

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1023

AN ACT

AMENDING SECTIONS 14-5425, 32-1365.02, 36-327, 36-831, 36-3221 AND 36-3224,
ARIZONA REVISED STATUTES; RELATING TO BURIAL RESPONSIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-5425, Arizona Revised Statutes, is amended to
3 read:

4 14-5425. Distributive duties and powers of conservator

5 A. A conservator may expend or distribute income or principal of the
6 estate without court authorization or confirmation for the support,
7 education, care or benefit of the protected person and the person's
8 dependents in accordance with the following principles:

9 1. The conservator shall consider recommendations relating to the
10 appropriate standard of support, education and benefit for the protected
11 person made by a parent or guardian, if any. The conservator may not be
12 surcharged for sums paid to persons or organizations actually furnishing
13 support, education or care to the protected person pursuant to the
14 recommendations of a parent or guardian of the protected person unless the
15 conservator knows that the parent or guardian is deriving personal financial
16 benefit therefrom, including relief from any personal duty of support, or
17 unless the recommendations are clearly not in the best interests of the
18 protected person.

19 2. The conservator shall expend or distribute sums reasonably
20 necessary for the support, education, care or benefit of the protected person
21 and the person's dependents with due regard to:

22 (a) The size of the estate, the probable duration of the
23 conservatorship and the likelihood that the protected person, at some future
24 time, may be fully able to be wholly self-sufficient and able to manage
25 business affairs and the estate.

26 (b) The accustomed standard of living of the protected person and the
27 person's dependents.

28 (c) Other funds or sources used for the support of the protected
29 person.

30 3. With respect to the affairs and estate of a minor, the conservator
31 shall also consider the following factors in making estate distributions:

32 (a) The financial responsibility and financial resources of the
33 parents of the child.

34 (b) Extraordinary custodial responsibilities undertaken by the parent
35 or parents as the result of the child's physical or mental condition and the
36 effect of these extraordinary responsibilities on appropriate gainful
37 employment of the parent.

38 (c) The physical and mental condition of the child and the child's
39 medical and educational needs. Any incidental benefit to other members of
40 the child's household derived from a distribution is not a disqualifying
41 factor.

42 (d) If the child is permanently and totally disabled, the standard of
43 living the child should reasonably expect to enjoy given the financial
44 resources available to the child.

1 4. The conservator may expend funds of the estate for the support of
2 persons legally dependent on the protected person and others who are members
3 of the protected person's household, who are unable to support themselves,
4 and who are in need of support. If benefits are being paid by the veterans
5 administration to the conservator, such income may be expended only for the
6 support of the protected person and the person's spouse and minor children,
7 except upon petition to and prior order of the court after a hearing.

8 5. Funds expended under this subsection may be paid by the conservator
9 to any person, including the protected person, to reimburse for expenditures
10 which the conservator might have made, or in advance for services to be
11 rendered to the protected person when it is reasonable to expect that they
12 will be performed and where advance payments are customary or reasonably
13 necessary under the circumstances.

14 6. A conservator, in discharging the responsibilities conferred by a
15 court order and this section, shall implement the principles described in
16 section 14-5408 to the extent possible.

17 B. When a minor who has not been adjudged disabled under section
18 14-5401, paragraph 2 attains majority, the conservator, after meeting all
19 prior claims and expenses of administration, shall pay over and distribute
20 all funds and properties to the former protected person as soon as possible.

21 C. When the conservator is satisfied that a protected person's
22 disability, other than minority, has ceased, the conservator, after meeting
23 all prior claims and expenses of administration, shall pay over and
24 distribute all funds and properties to the former protected person as soon as
25 possible.

