

At the End of Life

New York State Information

In New York State there is a “hierarchy” (priority list) of individuals who have the legal right to make the decisions about the final “disposition” of a deceased person (i.e., the handling of the remains). This includes items such as moving and preparation of the body, funeral arrangements, and burial. The list follows the following order:

- Spouse or domestic partner
- Children (18 years or older)
- Parents
- Siblings (18 years or older)
- Authorized guardian or fiduciary
- Other person closest to the deceased

If the deceased has designated in a written document an agent who shall have the right to control the disposition of the remains of the deceased person, this person will have the right to make decisions over any of the people listed above and will have the right to decide over the disposition of the remains as well as any arrangements for a service.

New York Public Health Law § 4201