

Cremation Issue Chart

DELAWARE



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
3100 Board of Funeral Services 13.0 Cremation and Crematoriums 13.2 Cremation	Yes	13.2.1 An identifying label, tag or other bracelet shall be used and placed on the decedent at the time of identification if one has not already been affixed at the time of transfer to the care of the funeral home. At the conclusion of cremation, a delivery receipt to the receiving party of the cremated remains shall be signed and maintained by the crematory/crematorium of record along with a copy of the formal identification of the decedent by the funeral home of record.	
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
N/A			
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
N/A			

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
§ 264 Right to dispose of remains	<p>(a) The right to control disposition of the last remains or ceremonial arrangements of a decedent vests in and devolves upon the following persons, at the time of the decedent's death, in the following order:</p> <ol style="list-style-type: none"> (1) The decedent if acting through a declaration instrument; (2) The surviving spouse of the decedent, if not legally separated from the decedent; (3) Either the appointed personal representative or administrator of the decedent's estate if such person has been appointed; or the nominee for appointment as personal representative under the decedent's will if a personal representative or administrator has not been appointed; (4) A majority of the surviving adult children of the decedent whose whereabouts are reasonably ascertainable; (5) The surviving parents or legal guardians of the decedent whose whereabouts are reasonably ascertainable; (6) A majority of the surviving adult siblings of the decedent whose whereabouts are reasonably ascertainable; (7) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than 1 person of the same degree, any person of that degree may exercise the right of disposition; (8) In the absence of any person under paragraphs (a)(1) through (a)(6) of this section, any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the personal representative of the decedent's estate or the funeral director with the custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under paragraphs (a)(1) through (a)(6) of this section; (9) The public administrator for the decedent's estate.
ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
§ 262 Declaration of Disposition of Last Remains § 265 Declaration of Disposition of Last Remains; form	<p>The declarant may specify, in a declaration instrument, any 1 or more of the following:</p> <ol style="list-style-type: none"> (1) The disposition to be made of the declarant's last remains; (2) Who may direct the disposition of the declarant's last remains; (3) The ceremonial arrangements to be performed after the declarant's death; (4) Who may direct the ceremonial arrangement after the declarant's death; or (5) The rights, limitations, immunities, and other terms of third parties dealing with the declaration instrument.