26 D. If a protected person dies, the conservator may deliver to the
27 court for safekeeping any will of the deceased protected person which may
28 have come into the conservator's possession or deliver the will to the
29 personal representative named in the will. If the will is delivered to the
30 personal representative named in the will, a copy of the will shall be filed
31 with the court in the conservatorship proceeding. If the will is filed with
32 the court the conservator shall inform the personal representative or a
33 beneficiary named therein that the conservator has done so, and retain the
34 estate for delivery to a duly appointed personal representative of the
35 decedent or other persons entitled thereto. If after forty days from the
36 death of the protected person no other person has been appointed personal
37 representative and no application or petition for appointment is before the
38 court, the conservator may apply to exercise the powers and duties of a
39 personal representative so that the conservator may proceed to administer and
40 distribute the decedent's estate without additional or further appointment.
41 The conservator may include in such an application a request to probate the
42 will of the deceased protected person. On receipt of an application, the
43 registrar, after making the findings required pursuant to section 14-3303,
44 shall issue a written statement of informal probate and shall endorse the
45 letters of the conservator. The registrar may also enter the will of the

1 deceased protected person to probate. The statement of the registrar under
2 this section shall have the effect of an order of appointment of a personal
3 representative as provided in section 14-3308 and chapter 3, articles 6
4 through 10 of this title, except that the estate in the name of the
5 conservator, after administration, may be distributed to the decedent's
6 successors without prior re-transfer to the conservator as personal
7 representative.

8 E. If a protected person dies, and on reasonable inquiry the
9 conservator is unable to locate any person specified in section 36-831,
10 subsection A, ~~paragraph~~ PARAGRAPHS 1, 2 or 3 THROUGH 11 willing to assume the
11 duty of burying the body of the decedent or making other funeral and
12 disposition arrangements, the conservator may make reasonable burial or other
13 funeral arrangements, the cost of which is a charge against the estate.

14 F. The estate of a deceased protected person is liable for any unpaid
15 expenses of the conservator's administration, and such expenses are a lien on
16 property transferred by the conservator to the decedent's personal
17 representative.

18 Sec. 2. Section 32-1365.02, Arizona Revised Statutes, is amended to
19 read:

20 32-1365.02. Authorizing agents; consent for cremation,
21 disinterment or embalming; definition

22 A. Except as provided in section 32-1365.01 and in subsection E of
23 this section, it is unlawful to cremate or disinter a dead human body without
24 prior written consent of the authorizing agent.

25 B. Except as provided in section 32-1365.01, it is unlawful to embalm
26 a dead human body without prior oral or written consent of the authorizing
27 agent.

28 C. A funeral establishment shall create a written record of an oral
29 consent given pursuant to this ~~subsection~~ SECTION that includes all of the
30 following:

- 31 1. The name of the authorizing agent.
- 32 2. The relation of the authorizing agent to the deceased.
- 33 3. The date and time that consent was given.
- 34 4. The name of the person who obtained the consent.
- 35 5. Any other information required by the board.

36 D. In determining who the proper authorizing agent is, the ~~following~~
37 order of preference ~~governs:~~ IS THE SAME AS PROVIDED IN SECTION 36-831. IF
38 THERE IS MORE THAN ONE MEMBER IN A CATEGORY LISTED IN SECTION 36-831 ENTITLED
39 TO SERVE AS THE AUTHORIZING AGENT, FINAL ARRANGEMENTS MAY BE MADE BY ANY
40 MEMBER OF THAT CATEGORY UNLESS THAT MEMBER KNOWS OF AN OBJECTION BY ANOTHER
41 MEMBER OF THE CATEGORY. IF AN OBJECTION IS KNOWN, FINAL ARRANGEMENTS SHALL
42 BE MADE BY A MAJORITY OF THE MEMBERS OF THE CATEGORY WHO ARE REASONABLY
43 AVAILABLE.

- 44 ~~1. The surviving spouse.~~
- 45 ~~2. A surviving adult child.~~

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~~3. A surviving parent.~~

~~4. A surviving adult brother or sister.~~

~~5. For cremation or embalming, any other person or organization that is willing to assume legal and financial responsibility for the cremation or embalming. Preference under this paragraph shall be given in the following order:~~

~~(a) The executor of the decedent's estate.~~

~~(b) The guardian of the decedent at the time of death.~~

E. On the order of a court or a county medical examiner, or a person performing the duties of a county medical examiner, a dead human body shall be disinterred.

