

COMMITTEE BILL ANALYSIS

Bill: House Bill 1925

Printer's No.: 3114

Sponsor: Rep. Readshaw

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Synopsis: This bill amends section 305 of the Probate, Estates and Fiduciaries Code, Title 20 of the Pennsylvania Consolidated Statutes, to establish that if there are more than two persons as next of kin with equal standing regarding the disposition of a decedent's remains and there is a disagreement over the disposal of the remains, a majority shall make the determination.

Summary: Section 305 governs the right to dispose of a decedent's remains. Subsection (d) is amended to provide for the situation where more than two persons have equal standing. If more than two persons with equal standing as next of kin disagree on the disposition of the decedent's remains, the authority to dispose of the remains shall be determined by the majority.

Where two or more persons with equal standing cannot reach a majority decision, the court shall make a final determination on the disposition of the decedent's remains.

Effective date

This bill takes effect in 60 days.

Background: The House of Representatives passed House Bill 1925 on March 18, 2014 by a 201 to 0 vote.

Current law

20 Pa.C.S. §305(d)(2) currently provides that if two or more persons with equal standing as next of kin disagree on the disposition of the decedent's remains, the authority to dispose of the remains shall be determined by the court, with preference given to the person who had the closest relationship with the deceased.

Purpose

The purpose of this legislation is to assist families in making decisions regarding the disposal of the decedent's remains short of going to court.