

RS 9:1551

PART II. BURIAL OF UNCLAIMED BODIES; ADMINISTRATION OF SUCCESSIONS OF \$500 OR LESS

§1551. Disposition of remains

A.(1) Upon oral or written refusal by the person or persons authorized in R.S. 8:655 to provide for the disposition of the remains of a decedent, the coroner is authorized to immediately release the remains of the decedent to any interested person who will claim the remains and provide for the disposition of the remains.

(2) The coroner shall have and exercise custody over the remains of all persons who die within the parish and whose remains are abandoned, not claimed, or unclaimed by the person or persons authorized in R.S. 8:655, or by the person to whom the coroner has released the remains under the provision of Paragraph (1) of this Subsection, and the remains of persons that are abandoned while in the possession of a funeral establishment as provided in Subsection C of this Section. If the decedent had no known property or assets of a sufficient value to defray the expenses of disposition, the coroner shall make such disposition of the remains of the decedent as is otherwise provided by law for indigents.

B. If a decedent's remains are not claimed, unclaimed, or abandoned, and the decedent had known assets or property of a sufficient value to defray the expenses of disposition, the coroner shall arrange for disposition of the remains within thirty days, preferably by a recognized funeral establishment. The invoices for the expenses of disposition shall be forwarded to the public administrator if there is one in the parish or to the clerk of the district court if there is no public administrator, and the person or official authorized by law to be appointed administrator of the succession of the decedent shall provide for the payment of the disposition expenses out of the assets of the decedent in accordance with the existing provisions of law for the administration of successions and in accordance with the provisions of this Part.

C.(1) If the remains of a decedent in the possession of a funeral establishment have been abandoned, the funeral establishment shall notify by a written, notarized document, the coroner for the parish of the decedent's domicile stating the factual history and circumstances of the abandonment. This document shall include but not be limited to the following information:

(a) All known next of kin, any alleged next of kin or family member, any interested party including organizations, whether government or private, and any other person contacted by the funeral home or healthcare facility regarding the deceased.

(b) Any known assets of the deceased, including but not limited to insurance policies, pending claims whether or not under litigation, any potential unresolved claims, or any other asset of any kind.

(c) Any status of the decedent including but not limited to veteran's status, federal or state employment or retirement status, past or present law enforcement status, religious affiliations of any kind, and last known employment.

(d) All documents and records of any kind in the possession of the funeral establishment or healthcare provider, written or electronic, generated regarding the deceased, including but not limited to any medical records of any kind.

(2) Upon receipt by the coroner of the notarized document, complete with all records attached thereto, the funeral establishment shall transport the human remains of the decedent at their costs to the coroner of the parish of the decedent's domicile, if located in Louisiana, or to the coroner of the parish where the death occurred if the decedent's domicile is not in Louisiana, who shall assume jurisdiction of the case, and accept the remains for future disposition all in accordance with law.

D. For purposes of this Section, remains of a decedent in the possession of a funeral establishment or healthcare facility shall be deemed abandoned if the person or persons authorized in R.S. 8:655 or in Subsection A of this Section to control the disposition refuses orally or in writing to make arrangement or provide for the disposition of the decedent, or fails to make arrangement or to provide for the disposition of the remains of a decedent after death at a healthcare facility or after the remains are in the possession of the funeral establishment.

E. Once coroner jurisdiction over abandoned, not claimed, or unclaimed remains has been established, all rights to control the disposition of the remains as listed in R.S. 8:655(A) are waived and terminated. The

coroner shall then take and exercise custody of the remains for disposition pursuant to the provisions in this Section.

F.(1) Notwithstanding any other provision of law to the contrary, the coroner may donate tissue or biological samples to an individual who is affiliated with an established search and rescue dog organization for the purpose of training a dog to search for human remains. Any request for biological sample donation shall be made to the coroner on the letterhead of the requesting organization and signed by the director, manager, or individual overseeing the rescue dog training program. Donations of tissue or biological samples shall not be more than twenty-eight grams per tissue type.

(2) For purposes of this Subsection, a person shall be deemed affiliated with an established search and rescue dog organization if he presents to the coroner a signed letter from his director, manager, or other supervisor authorizing the request for biological samples.

Added by Acts 1963, No. 92, §1; Acts 2001, No. 326, §1; Acts 2010, No. 175, §2; Acts 2015, No. 270, §2, eff. July 1, 2015; Acts 2016, No. 628, §1, eff. June 17, 2016.