F. If none of the persons listed in ~~subsection D~~ SECTION 36-831 is willing or financially capable of providing for the cremation or embalming of a dead human body, the public fiduciary or other person who is designated by the county in which a death occurs to handle funeral arrangements may order the cremation or embalming.

G. A funeral establishment, an employee or agent of a funeral establishment or a licensee shall exercise due diligence to obtain the consent required pursuant to this section from the proper authorizing agent. IT IS AN AFFIRMATIVE DEFENSE TO ANY ACTION OR CLAIM BROUGHT AGAINST A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT RELATING TO THE DISPOSITION OF A DEAD HUMAN BODY THAT THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT RELIED IN GOOD FAITH ON THE DIRECTION OF A PERSON WHO CLAIMED TO BE THE AUTHORIZING AGENT IN PROVIDING FOR THE LAWFUL DISPOSITION OF A DEAD HUMAN BODY. THE DECISION OF A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT TO CREMATE OR OTHERWISE PROVIDE FOR THE LAWFUL DISPOSITION OF A DEAD HUMAN BODY IN RELIANCE ON THE DIRECTION OF A PERSON WHO CLAIMS TO BE THE AUTHORIZING AGENT IS PRESUMED TO BE IN GOOD FAITH UNLESS THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT HAS ACTUAL KNOWLEDGE THAT THE CLAIM IS FALSE.

H. IF THE AUTHORIZING AGENT IS NOT REASONABLY AVAILABLE OR UNABLE TO ACT AS THE AUTHORIZING AGENT, THE PERSON'S RIGHT TO BE THE AUTHORIZING AGENT SHALL PASS TO THE NEXT PERSON OR CATEGORY OF PERSONS IN THE ORDER OF PREFERENCE PRESCRIBED IN SECTION 36-831.

I. IT IS PRESUMED THAT THE AUTHORIZING AGENT IS NOT REASONABLY AVAILABLE TO ACT AS AUTHORIZING AGENT IF THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT AFTER EXERCISING DUE DILIGENCE HAS BEEN UNABLE TO CONTACT THE INDIVIDUAL OR IF THAT PERSON HAS BEEN UNWILLING OR UNABLE TO MAKE FINAL ARRANGEMENTS FOR THE DISPOSITION OF THE DECEDENT WITHIN FIFTEEN DAYS AFTER THE INITIAL CONTACT BY THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT. IF A PERSON IN A PRIOR CATEGORY MAKES AN INITIAL CONTACT WITH THE CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT OR BECOMES ABLE BEFORE THE FINAL DISPOSITION OF THE DECEDENT, THAT PERSON RESUMES THAT PERSON'S RIGHT TO SERVE AS THE AUTHORIZING AGENT.

J. ANY DISPUTE AMONG ANY OF THE PERSONS LISTED IN SECTION 36-831, SUBSECTION A CONCERNING THE RIGHT TO CONTROL THE DISPOSITION, INCLUDING

1 CREMATION, OF A DECEDENT'S REMAINS SHALL BE RESOLVED BY THE PARTIES TO THE
2 DISPUTE OR BY A COURT OF COMPETENT JURISDICTION IN ORDER TO EXPEDITE THE
3 RESOLUTION OF A DISPUTE AMONG THE PARTIES. A CREMATORY, CEMETERY OR FUNERAL
4 ESTABLISHMENT SHALL NOT BE LIABLE FOR REFUSING TO ACCEPT THE DECEDENT'S
5 REMAINS OR INTER, CREMATE OR OTHERWISE DISPOSE OF A DECEDENT'S REMAINS UNTIL
6 IT RECEIVES A COURT ORDER OR OTHER SUITABLE CONFIRMATION THAT THE DISPUTE HAS
7 BEEN RESOLVED OR SETTLED. A CREMATORY, CEMETERY OR FUNERAL ESTABLISHMENT MAY
8 BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION IN ORDER TO EXPEDITE THE
9 RESOLUTION OF A DISPUTE AMONG THE PARTIES LISTED IN SECTION 36-831,
10 SUBSECTION A.

