hereby declare:

1. Appointment of Agent. Pursuant to Section 54.1-2825 of the Virginia code, I hereby appoint(\_\_\_\_\_) (Name of Agent)

of \_\_\_\_\_,  
(Address and Telephone Number of Agent)

as my Agent to undertake the following on my behalf.

2. Arrangements of Funeral and Disposition. I hereby authorize my Agent and direct my Agent to carry out the arrangements for my funeral and to determine the manner and place of disposition in accordance with the following:

- The preneed contract attached hereto and made part hereof.
- Written instructions which are attached to this Appointment of Agent form.
- According to the sole discretion of my Agent.

3. Authorization of Payment. On behalf of myself and my estate, I hereby authorize my Agent to undertake all necessary actions to carry out the above directions, including the execution of contracts with the funeral homes, crematories, cemeteries and other providing funeral and disposition services. My Agent shall not be personally liable for the cost of the funeral and disposition services by reason of carrying out these directions.

This advance directive shall not terminate in the event of my disability. By signing below, I indicate that I am emotionally and mentally competent to make this advance directive and I understand the purpose and effect of this document.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Principal

COUNTY OF \_\_\_\_\_ )

)SS:

COMMONWEALTH OF VIRGINIA )

Before me, a Notary Public, personally appeared \_\_\_\_\_,  
the Principal identified in the foregoing document who did sign the foregoing  
document this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

**ACCEPTANCE BY AGENT**

The undersigned hereby accepts the appointment of agent set forth above and agrees to carry out the directives as set forth above.

\_\_\_\_\_  
Signature of Agent

