



COUNTY OF BERGEN
DEPARTMENT OF PUBLIC SAFETY
MEDICAL EXAMINER
351 E. Ridgewood Avenue • Paramus, New Jersey 07652
201-634-2940 • FAX 201-634-2950

Body Release Authorization Form

James J. Tedesco, III
County Executive

Ronald Polonkay, Jr.
Director

Louis J. Stellato, III
Deputy Director

Zhongxue Hua, M.D., Ph.D.
Medical Examiner

Stephen J. deRoux, M.D.
Assistant Medical Examiner

Marie Aglae Charlot, M.D.
Assistant Medical Examiner

Funeral Home:

Name: _____
Address: _____
Phone Number: _____ Email: _____

Decedent:

Name: _____
Date of Birth: _____ Date of Death: _____

Next of Kin / Authorizing Agent:

Name: _____
Phone Number: _____ Relationship: _____
Address: _____

Indemnification:

As the Authorizing Agent(s), I/we hereby agree to indemnify, defend, and hold harmless the County of Bergen's Medical Examiner's Office, its officers, agents, and employees or the Funeral Home, its officers, agents and employees of and from any and all claims, demands, causes of action and suits of every kind, nature and description in law or equity, including any legal fees, costs, and expenses of litigation, arising as a result of, based upon or connected with this authorization, including any claims brought by any other person(s) claiming the right to control the disposition of the decedent, or any other action performed by the County of Bergen's Medical Examiner's office, its officers, agents or employees or the Funeral Home, its officers, agents or employees, pursuant to this authorization, excepting only acts of willful negligence.

Authorization:

We have been duly authorized by the Next of Kin/Authorizing Agent (pursuant to N.J.S.A. 45:27-22) to remove and care for the body and personal belongings for the purpose of funeral arrangements, embalming, shipping, cremation, burial, or other final means of disposition or personal postmortem care

Authorizing Agent Signature: _____ Date: _____

Funeral Home Representative Signature: _____ Date: _____

Remains released to: _____ Date: _____

NJSA 45:27-22 Control of funeral, disposition of remains; priority classes.

22. a. If a decedent, in a will as defined in N.J.S.3B:1-2, appoints a person to control the funeral and disposition of the human remains, the funeral and disposition shall be in accordance with the instructions of the person so appointed. A person so appointed shall not have to be executor of the will. The funeral and disposition may occur prior to probate of the will, in accordance with section 40 of P.L.2003, c.261 (C.3B:10-21.1).

On or after the effective date of P.L.2019, c.187, a decedent may appoint a person to control the funeral and disposition of the human remains in writing, and if a decedent so appoints a person it shall be in the presence of no less than two witnesses, on a form approved by the board. The written form appointing a person to control the funeral and disposition shall include the signatures of the decedent and witnesses, and shall be notarized. Nothing in this section shall be construed as prohibiting a decedent from appointing a person to control the funeral and disposition on the form approved by the board who is also named as the executor of the decedent's will.

The appointment of a person to control the funeral and disposition of the human remains made in the most recently dated and properly executed will as defined in N.J.S.3B:1-2 or board approved form as provided by P.L.2019, c.187 shall supersede any similar appointment made in any previously executed document.

A person appointed or in a priority class with a right to control the funeral and disposition of the human remains under this subsection shall have the right to relinquish control of the funeral and disposition. Whenever a person relinquishes control pursuant to this subsection, the right to control the funeral and disposition of the human remains shall transfer to the next available priority class as enumerated in this subsection.

No officer, partner, member, shareholder, owner, representative, or employee of the funeral home, cemetery, or crematory providing any goods or services related to the decedent's funeral and disposition of the human remains shall be the person appointed by the decedent, under this subsection, to control the funeral and disposition, unless that person is a relative of the decedent.

In the case of an active duty service member who died while on active duty in any branch or component of the United States Armed Forces, including the New Jersey National Guard called to federal active duty, the person designated by the decedent as authorized to direct disposition, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, shall be the person appointed to control the funeral and disposition of the remains of the decedent.

If the decedent has not appointed a person to control the funeral and disposition of the remains, or the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, is not applicable, the right to control the funeral and disposition of the human remains shall be in the following order of priority class, unless other directions have been given by a court of competent jurisdiction:

(1) The surviving spouse of the decedent or the surviving civil union or domestic partner.

(2) A majority of the surviving adult children of the decedent.

(3) The surviving parent or parents of the decedent.

(4) A majority of the brothers and sisters of the decedent.

(5) Other next of kin of the decedent according to the degree of consanguinity.

(6) If there are no known living relatives, a cemetery may rely on the written authorization of any other person acting on behalf of the decedent.

The right to control the funeral and disposition of the remains shall be granted to the next available priority class, as enumerated in this subsection, if the decedent had a temporary or permanent restraining order issued pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) against the person or persons in the highest priority class, or the person or persons in the highest priority class are charged with the intentional killing of the decedent.

If the decedent has not appointed a person to control the funeral and disposition of the human remains, or the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, is not applicable, the person or persons in the highest priority class of the right to control the funeral and disposition shall exercise the right to control within 72 hours after the decedent's death. If the person or persons in the highest priority class fail to exercise the right to control within 72 hours after the decedent's death, or if the person or persons in the highest priority class are unable to be notified after a reasonable attempt to notify within 72 hours after the decedent's death, the right to control the funeral and disposition shall transfer to the person or persons in the next highest priority class, as enumerated in this subsection. If the person or persons who would otherwise retain the right to control the funeral and disposition are deemed medically incapable or medically incapacitated by a licensed physician, the right to control shall transfer to the person or persons in the next highest priority class, as enumerated in this subsection.

If more than one person is deemed to have equal right to control the funeral and disposition of the human remains, a majority of the persons with the equal right to control is required to authorize the funeral and disposition. In instances where the parents of the decedent retain the right to control the funeral and disposition, both parents are required to authorize the funeral and disposition, if both parents are living and both parents are able to be notified after a reasonable attempt to notify. If only one parent is living or if only one parent is notified after a reasonable attempt to notify both parents, the authorization of one parent shall be sufficient to proceed with a funeral and disposition.

Notwithstanding any law, rule, or regulation to the contrary, the divorce, annulment, or dissolution of a marriage, civil union, or domestic partnership shall remove the right of control of the funeral and disposition of the human remains from the former spouse or former partner of the decedent, unless the former spouse or partner serves as an other interested party.