11 K. FOR THE PURPOSES OF THIS SECTION "REASONABLY AVAILABLE" MEANS A
12 PERSON WHO IS ABLE TO BE CONTACTED BY THE CREMATORY, CEMETERY OR FUNERAL
13 ESTABLISHMENT WITHOUT UNDUE EFFORT AND WHO IS WILLING AND ABLE TO ACT WITHIN
14 FIFTEEN DAYS AFTER THE INITIAL CONTACT BY THE CREMATORY, CEMETERY OR FUNERAL
15 ESTABLISHMENT.

16 Sec. 3. Section 36-327, Arizona Revised Statutes, is amended to read:

17 ~~36-327.~~ Disinterment-reinterment permit

18 A. Except as otherwise provided by law, a disinterment-reinterment
19 permit is required before a person disinters human remains. The state
20 registrar shall provide a permit to disinter human remains either by a court
21 order issued in this state or by the written consent of the decedent's family
22 member who has the highest priority. **THE ORDER OF PRIORITY IS THE SAME AS**
23 **PROVIDED IN SECTION 36-831.** ~~The priority is as follows:~~

24 ~~1. Spouse of the decedent at the time of death.~~

25 ~~2. All adult offspring.~~

26 ~~3. Parents.~~

27 ~~4. All adult siblings.~~

28 ~~5. Any other family member of legal age.~~

29 B. A disinterment-reinterment permit is not required if disinterment
30 and reinterment ~~occurs~~ **OCCUR** in the same cemetery for ordinary relocation or
31 for reasons of internal management of the cemetery.

32 Sec. 4. Section 36-831, Arizona Revised Statutes, is amended to read:

33 ~~36-831.~~ Burial duties; notification requirements; failure to
34 perform duty; definitions

35 A. Except as provided pursuant to subsection ~~G~~ **H** of this section, the
36 duty of burying the body of or providing other funeral and disposition
37 arrangements for a dead person devolves in the following order:

38 1. If the dead person was married, on the surviving spouse. ~~UNLESS:~~

39 (a) **THE DEAD PERSON WAS LEGALLY SEPARATED FROM THE PERSON'S SPOUSE.**

40 (b) **A PETITION FOR DIVORCE OR FOR LEGAL SEPARATION FROM THE DEAD**
41 **PERSON'S SPOUSE WAS FILED BEFORE THE PERSON'S DEATH AND REMAINS PENDING AT**
42 **THE TIME OF DEATH.**

43 2. **THE PERSON WHO IS DESIGNATED AS HAVING POWER OF ATTORNEY FOR THE**
44 **DECEDENT IN THE DECEDENT'S MOST RECENT DURABLE POWER OF ATTORNEY.**

45 ~~2-~~ 3. If the dead person was a minor, on the parents.

1 ~~3.~~ 4. ~~If the dead person has no surviving spouse,~~ On the adult
2 children of the dead person.

3 5. ON THE DEAD PERSON'S PARENT.

4 6. ON THE DEAD PERSON'S ADULT SIBLING.

5 7. ON THE DEAD PERSON'S ADULT GRANDCHILD.

6 8. ON THE DEAD PERSON'S GRANDPARENT.

7 9. ON AN ADULT WHO EXHIBITED SPECIAL CARE AND CONCERN FOR THE DEAD
8 PERSON.

9 10. ON THE PERSON WHO WAS ACTING AS THE GUARDIAN OF THE PERSON OF THE
10 DEAD PERSON AT THE TIME OF DEATH.

11 11. ON ANY OTHER PERSON WHO HAS THE AUTHORITY TO DISPOSE OF THE DEAD
12 PERSON'S BODY.

13 ~~4.~~ 12. If none of the persons named in paragraphs ~~1, 2 and 3~~ THROUGH
14 10 of this subsection are financially capable of providing for the burial or
15 other funeral and disposition arrangements, or cannot be located on
16 reasonable inquiry, on any person or fraternal, charitable or religious
17 organization willing to assume responsibility.

18 B. DURING A PERSON'S LIFE, THE PERSON'S FAMILY MEMBERS THAT ARE LISTED
19 IN SUBSECTION A OF THIS SECTION MAY SIGN A WAIVER OF DECISION MAKING THAT
20 WAIVES THEIR RIGHTS UNDER THIS SECTION RELATING TO THE DISPOSITION OF THE
21 PERSON'S BODY WHEN THE PERSON DIES.

