

## Declaration of Designee for Final Disposition and Ceremonies

I hereby designate \_\_\_\_\_  
(Type or Print) First Name Last Name

\_\_\_\_\_  
(Type or Print) Street Address City State Zip Code

as my designee. My designee shall have the sole responsibility for making decisions concerning the final disposition of my remains and the ceremonies to be performed after my death. This declaration hereby revokes all prior declarations. This designation becomes effective upon my death.

My designee shall act in a manner that is reasonable under the circumstances.

I may revoke this declaration at any time. I agree that a third party (such as a funeral or cremation establishment, funeral director, or cemetery) who receives a copy of this declaration may act in reliance upon it. Revocation of this declaration is not effective as to a third party until the third party receives notice of the revocation. My estate shall indemnify my designee and any third party for costs incurred by them or claims arising against them as a result of their good faith reliance on this declaration.

**Note: (The Declarant may designate one or more alternatives as designee but does not have to.)** If the person designated above is unable or unwilling to serve, I designate

\_\_\_\_\_  
(Type or Print) First Name Last Name

\_\_\_\_\_  
(Type or Print) Street Address City State Zip Code

to serve as my designee.

**Yes [ ] No [ ]:** I have entered into a contract for prearranged funeral services or funeral merchandise as defined in and executed under Iowa Code Chapter 523A. The contract may be found at \_\_\_\_\_ (location).

**Yes [ ] No [ ]:** I own or have reserved a cemetery lot at \_\_\_\_\_ (name and location of cemetery).

**Yes [ ] No [ ]:** (You may include any special instructions concerning organ donation consistent with Iowa Code Chapter 142C.)

\_\_\_\_\_  
I execute this declaration as my free and voluntary act.

Additionally, I understand that should my designee(s) decline to act as such or forfeits his/her authority according to Iowa Code 144C.8, that right to control final disposition of a decedent's remains or to make arrangements for the ceremony after a decedent's death vests in and devolves upon the following persons who are competent adults at the time of the decedent's death, in the following order (as prescribed in Iowa Code 144C.5):

- The surviving spouse of the decedent, if not legally separated from the decedent, whose whereabouts is reasonably ascertainable.
- A surviving child of the decedent, or, if there is more than one, a majority of the surviving children whose whereabouts are reasonably ascertainable.
- The surviving parents of the decedent whose whereabouts are reasonably ascertainable.

- Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City, State, Zip Code

State of \_\_\_\_\_ )  
 \_\_\_\_\_ )ss.  
 County of \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_.

Notary Public in and for Said State

City, State, Zip Code

## General Information on Declaration of Designee for Final Disposition and Ceremonies

A declaration of a designee is subject to the provisions of Iowa Code Chapter 144C and reference should be made to that chapter. The following is a summary of some of the provisions of Chapter 144C of the Code of Iowa.

### 1. Selected Definitions.

- a. “Ceremony” means a formal act or set of formal acts established by custom or authority to commemorate a decedent.
- b. “Declarant” means a competent adult who executes a declaration pursuant to this chapter.
- c. “Declaration” means a written instrument that is executed by a declarant in accordance with the requirements of this chapter, and that names a designee who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death.
- d. “Designee” means a competent adult designated under a declaration who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death.
- e. “Final disposition” means the burial, interment, cremation, removal from the state, or other disposition of remains.
- f. “Third party” includes but is not limited to a funeral director, funeral establishment, cremation establishment, cemetery, the state medical examiner, or a county medical examiner.

2. A declaration shall not include directives for final disposition of the declarant’s remains and shall not include arrangements for ceremonies planned after the declarant’s death.

3. The following individuals shall not be witnesses for a durable power of attorney for health care:

- a. Any individual designated in the declaration as the designee or an alternate designee.
- b. An individual who is less than eighteen years of age.

4. The following individuals shall not be designated as the designee under the declaration:

- a. A funeral director, funeral establishment, cremation establishment, cemetery, elder group home, assisted living program facility, adult day services program, licensed hospice program, or attorney.
- b. Any agent, owner, or employee of an entity listed in 4(a), unless the individual is related to the declarant within the third degree of consanguinity.

5. Revocation.

- a. A declaration is revocable by a declarant in a writing signed and dated by the declarant.
- b. Unless otherwise expressly provided in the declaration, a dissolution of marriage, annulment of marriage, or legal separation between the declarant and the declarant’s spouse that occurs subsequent to the execution of the declaration constitutes an automatic revocation of the spouse as designee.
- c. A revocation is only effective as to a third party if the third party receives notice of the revocation.
- d. The most recent declaration executed by a declarant shall control.

6. It is the responsibility of the designee to exercise the designee’s authority under the declaration within twenty-four (24) hours of receiving notification of the death of the declarant or within forty (40) hours of the declarant’s death, whichever is earlier. Failure to do so, will result in the forfeiture of all rights and authority of the designee under the declaration and those rights and authority shall vest in and devolve upon an alternate designee, or if there is none pursuant to Section 144C.5. The rights and authority of the designee shall also be forfeited if the designee is charged with murder in the first or second degree or voluntary manslaughter in connection with the declarant’s death and those charges are known to a third party.

7. If a designee(s) declines to act as such or forfeits his/her authority according to Iowa Code 144C.8, right to control final disposition of a decedent’s remains or to make arrangements for the ceremony after a decedent’s death vests in and devolves upon the following persons who are competent adults at the time of the decedent’s death, in the following order (as prescribed in Iowa Code 144C.5):

- a. The surviving spouse of the decedent, if not legally separated from the decedent, whose whereabouts is reasonably ascertainable.

- b. A surviving child of the decedent, or, if there is more than one, a majority of the surviving children whose whereabouts are reasonably ascertainable.
- c. The surviving parents of the decedent whose whereabouts are reasonably ascertainable.
- d. A surviving grandchild of the decedent, or, if there is more than one, a majority of the surviving grandchildren whose whereabouts are reasonably ascertainable.
- e. A surviving sibling of the decedent, or, if there is more than one, a majority of the surviving siblings whose whereabouts are reasonably ascertainable.
- f. A surviving grandparent of the decedent, or, if there is more than one, a majority of the surviving grandparents whose whereabouts are reasonably ascertainable.
- g. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent under the rules of inheritance for intestate succession or, if there is more than one, a majority of such surviving persons whose whereabouts are reasonably ascertainable.
- h. A person who represents that the person knows the identity of the decedent and who signs an affidavit warranting the identity of the decedent and assuming the right to control final disposition of the decedent's remains and the responsibility to pay any expense attendant to such final disposition. A person who warrants the identity of the decedent pursuant to this paragraph is liable for all damages that result, directly or indirectly, from that warrant.
- i. The county medical examiner, if responsible for the decedent's remains.

#### **SUGGESTIONS AFTER FORM IS PROPERLY SIGNED, WITNESSED OR NOTARIZED**

Place original in a safe place known and accessible to family members or close friends.

Provide a copy to designee and to alternate designees (if any).

Provide a copy(s) to family member(s).