

Designating A Funeral Representative

Michigan law allows you to designate a person to make decisions about funeral arrangements and the final disposition of your body after your death. The person designated is known as a “funeral representative.” If you choose not to designate a funeral representative, the right to make these decisions will most likely belong to your closest next-of-kin.

Who may designate a funeral representative?

You may designate a funeral representative if you are at least 18 years old and of sound mind.

How do I designate a funeral representative?

The designation must be in writing, dated, and either be signed by you in the presence of two witnesses or be acknowledged before a notary public. If you are physically unable to sign, the notary may do so for you indicating that “the signature is affixed pursuant to section 33 of the Michigan notary public act.”

Whom may I designate as my funeral representative?

The person you appoint must be at least 18 years and of sound mind. However, the following people may not be designated unless they are one of your relatives: (1) a person who is an officer, partner, member, shareholder, owner, representative, or employee of a funeral home or crematory that will be providing services after you die, or a cemetery where your body will be buried, entombed, or where your ashes will be inurned; and (2) a health professional or an employee or volunteer at a health facility that provides care during your final illness or immediately before death, or a partner, member, shareholder, owner, or representative of that health facility.

Whom may be a witness?

A witness should be an adult but may not be the person being designated as the funeral representative or any of the people who are prohibited from serving as a funeral representative, except that a person connected with a funeral home may serve as a witness.

Must my funeral representative follow my instructions?

In most cases, the funeral representative will follow the instructions of the person who appointed him or her. However, circumstances can change and, therefore, the law vests final responsibility for these decisions in the funeral representative.

What happens if my funeral representative is not available when I die?

It is a good idea to appoint a successor funeral representative in case the first person appointed is not available or declines to act. This can be done at the same time and in the same document as the first appointment.

May the person I designate decline to serve after I die?

The person designated as funeral representative must accept the designation either by signing an acceptance -- which can be done in the same document as the designation of the person -- or by acting as the funeral representative after the death. The preferable practice is to have the designee sign the acceptance in advance. A funeral representative may also resign from the position.

Can my funeral representative make the arrangements before I die?

No.

May I revoke my designation of a funeral representative?

The designation may be revoked prior to death in writing following the same requirements as the original designation. It may also be revoked by the subsequent designation of a different person as funeral representative. The designation is automatically revoked after death if the funeral representative refuses to act or cannot be located.