22 ~~B.~~ C. If none of the persons named in subsection A of this section is
23 willing or financially able to bury or provide other funeral and disposition
24 arrangements for a dead person, or if the person cannot be located after
25 reasonable efforts have been made to do so, the county in which death occurs
26 shall bury or place in a permanent care crypt the dead body or cremated
27 remains of a dead body. If the decedent is known to be an honorably
28 discharged veteran or the surviving spouse of an honorably discharged
29 veteran, the county shall notify the veterans' administration or a local
30 veteran's organization, or both, of the death and give that organization the
31 opportunity to provide for the person's burial or for other funeral and
32 disposition arrangements. If the organization is unable to provide for the
33 burial of the veteran or the surviving spouse, the county shall ensure that
34 the decedent is properly interred and that burial is made in a veterans'
35 cemetery or a portion of a cemetery that is designated for the burial of
36 veterans and spouses of veterans.

37 D. IF THERE IS MORE THAN ONE MEMBER OF A CATEGORY LISTED IN SUBSECTION
38 A, PARAGRAPH 3, 4, 5, 6, 7, 8 OR 9 OF THIS SECTION ENTITLED TO SERVE AS THE
39 AUTHORIZING AGENT, FINAL ARRANGEMENTS MAY BE MADE BY ANY MEMBER OF THAT
40 CATEGORY UNLESS THAT MEMBER KNOWS OF ANY OBJECTION BY ANOTHER MEMBER OF THE
41 CATEGORY. IF AN OBJECTION IS KNOWN, FINAL ARRANGEMENTS SHALL BE MADE BY A
42 MAJORITY OF THE MEMBERS OF THE CATEGORY WHO ARE REASONABLY AVAILABLE.

43 ~~C.~~ E. If the county medical examiner or person performing the duties
44 of the county medical examiner knows that the dead person is a member of a
45 federally recognized Native American tribe located in this state, the county

1 medical examiner or person performing the duties of the county medical
2 examiner must notify the tribe and give the tribe the opportunity to provide
3 for the person's burial or other funeral and disposition arrangements. If an
4 autopsy is required by section 11-597, the county medical examiner or person
5 performing the duties of the county medical examiner, if possible, shall
6 complete the autopsy and return the remains to the federally recognized
7 Native American tribe located in this state within four calendar days after
8 the determined date of death.

9 ~~D~~ F. A person on whom the duty prescribed in subsection A of this
10 section is imposed who omits or is unwilling to perform that duty within a
11 reasonable time or is prohibited from performing that duty under subsection G
12 of this section is liable to the person performing the duty in an amount of
13 two times the expenses the person incurred in providing for the burial or
14 other funeral and disposition arrangements. The person who performs this
15 duty may recover this amount in a civil action.

16 ~~E~~ G. Notwithstanding the probate requirements of title 14, if a
17 county is required to bury a person pursuant to subsection B of this section,
18 the county may recover the burial costs from the decedent's estate. A
19 financial institution in possession of monies in an account in the decedent's
20 name must reimburse the county for the burial costs on presentation by the
21 county of an affidavit that certifies:

- 22 1. The date of the decedent's death.
- 23 2. That, pursuant to this section, the county performed the decedent's
24 burial.
- 25 3. The total burial costs incurred by the county.

26 ~~F~~ H. A person, a corporation or an agency of government that
27 provides for the burial or other funeral and disposition arrangements on the
28 instructions of a person described in subsection A of this section is immune
29 from civil liability:

- 30 1. For failing to honor the wishes of the decedent or the wishes of a
31 person having a higher priority in subsection A or B of this section if the
32 person, corporation or agency of government was not aware, after reasonable
33 inquiry, of the contrary wishes.
- 34 2. For refusing to follow conflicting directions of persons having the
35 same priority in subsection A of this section.
- 36 3. For following directions of a personal representative that are
37 consistent with the written testamentary instructions of the decedent.

