

January 2026: Changes and additions highlighted in blue

State:	Colorado
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Inquiry 1: How long can I keep the body at home after death and under what conditions?

5 Code of Colorado Regulations 1006-1

Any dead body kept more than twenty-four hours before burial or cremation shall be embalmed or properly refrigerated. If a deceased person had a communicable disease at the time of death, the hospital or the attending physician shall notify the funeral director, or person acting as such. The funeral director, or person acting as such shall consult with the local or state health officer concerning disposition of the body and shall follow the precautions indicated by the health officer. ...

Colo. Rev. Stat. § 12-135-109

(2)(a) This part 1 does not apply to, nor in any way interfere with, any custom or rite of any religious sect in the final disposition of its dead, and the members and followers of the religious sect may continue to provide memorial services for, care for, prepare, and provide for the final disposition of the bodies of deceased members of the religious sect, free from any term, condition, or provision of this part 1, and are not subject to this part 1, so long as the human remains are refrigerated, frozen, embalmed, interred, or cremated within seven days after death or the process of natural reduction is begun within seven days after death.

(2)(b) If human remains are refrigerated or embalmed under subsection (2)(a) of this section, the body must be interred within, frozen within, or cremated within thirty days after death or the process of natural reduction must begin within thirty days after death; except that the coroner may authorize otherwise in writing. The coroner shall not permit an exception to this subsection (2)(b) unless the applicant can demonstrate a legitimate delay caused by unforeseen uncontrollable circumstances or by a criminal investigation.

(c) Notwithstanding this subsection (2), upon the receipt of evidence that the human remains likely contained a serious contagious disease, the state department of public health and environment, the state board of health, or a local department of health may issue an order overruling this subsection (2).

Inquiry 2: Does my state require the body to be embalmed? Refrigerated?

Colo. Rev. Stat. Ann. § 12-135-106

A funeral establishment shall embalm, refrigerate, cremate, bury, or entomb human remains within twenty-four hours after taking custody of the remains.

Colo. Rev. Stat. § 12-135-109

(2)(a) This part 1 does not apply to, nor in any way interfere with, any custom or rite of any religious sect in the final disposition of its dead, and the members and followers of the religious sect may continue to provide memorial services for, care for, prepare, and provide for the final disposition of the bodies of deceased members of the religious sect, free from any term, condition, or provision of this part 1, and are not subject to this part 1, so long as the human remains are refrigerated, frozen, embalmed, interred, or cremated within seven days after death or the process of natural reduction is begun within seven days after death.

5 Code of Colorado Regulations 1006-1

Any dead body kept more than twenty-four hours before burial or cremation shall be embalmed or properly refrigerated. If a deceased person had a communicable disease at the time of death, the hospital or the attending physician shall notify the funeral director, or person acting as such. The funeral director, or person acting as such shall consult with the local or state health officer concerning disposition of the body and shall follow the precautions indicated by the health officer.

Any dead body shipped by common carrier shall be enclosed in a strong, tightly sealed container which will prevent the leakage of fluids or odor.

Colo. Rev. Stat. § 12-135-105

(1) It is unlawful:

(g) To transport or otherwise transfer by common carrier human remains unless:

(I) A funeral director, mortuary science practitioner, or embalmer has embalmed or hermetically sealed the body for transportation and complies with applicable common carrier law; or

(II) The transport or transfer is to a funeral establishment, funeral director, or embalmer within the state of Colorado;

Inquiry 3: What methods of disposition are legal in my state?

Colo. Rev. Stat. Ann. § 12-135-103

(13) "Final disposition" means the disposition of human remains by entombment, burial, cremation, natural reduction, or removal from the state.

Inquiry 4: Are there any circumstances under which I would be required to wait before final disposition?

Colo. Rev. Stat. § 25-2-111

(1) A funeral director or individual assisting in a nonprofessional capacity who first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, the coroner or the coroner's designee shall authorize final disposition of the body on a form prescribed and furnished by the state registrar. No body shall be buried, cremated, deposited in a vault or tomb, or otherwise disposed of, nor shall any body be removed from this state, until such authorization has been obtained, completed, and approved. The coroner or the coroner's designee shall include in the authorization notice of the requirements of subsection (7) of this section.

