



New York State's Next-Of-Kin/Final Disposition Priority List* (In Descending Order)

- **Person designated** in written instrument (final disposition “agent”)
- **Spouse**
- **Domestic Partner**
- **Any Child** 18 or Older**
- **Either Parent**
- Any **Brother or Sister** 18 or Older**
- Authorized Guardian
- Person 18 or Older now **Eligible to Receive an Estate Distribution**, in the following descending order**:
 - **Grandchildren**
 - **Great-Grandchildren**
 - **Nieces and Nephews**
 - **Grand-nieces and Grand-nephews**
 - **Grandparents**
 - **Aunts and Uncles**
 - **First Cousins**
 - **Great-Grandchildren of Grandparents**
 - **Second Cousins**
- **Fiduciary (Executor)**
- **Close friend or other relative** who is reasonably familiar with the decedent’s wishes, including his or her religious or moral beliefs, when no one higher on the list is available, willing, or competent to act, and who completes the “At-Need Written Statement” form.
- **Public administrator** (or the same official in a county not having a public administrator); or, **anyone willing to act on behalf of the decedent** who completes the “At-Need Written Statement” form.

NOTE: A person - whether next-of-kin or appointed “agent” - who: (1) at the time of the decedent’s death, was the subject of an order of protection issued to protect the decedent; or (2) has been arrested or charged with any crime allegedly causally related to the death of the decedent is automatically prohibited from having or exercising control of the disposition of the deceased’s remains.

** Pursuant to Section 4201 of the NYS Public Health Law.*

*** If there are more than two persons in these categories (i.e. 3 or more siblings) entitled to control the disposition of remains of a decedent, the disposition shall be determined by a majority of the persons in the category who are reasonably available.*

PROVIDED COURTESY OF NEW YORK STATE FUNERAL DIRECTORS ASSOCIATION, INC.

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