38 ~~G~~ I. The duty to bury or to provide other funeral and disposition
39 arrangements devolves to the next person in the order prescribed pursuant to
40 subsection A of this section if the person who is otherwise responsible for
41 performing this duty is charged with the criminal death of the person to whom
42 the duty is owed. The person who performs this duty may recover costs as
43 prescribed in subsection ~~D~~ E of this section. If the charges against the
44 person on whom this duty originally fell are subsequently dismissed or are

1 resolved in that person's favor on the merits, the person is responsible for
2 only the actual costs.

3 ~~H.~~ J. For the purposes of this section, "person" includes a natural
4 person, a corporation, a company, a partnership, a firm, an association, a
5 society, the United States, this state, any territory, state or country, an
6 Arizona federally recognized Native American tribe, any political subdivision
7 of this state or a public or private corporation or partnership or
8 association.

9 ~~I.~~ K. For the purposes of this article, "burial" includes cremation.
10 Sec. 5. Section 36-3221, Arizona Revised Statutes, is amended to read:

11 36-3221. Health care power of attorney; scope; requirements;
12 limitations

13 A. A person who is an adult may designate another adult individual or
14 other adult individuals to make health care decisions on that person's behalf
15 OR TO PROVIDE FUNERAL AND DISPOSITION ARRANGEMENTS IN THE EVENT OF THE
16 PERSON'S DEATH by executing a written health care power of attorney that
17 meets all of the following requirements:

18 1. Contains language that clearly indicates that the person intends to
19 create a health care power of attorney.

20 2. Except as provided under subsection B, is dated and signed or
21 marked by the person who is the subject of the health care power of attorney.

22 3. Is notarized or is witnessed in writing by at least one adult who
23 affirms that the notary or witness was present when the person dated and
24 signed or marked the health care power of attorney, except as provided under
25 subsection B, and that the person appeared to be of sound mind and free from
26 duress at the time of execution of the health care power of attorney.

27 B. If a person is physically unable to sign or mark a health care
28 power of attorney, the notary or each witness shall verify on the document
29 that the person directly indicated to the notary or witness that the power of
30 attorney expressed the person's wishes and that the person intended to adopt
31 the power of attorney at that time.

32 C. A notary or witness shall not be any of the following:

33 1. A person designated to make medical decisions on the principal's
34 behalf.

35 2. A person directly involved with the provision of health care to the
36 principal at the time the health care power of attorney is executed.

37 D. If a health care power of attorney is witnessed by only one person,
38 that person may not be related to the principal by blood, marriage or
39 adoption and may not be entitled to any part of the principal's estate by
40 will or by operation of law at the time that the power of attorney is
41 executed.

42 Sec. 6. Section 36-3224, Arizona Revised Statutes, is amended to read:
43 36-3224. Sample health care power of attorney

44 Any writing that meets the requirements of section 36-3221 may be used
45 to create a health care power of attorney. The following form is offered as

1 a sample only and does not prevent a person from using other language or
2 another form:

3 1. Health Care Power of Attorney

4 I, _____, as principal, designate
5 _____ as my agent for all matters relating to
6 my health care, including, without limitation, full power to
7 give or refuse consent to all medical, surgical, hospital and
8 related health care. This power of attorney is effective on my
9 inability to make or communicate health care decisions. All of
10 my agent's actions under this power during any period when I am
11 unable to make or communicate health care decisions or when
12 there is uncertainty whether I am dead or alive have the same
13 effect on my heirs, devisees and personal representatives as if
14 I were alive, competent and acting for myself.

15 If my agent is unwilling or unable to serve or continue to
16 serve, I hereby appoint _____ as my agent.

17 I have _____ I have not _____ completed and attached a living
18 will for purposes of providing specific direction to my agent in
19 situations that may occur during any period when I am unable to
20 make or communicate health care decisions or after my death. My
21 agent is directed to implement those choices I have initialed in
22 the living will.

23 I have _____ I have not _____ completed a prehospital medical
24 care directive pursuant to section 36-3251, Arizona Revised
25 Statutes.