(2) A disposition permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

...

(4) Any person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this article, shall keep a record which shall identify the body and such information pertaining to his receipt, removal, and delivery of such body as may be prescribed in regulations. Such record shall be retained for a period of not less than seven years and shall be made available for inspection by the state registrar or his representative upon demand.

(5) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made

shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.

...
(7)

(a) The owner of land that is used to inter a dead human body shall record the burial within thirty days after the burial with the county clerk and recorder of the county in which the land is situated. The owner shall record the following:

(I) The dead person's name as it appears on the death certificate;

(II) The dead person's date of birth;

(III) The dead person's age at the time of death;

(IV) The cause of death;

(V) The name of the owner or owners of the property where the dead human body is interred;

(VI) The legal description of the property where the dead human body is interred if the person is interred on private property;

(VII) The reception number for the death certificate if recorded by the county clerk; and

(VIII) The latitude and longitude coordinates, such as those given by a global positioning system, that are verified by two witnesses or the county coroner, sheriff, or a designee of the county coroner or sheriff.

(b) This subsection (7) does not apply to dead human bodies interred in cemeteries, vaults, or tombs operated or maintained by public entities or businesses that inter people in the ordinary course of business and are available to the general public.

Inquiry 5: What do I need to do to get a death certificate?

Colo. Rev. Stat. Ann. § 25-2-110

(1)(a) A certificate of death for each death, including a stillborn death, that occurs in Colorado must be filed with the state registrar, or as otherwise directed by the state registrar, within seventy-two hours of assuming custody of a dead body, stillborn fetus, or dead fetus and prior to final disposition, except when inquiry is required by subsection (5.5) of this section or any provision of section 30-10-606 other than section 30-10-606(1)(b) or when a coroner, a medical examiner, a forensic pathologist, or other qualified individual determines that additional time is necessary to make a proper inquiry to determine the cause and manner of death. In such a situation, the coroner, medical examiner, forensic pathologist, or other qualified individual shall complete and sign the certificate of death as soon as practicable. The state registrar shall register the certificate if it has been completed in accordance with this section. Every certificate of death must identify the decedent's social security number, if available. If the place of death is unknown but the dead body is found in Colorado, the certificate of death must be completed and filed in accordance with this section. The place where the body is found must be shown as the place of death. If the date of death is unknown, the date must be determined by approximation.

(b)(I) The department of public health and environment shall create and the state registrar shall use an electronic death registration system for the purpose of collecting death information from funeral directors, coroners, physicians, physician assistants, advanced practice registered nurses, local registrars, health facilities, and other authorized individuals, as determined by the department. Death information submitted electronically by a funeral director, coroner, physician, physician assistant, advanced practice registered nurse, local registrar,

health facility, or authorized individual, as determined by the department, to the electronic death registration system for purposes of fulfilling the requirements of this section satisfies the signature and filing requirements of this section and section 30-10-606.

(II) Repealed by Laws 2012, Ch. 266, § 1, eff. Sept. 1, 2014.

(III) Except as otherwise provided in subsection (4.5) of this section, any individual, other than a family member of the decedent or other individual assisting in a nonprofessional capacity for the decedent, who is required to initiate, complete, respond to, or file a certificate of death pursuant to this section must use the electronic death registration system used by the state registrar.

(IV) The state registrar shall provide a report to the department of regulatory agencies on a monthly basis that identifies any certificates of death for which a medical certification was not completed in a timely manner using the electronic death registration system or, before March 1, 2024, only, completed as otherwise allowed by this section, and the department shall promptly provide the report to the Colorado medical board created in section 12-240-105(1)(a). Beginning in 2025, the department of regulatory agencies shall prepare a report to the joint committee of reference during its annual hearing held pursuant to section 2-7-203 of the "SMART Act", part 2 of article 7 of title 2. The report must include the number of complaints that the department of regulatory agencies received and the number of disciplinary actions taken against a licensee in each calendar year.

(c) Once a certificate of death has been filed pursuant to subsection (1)(a) of this section, a verification of death document may be used by local offices of vital statistics and the state registrar when verifying a vital event to a person that has requested a verification of fact-of-death. A verification of death document must include the name and address of the decedent, the date of death, the place of death, the gender of the decedent, the date the document is filed, the state file number, and the name of any spouse of the decedent. A verification of death document is not required to contain a social security number of the deceased as is otherwise required of a certificate of death under subsection (1)(a) of this section.

