

**Appointing a Funeral & Disposition Representative**

*The following information is not intended to be legal advice or opinion on Estate Planning, rather general information on New Jersey Funeral & Cemetery law. Individuals interested in more information about appointing a Funeral & Disposition Representative should consult with their Attorney.*

**Who is a Funeral & Disposition Representative?**

A Funeral & Disposition Representative is an individual named by the deceased in his or her Will as the person to take charge of the funeral arrangements (the appointment is valid prior to the Will being probated). The rights of the Representative supersede the rights of all others, including the spouse, children, parents or other next of kin. A Representative might be the Executor, a friend, clergy, social worker or other relative. A Funeral Director should not be named the Representative.

**Who needs a Funeral & Disposition Representative?**

If you think that relatives will not honor your funeral wishes or pre-arranged funeral plans, if you do not have relatives or they live a distance, or if you prefer the person that you share a special relationship with to handle these arrangements, then you should consider this aspect of law.

**How to appoint a Representative**

You should visit with your Attorney and inform the Attorney that you want to name a Funeral & Disposition Representative, as per N.J.S.A. 45:27-22.

You can either amend the existing Will or include the provision in a new Will.

The language that needs to be included would be similar to the following:

**Appointment of Funeral and Disposition Representative**

I hereby nominate, constitute and appoint \_\_\_\_\_ to serve as my Funeral and Disposition Representative, Pursuant to P.L. 2003, c. 261 (C45:27-22).

My representative shall have the authority and power to control the arrangements for my funeral and the disposition of my remains. My Executor shall notify my Representative of this appointment, and shall advise my Representative of the financial means available to carry out my Funeral and Disposition arrangements.

In the event \_\_\_\_\_ should predecease me or for some other reason not qualify to serve as my Funeral and Disposition Representative, then I nominate, constitute and appoint \_\_\_\_\_ as my Funeral and Disposition Representative.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

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

\*\*\*\*\*

\*\*\*New Jersey Civil Union Law mandates that civil union couples must receive the same benefits and protections and be subject to the same responsibilities as spouses in a marriage, whether they derive from statute, administrative or court rule, public policy or common law. The Civil Union Law in NJ extends the right to control disposition to civil union partners in exactly the same way it extends this right to a spouse.