

Did you know there is a new law regarding funeral decisions and who pays?

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On October 12, 2006, the General Assembly passed a new law allowing Ohioans to designate who will make their funeral and burial decisions. The statute provides a form that should be used for that purpose.

If the form is not used, the statute specifies who will have the authority to make those decisions, by creating a list of relatives in order of priority.

For example, the surviving spouse gets first priority followed by a majority of the surviving children, and so on.

Using the form may be a way to insure an individual's final wishes are carried out and eliminate family strife at what is already an emotional time.

However, this new law creates a risk for the unwary. Generally, in the past if you made arrangements for your relative's burial, the funeral home would look to the decedent's estate to be paid, unless you signed a contract agreeing to pay for these goods or services yourself.

Under the new law, if you order goods or services from funeral home and

you are the designated decision maker either by appointment or by the priority statute, you will be personally liable even if you do not sign a contract agreeing to be personally liable.

The new law can be found in Sections 2108.70 through 2108.90 of the Ohio Revised Code.

If you have any questions on this or any other issues regarding senior citizens, please call our Legal Aid office at 241-2001.

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