(d) If a certificate of death, copy of certificate of death, certified copy of a certificate of death, or verification of death is recorded into the real estate records of a county clerk and recorder, the document is a public record.

(e)(I) In documentation of the decedent's gender on the certificate of death, the individual completing the certificate of death shall record the decedent's gender to reflect the decedent's gender identity. If the document memorializing the decedent's gender is not provided to the individual completing the certificate of death, the decedent's next of kin or the best qualified individual or source available to provide the decedent's gender may provide that information.

(II)(A) If the individual completing the certificate of death is presented with a document memorializing the decedent's gender identity, the individual completing the death certificate shall record the decedent's gender to reflect the gender identity indicated in the document.

(B) If more than one document is presented to the individual completing the certificate of death pursuant to subsection (1)(e)(II)(A) of this section or to the state registrar pursuant to subsection (1)(f)(I) of this section and the documents conflict regarding the decedent's gender identity, the most recent document memorializing the decedent's gender identity, regardless of expiration date, if any, prevails.

(III) Notwithstanding subsection (1)(e)(I) of this section, if a document memorializing the decedent's gender identity is not presented pursuant to subsection (1)(e)(II)(A) of this section and the individual with the right, or a

majority of individuals with the right, to control the disposition of the decedent's remains pursuant to section 15-19-106 objects to the gender recorded by the individual completing the certificate of death pursuant to subsection (1)(e)(I) of this section, the individual or majority of individuals described in this subsection (1)(e)(III) may state their objection to the individual completing the certificate of death before the certificate of death is filed with the state registrar, and the individual completing the certificate of death shall record the decedent's gender as the gender identity reported by the individual or majority of individuals described in this subsection (1)(e)(III).

(f)(I) If a decedent died in the state and the state registrar is presented with a document memorializing the decedent's gender identity that reflects a gender that is not consistent with the gender recorded on the certificate of death filed with the state registrar pursuant to subsection (1)(a) of this section, the state registrar shall issue an amended certificate of death to change the decedent's gender designation to reflect the gender identity indicated in the document.

(II) If the state registrar issues an amended certificate of death and the appropriate legal name change documentation is submitted to the state registrar, the state registrar shall amend the certificate of death to reflect a legal name change made before, or simultaneous to, the decedent's change in gender identity.

(III) In issuing an amended certificate of death, the state registrar shall not:

(A) Request additional information or records other than a document memorializing the decedent's gender identity; or

(B) Disclose information relating to a gender correction, including to other government employees, unless the disclosure is legally required to conduct official business.

(IV) Notwithstanding section 25-2-115, the amended certificate of death issued pursuant to subsection (1)(f)(I) of this section supersedes the original certificate of death as the official public record and must not be marked as amended or indicate in any other manner that the gender or legal name on the certificate of death has been changed.

(V)(A) An individual described in subsection (1)(e)(III) of this section may file a claim in the court of the county where a decedent resided at the time of the decedent's death or where the decedent's remains are located, which claim names as a party the individual or individuals described in subsection (1)(e)(III) of this section and seeks an order of the court amending the gender recorded on the decedent's certificate of death.

(B) An individual completing the certificate of death is not liable for damages or costs resulting from claims related to the information of the decedent as recorded on the certificate of death unless the individual knowingly and willfully recorded the incorrect information on the certificate of death.

(g) A physician assistant or advanced practice registered nurse shall review the training materials regarding signing a death certificate provided by the department of public health and environment before the first time they sign a death certificate.

(2) When a death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in Colorado, the death shall be registered in Colorado, and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international air space or in a foreign country or its air space and the body is first removed from the conveyance in Colorado, the death

shall be registered in Colorado, but the certificate shall show the actual place of death insofar as can be determined.

