



Ohio Revised Code

Section 2108.82 Assignment of right of disposition by probate court.

Effective: April 3, 2023

Legislation: Senate Bill 224 (GA 134), Senate Bill 202 (GA 134)

(A) Notwithstanding section 2108.81 of the Revised Code and in accordance with division (B) of this section, the probate court for the county in which the declarant or deceased person resided at the time of death may, on its own motion or the motion of another person, assign to any person the right of disposition for a declarant or deceased person.

(B) In making a determination for purposes of division (A) of this section and division (C) of section 2108.79 of the Revised Code, the court shall consider the following:

(1) Whether evidence presented to, or in the possession of the court, demonstrates that the person who is the subject of the motion and the declarant or deceased person had a close personal relationship;

(2) The reasonableness and practicality of any plans that the person who is the subject of the motion may have for the declarant's or deceased person's funeral, burial, cremation, final disposition, redistribution, or disinterment, including the degree to which such plans allow maximum participation by all persons who wish to pay their final respects to the deceased person;

(3) The convenience and needs of other family members and friends wishing to pay their final respects to the declarant or deceased person;

(4) The express written desires of the declarant or deceased person;

(5) The religious beliefs or other evidence of the desires of the declarant or deceased person;

(6) The conduct of the persons involved in the proceedings related to the circumstances concerning the deceased person, the deceased person's estate, and other family members;

(7) The length of time that has elapsed since the original or last disposition;



(8) Whether there is a change of circumstances, including, but not limited to, any of the following:

(a) A change to the physical or environmental conditions of the cemetery or other location of the deceased person's bodily remains or the surrounding area;

(b) A change to the financial condition of the cemetery operator or organization containing the deceased person's bodily remains;

(c) A change related to the residence of the deceased person's family members;

(d) A change to the burial arrangements for the deceased person's family members.

A change of circumstances does not include a mere change of the representative who has been assigned the right to direct the disposition of the deceased person's bodily remains.

(C) There shall be no disinterment or other change of the original or last disposition unless the court makes a finding of compelling reasons based upon the factors listed in division (B) of this section.

(D) The personal representative of either the declarant or the deceased does not have a greater claim to the right of disposition than such persons otherwise have pursuant to law.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.