

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998

700.3209 Funeral establishment not civilly liable; reliance on funeral representative designation.

Sec. 3209.

(1) A funeral establishment is not required to file a petition under section 3207 and is not civilly liable for not filing a petition under section 3207.

(2) A funeral establishment, cemetery, or crematory may rely on the designation of a funeral representative under section 3206(2), the designation of a person as described in section 3206(3)(a), the order of priority determined under section 3206(3) and (4), or a court order under section 3207 that determines who may exercise the rights and powers under section 3206(1). A funeral establishment, cemetery, or crematory is not a guarantor that a person exercising the rights and powers under section 3206(1) has the legal authority to exercise those rights and powers. A cemetery or crematory may rely on a funeral establishment's representation as to who may exercise the rights and powers under section 3206(1). A funeral establishment, cemetery, or crematory does not have the responsibility to contact or independently investigate the existence of relatives of the deceased, but may rely on information provided by family members of the deceased or by a person other than a family member that the funeral establishment, cemetery, or crematory reasonably believes knows the existence or location of the relatives of the deceased or the funeral representative. As used in this subsection, "information" includes, but is not limited to, an affirmation that reasonable efforts to contact the individual or individuals with the rights and powers under section 3601(1) and to inform the individual or individuals of the death have been made without success.

(3) A funeral establishment, holder of a license to practice mortuary science issued by this state, cemetery, or crematory, or an officer or employee of a funeral establishment, holder of a license to practice mortuary science issued by this state, cemetery, or crematory may rely on sections 3206 and 3207 and this section and the instructions of a person described in section 3206(2) to (9) or a person that the court determines under section 3207 has rights and powers under section 3206(1) regarding funeral arrangements and the handling, disposition, or disinterment of a body and is not civilly liable to any person for the reliance if the reliance was in good faith.

History: Add. 2006, Act 299, Imd. Eff. July 20, 2006 ;-- Am. 2012, Act 63, Imd. Eff. Mar. 22, 2012 ;-- Am. 2016, Act 57, Eff. June 27, 2016

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