(3)(a) The funeral director or individual assisting in a nonprofessional capacity who first assumes custody of a dead body, stillborn fetus, or dead fetus is responsible for the filing of the certificate of death required by subsection (1) of this section within seventy-two hours after receipt of the electronic death registration request unless the physician, their associate physician, the physician assistant, the advanced practice registered nurse, the chief medical officer of the institution in which the death occurred, or the physician who performs an autopsy upon the decedent is unable to complete the medical certification for the certificate of death within the required time frame. The funeral director shall obtain the personal data required by the certificate from the next of kin or the best qualified person or source available. The funeral director shall obtain the medical certification necessary to complete the portion of the certificate pertaining to the cause of death from the best qualified person or source available, pursuant to subsection (4) of this section.

(a.5)(I) Except as otherwise provided in subsection (3)(a.5)(II) of this section, if a decedent had an established primary care physician, physician assistant, or advanced practice registered nurse, the primary care physician, physician assistant, or advanced practice registered nurse is responsible for completing the medical certification for the certificate of death in accordance with subsections (1)(a) and (4) of this section if:

(A) The death appears to be due to natural causes and is determined as such with a reasonable degree of medical certainty;

(B) The decedent received medical care from the primary care physician, physician assistant, or advanced practice registered nurse within a year of the death;

(C) The death occurred when the decedent was not under the direct care of another physician, physician assistant, or advanced practice registered nurse charged with the patient's care during the illness or condition that resulted in death; and

(D) An inquiry is not required by section 30-10-606.

(II) If, within a year of the death, the decedent had been treated by a physician, physician assistant, or advanced practice registered nurse other than the decedent's established primary care physician, physician assistant, or advanced practice registered nurse for a chronic condition or terminal illness related to the decedent's death and the conditions set forth in subsections (3)(a.5)(I)(A) and (3)(a.5)(I)(D) of this section are met, that physician, physician assistant, or advanced practice registered nurse is responsible for completing the medical certification for the certificate of death in accordance with subsection (4) of this section.

(b) In the case of a stillborn fetus, notwithstanding the provisions of paragraph (a) of this subsection (3), the physician, nurse, or other medical personnel attending to the stillborn death may assume responsibility for filing the death certificate required by paragraph (a) of this subsection (3). The person filing the death certificate in the case of a stillborn fetus shall obtain the personal data required by the certificate from a parent and shall include a name on the death certificate if a parent desires to identify a name.

(c) If a death certificate is not filed in the case of a stillborn death as required by paragraph (a) of this subsection (3), a parent may inform the state registrar of the information necessary to complete the death certificate. The state registrar shall confirm such information and complete the death certificate accordingly.

(4) Except when inquiry is required by any provision of section 30-10-606 other than section 30-10-606(1)(b), the physician, physician assistant, or advanced practice registered nurse in charge of the patient's care for the illness or condition that resulted in death shall complete the medical certification for the certificate of death within seventy-two hours after receipt of the electronic death registration request or, before March 1, 2024, only, for a physician, physician assistant, or advanced practice registered nurse who is not yet registered to use and using the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section, within seventy-two hours after receiving notice that a medical certification for a certificate of death must be completed. In the absence of the physician, physician assistant, or advanced practice registered nurse or with the physician's, physician assistant's, or advanced practice registered nurse's approval, the certificate may be completed and signed by an associate physician, physician assistant, advanced practice registered nurse, the chief medical officer of the institution in which the death occurred, or the physician who performed an autopsy upon the decedent, if such individual has access to the medical history of the case, if said individual views the decedent at or after the time of death, and if the death is due to natural causes. If the death is or may be due to unnatural causes, a physician, physician assistant, or advanced practice registered nurse required to complete a medical certification for a certificate of death in accordance with this subsection (4) shall notify the coroner or the medical examiner when an inquiry or an autopsy is required to be performed pursuant to sections 30-10-606 and 30-10-606.5. On and after March 1, 2024, a physician's, physician assistant's, or advanced practice registered nurse's repeated or willful failure without reasonable cause to comply with timely completion of a medical certification for a certificate of death in accordance with subsection (1)(a) of this section and this subsection (4) constitutes unprofessional conduct, as defined in section 12-240-121(1)(hh). If an autopsy is performed, the certification shall indicate whether the decedent was pregnant at the time of death, and the information shall be reported on the death certificate as required by subsection (9) of this section. Except as otherwise provided in subsection (4.5) of this section, the physician, physician assistant, or advanced practice registered nurse or, in their absence, their designee in accordance with this subsection (4), shall complete the medical certification for a certificate of death required by this subsection (4) using the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section.