26 This health care directive is made under section 36-3221,
27 Arizona Revised Statutes, and continues in effect for all who
28 may rely on it except those to whom I have given notice of its
29 revocation.

30 _____
31 Signature of Principal
32 Witness: _____ Date: _____
33 _____ Time: _____

34 Address: _____
35 _____

36 _____
37 Address of Agent

38 Witness: _____
39 _____
40 Telephone of Agent

41 Address: _____
42 _____

43 (Note: This document may be notarized instead of being
witnessed.)

2. Autopsy (under Arizona law an autopsy may be required)

1 If you wish to do so, reflect your desires below:
2 _____ 1. I do not consent to an autopsy.
3 _____ 2. I consent to an autopsy.
4 _____ 3. My agent may give consent to or refuse an autopsy.
5 3. Organ Donation (Optional)
6 (Under Arizona law, you may make a gift of all or part of your
7 body to a bank or storage facility or a hospital, physician or
8 medical or dental school for transplantation, therapy, medical
9 or dental evaluation or research or for the advancement of
10 medical or dental science. You may also authorize your agent to
11 do so or a member of your family may make a gift unless you give
12 them notice that you do not want a gift made. In the space
13 below you may make a gift yourself or state that you do not want
14 to make a gift. If you do not complete this section, your agent
15 will have the authority to make a gift of a part of your body
16 pursuant to law. Note: The donation elections you make in this
17 health care power of attorney survive your death.)
18 If any of the statements below reflects your desire, initial on
19 the line next to that statement. You do not have to initial any
20 of the statements.
21 If you do not check any of the statements, your agent and your
22 family will have the authority to make a gift of all or part of
23 your body under Arizona law.
24 _____ I do not want to make an organ or tissue donation and I
25 do not want my agent or family to do so.
26 _____ I have already signed a written agreement or donor card
27 regarding organ and tissue donation with the following
28 individual or institution: _____
29 _____ Pursuant to Arizona law, I hereby give, effective on my
30 death:
31 Any needed organ or parts.
32 The following part or organs listed:
33 _____
34 _____
35 _____
36 for (check one):
37 Any legally authorized purpose.
38 Transplant or therapeutic purposes only.
39 4. Physician Affidavit (optional)
40 (Before initialing any choices above you may wish to ask
41 questions of your physician regarding a particular treatment
42 alternative. If you do speak with your physician it is a good
43 idea to ask your physician to complete this affidavit and keep a
44 copy for his file.)

1 I, Dr. _____ have reviewed this guidance
2 document and have discussed with _____ any questions
3 regarding the probable medical consequences of the treatment
4 choices provided above. This discussion with the principal
5 occurred on _____.

6 (date)

7 I have agreed to comply with the provisions of this directive.

8 _____
9 Signature of Physician

10 5. Living Will (Optional. Section 36-3262, Arizona
11 Revised Statutes, has a sample living will.)

12 6. FUNERAL AND BURIAL DISPOSITION (OPTIONAL)

13 MY AGENT HAS AUTHORITY TO CARRY OUT ALL MATTERS RELATING TO MY
14 FUNERAL AND BURIAL DISPOSITION WISHES IN ACCORDANCE WITH THIS
15 POWER OF ATTORNEY, WHICH IS EFFECTIVE UPON MY DEATH.

16 MY WISHES ARE REFLECTED BELOW:

17 _____ UPON MY DEATH, I DIRECT MY BODY TO BE BURIED. (AS
18 OPPOSED TO CREMATED)

19 _____ UPON MY DEATH, I DIRECT MY BODY TO BE BURIED IN
20 _____ . (OPTIONAL
21 DIRECTIVE)

22 _____ UPON MY DEATH, I DIRECT MY BODY TO BE CREMATED.

23 _____ UPON MY DEATH, I DIRECT MY BODY TO BE CREMATED, WITH MY
24 ASHES TO BE _____ . (OPTIONAL
25 DIRECTIVE)

26 _____ MY AGENT MAY MAKE ALL FUNERAL AND BURIAL DISPOSITION
27 DECISIONS. (OPTIONAL DIRECTIVE)