

Cremation Issue Chart

INDIANA



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
IC 23-14-31-27 Authorization procedure; immunity from liability; exceptions Sec. 27.	Yes	<p>(a) Except as provided in subsection (c), a crematory authority shall not cremate human remains until the authority has received the following:</p> <p>(1) A cremation authorization form provided by the crematory authority, signed by an authorizing agent, containing the following information:</p> <p>(A) The identity of the human remains and the time and date of death.</p> <p>(B) The name of the funeral director who obtained the cremation authorization.</p> <p>(C) The name of the authorizing agent and the relationship between the authorizing agent and the decedent.</p> <p>(D) A statement by the authorizing agent that the authorizing agent:</p> <p>(i) has the right to authorize the cremation of the decedent;</p> <p>(ii) is not aware of any person who has a superior priority right to that of the authorizing agent; or</p> <p>(iii) if the authorizing agent is aware that there is another person who has a superior priority right to that of the authorizing agent, a statement that the authorizing agent has made all reasonable efforts to contact the person, has</p> <p>been unable to contact the person, and has no reason to believe that the person would object to the cremation of the decedent.</p> <p>(E) Authorization for the crematory authority to cremate the human remains.</p> <p>(F) A statement that the human remains do not contain a pacemaker or any other material or implant or radiation producing device that may be potentially hazardous or cause damage to the cremation chamber or the individual performing the cremation. The authorization form may state that the funeral director is not liable for damages caused by a pacemaker or other implanted device that was not disclosed to the funeral director or of which the funeral director could not reasonably be aware.</p>	

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ISSUE: ALTERNATIVE CONTAINER FOR CREMATION		
Law/Regulation	Is It Required?	Definition of Alternative Container
IC 23-14-31-1	Yes	<p>"Alternative container" defined</p> <p>Sec. 1. As used in this chapter, "alternative container" means a rigid or nonrigid receptacle or other enclosure that:</p> <ul style="list-style-type: none"> (1) is made of a nonmetallic material; (2) does not have ornamentation or an inner lining; (3) may be closed adequately to provide a complete covering for human remains; (4) is resistant to leakage or spillage; (5) is rigid enough for handling with ease; and (6) provides protection for the health, safety, and personal integrity of crematory personnel.
ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
IC 23-14-31-20 IC 23-14-31-21	Yes	<p>"Temporary container" defined</p> <p>Sec. 20. As used in this chapter, "temporary container" means a receptacle:</p> <ul style="list-style-type: none"> (1) for cremated remains; (2) that is composed of cardboard, plastic, or similar material; (3) that can be secured to prevent leakage or spillage of the cremated remains or the entrance of foreign material; and (4) that is a single container of sufficient size to hold the cremated remains. <p>"Urn" means a receptacle designed to encase cremated remains.</p>

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
<p>IC 23-14-31-26 Priority of persons acting as an authorized agent; persons prohibited from being an authorized agent; disputes concerning final disposition Sec. 26.</p>	<p>(a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:</p> <p>(1) A person:</p> <p>(A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or</p> <p>(B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.</p> <p>(2) An individual specifically granted the authority to serve in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.</p> <p>(3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:</p> <p>(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or</p> <p>(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.</p> <p>(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.</p> <p>(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.</p> <p>(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.</p> <p>(7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who have the same degree. However, less than half of the individuals who have the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who have the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who have the same degree of kinship.</p>

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
<p>IC 23-14-31-44 Legal control and disposition; forms concerning disposal Sec. 44.</p> <p>IC 23-14-31-42 Shipment of cremated remains</p>	<p>(a) Cremated remains may be retained by the person having legal control over the remains or may be disposed of in any of the following manners:</p> <ol style="list-style-type: none"> (1) Placing the remains in a grave, niche, or crypt. (2) Scattering the remains in a scattering area. (3) Disposing of the remains in any manner if: <ol style="list-style-type: none"> (A) the remains are reduced to a particle size of one-eighth (1/8) inch or less; and (B) the disposal is made on the property of a consenting owner, on uninhabited public land, or on a waterway. <p>(b) The state department of health shall adopt forms for recording the following information concerning the disposal of cremated human remains on the property of a consenting owner:</p> <ol style="list-style-type: none"> (1) The date and manner of the disposal of the remains. (2) The legal description of the property where the remains were disposed of. <p>The owner of the property where the cremated remains were disposed of and the person having legal control over the remains shall attest to the accuracy of the information supplied on the forms. The owner of the property where the cremated remains were disposed of shall record the forms with the county recorder of the county in which the property is located and shall return the form and the burial transit permit described in IC 16-37-3, within ten (10) days after the remains are disposed of.</p> <p>Sec. 42. (a) Cremated remains may only be shipped by a method that has an internal tracing system that provides a receipt signed by the person accepting delivery.</p> <p>(b) A crematory authority shall maintain an identification system that ensures that the authority can identify the human remains in the authority's possession throughout all phases of the cremation process.</p>