(4.5)(a) The department of public health and environment shall ensure that all physicians are registered to use the electronic death registration system created and used pursuant to subsection (1)(b)(I) of this section on or before March 1, 2024. A physician shall use the system for all medical certifications for certificates of death required by subsection (4) of this section immediately upon being registered but is not required to do so before being registered.

(b) A qualified individual shall register to use the electronic death registration system prior to signing a medical certificate of death.

(5)(a) When inquiry is required by section 30-10-606, the coroner shall determine the cause of death and shall complete and sign the medical certification within forty-eight hours after receipt of the electronic death registration request, except as permitted by subsection (5.5) of this section. If an autopsy is performed, the certification must indicate whether the decedent was pregnant at the time of death, and the information must be reported on the certificate of death as required by subsection (9) of this section. Except as otherwise provided

in subsection (4.5) of this section, a coroner, medical examiner, forensic pathologist, or other qualified individual that determines the cause of death and completes the medical certification for a certificate of death in accordance with this subsection (5) must use the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section.

(b) A coroner, medical examiner, forensic pathologist, or other qualified individual who completes the medical certification for a certificate of death pursuant to this subsection (5) or subsection (5.5) or (6) of this section shall not register "excited delirium" as the cause of death.

(c) For purposes of this subsection (5), "excited delirium" means a term used to describe a person's state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders. "Excited delirium" also includes excited delirium syndrome, hyperactive delirium, agitated delirium, and exhaustive mania.

(5.5) A coroner is not required to comply with subsection (5) of this section if the coroner, in good faith, determines that additional time is needed to make a proper inquiry to determine the cause and manner of death of any individual in the coroner's jurisdiction who has died under any circumstance specified in section 30-10-606(1), or if the coroner is required to perform a forensic autopsy as required by section 30-10-606.5. In these situations, a coroner shall determine the cause of death and shall complete and sign the medical certification for a certificate of death as soon as is practicable and in accordance with subsection (6) of this section.

(6) If the cause of death cannot be determined within forty-eight hours after a death, the medical certification shall be completed as provided by rule. If an autopsy is performed, the certification shall indicate whether the decedent was pregnant at the time of death, and the information shall be reported on the death certificate as required by subsection (9) of this section. The attending physician, physician assistant, advanced practice registered nurse, or coroner shall give the funeral director or individual assisting in a nonprofessional capacity notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, final disposition of the body shall not be made until authorized by the coroner or the coroner's designee.

(7) When a death is presumed to have occurred within Colorado but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "presumptive" and shall show on its face the date of registration and shall identify the court and the date of decree.

(8) Every funeral establishment shall maintain registration with the office of the state registrar and shall act in accordance with the provisions of this article.

(9)(a) If an autopsy is performed, a certificate of death shall identify whether the decedent was pregnant at the time of death.

(b) The requirement in this subsection (9) and subsections (4), (5), and (6) of this section to indicate whether the decedent was pregnant at the time of death shall be complied with when the person required to make the designation has access to the certification form that permits compliance.

(10) Whenever in the Colorado Revised Statutes the terms “certificate of death” or “death certificate” are used, except as to the initial certificate of death required pursuant to paragraph (a) of subsection (1) of this section, the same two terms include a verification of death document that is certified by the state registrar and issued pursuant to paragraph (c) of subsection (1) of this section.

(11) A deadline set forth in this section by which an individual is required to complete an action relating to a certificate of death or a medical certification for a certificate of death is extended by one day per day of closure if the business or facility at which the individual is employed is actually closed for an entire calendar day that is a weekend day or a legal holiday. Such a deadline is not extended if the business or facility is open for any portion of such a calendar day or if the business or facility is closed for an entire calendar day that is not a weekend day or a legal holiday.

(12) As used in this section, “qualified individual” means a physician; a physician assistant licensed pursuant to article 240 of title 12; an advanced practice registered nurse, as defined in section 12-255-104(1); or the chief medical officer of the institution in which the death occurred.

Inquiry 6: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?

Colo. Rev. Stat. § 25-2-111

(1) A funeral director or individual assisting in a nonprofessional capacity who first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, the coroner or the coroner’s designee shall authorize final disposition of the body on a form prescribed and furnished by the state registrar. No body shall be buried, cremated, deposited in a vault or tomb, or otherwise disposed of, nor shall any body be removed from this state, until such authorization has been obtained, completed, and approved. The coroner or the coroner’s designee shall include in the authorization notice of the requirements of subsection (7) of this section.

(2) A disposition permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

(3) Repealed.

(4) Any person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this article, shall keep a record which shall identify the body and such information pertaining to his receipt, removal, and delivery of such body as may be prescribed in regulations. Such record shall be retained for a period of not less than seven years and shall be made available for inspection by the state registrar or his representative upon demand.

(5) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.

(6) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the state registrar to a funeral director or person acting as such upon proper application.

(7)

(a) The owner of land that is used to inter a dead human body shall record the burial within thirty days after the

burial with the county clerk and recorder of the county in which the land is situated. The owner shall record the following:

- (I) The dead person's name as it appears on the death certificate;
- (II) The dead person's date of birth;
- (III) The dead person's age at the time of death;
- (IV) The cause of death;
- (V) The name of the owner or owners of the property where the dead human body is interred;
- (VI) The legal description of the property where the dead human body is interred if the person is interred on private property;
- (VII) The reception number for the death certificate if recorded by the county clerk; and
- (VIII) The latitude and longitude coordinates, such as those given by a global positioning system, that are verified by two witnesses or the county coroner, sheriff, or a designee of the county coroner or sheriff.

(b) This subsection (7) does not apply to dead human bodies interred in cemeteries, vaults, or tombs operated or maintained by public entities or businesses that inter people in the ordinary course of business and are available to the general public.

Inquiry 7: Personal Preference Statute

Colo. Rev. Stat. Ann. § 15-19-104

(1) The declarant may specify, in a declaration, any one or more of the following:

- (a) The disposition to be made of the declarant's last remains;
- (b) The person appointed to direct the disposition of the declarant's last remains;
- (c) The ceremonial arrangements to be performed after the declarant's death;
- (d) The person appointed to direct the ceremonial arrangements after the declarant's death;
- (e) The rights, limitations, immunities, and other terms of third parties dealing with the declaration.

...

(5) A declaration shall be signed and dated by the declarant and may be notarized or witnessed in writing by at least one adult who confirms that he or she was present when the declarant signed the declaration.

Inquiry 8: Designated Agent Statute

Colo. Rev. Stat. Ann. § 15-19-104

(1) The declarant may specify, in a declaration, any one or more of the following:

- (a) The disposition to be made of the declarant's last remains;
- (b) The person appointed to direct the disposition of the declarant's last remains;
- (c) The ceremonial arrangements to be performed after the declarant's death;
- (d) The person appointed to direct the ceremonial arrangements after the declarant's death;
- (e) The rights, limitations, immunities, and other terms of third parties dealing with the declaration.

...

(5) A declaration shall be signed and dated by the declarant and may be notarized or witnessed in writing by at least one adult who confirms that he or she was present when the declarant signed the declaration.

Inquiry 9: Right of Sepulcher Statute

Colo. Rev. Stat. Ann. § 15-19-106

(1) Subject to section 15-19-105(2), the right to control disposition of the last remains or ceremonial arrangements of a decedent vests in and devolves upon the following persons, at the time of the decedent's death, in the following order:

(a) The decedent if acting through a declaration pursuant to section 15-19-104, subject to the provisions of section 15-19-104(3)(a)(II);

(b)(I) Either the appointed personal representative or special administrator of the decedent's estate if such person has been appointed; or

(II) The nominee for appointment as personal representative under the decedent's will if a personal representative or special administrator has not been appointed;

(c) The surviving spouse of the decedent, if not legally separated from the decedent;

(c.5) A person with the right to direct the disposition of the decedent's last remains in a designated beneficiary agreement made pursuant to article 22 of this title;

(d) A majority of the surviving adult children of the decedent;

(e) A majority of the surviving parents or legal guardians of the decedent, who shall act in writing;

(f) A majority of the surviving adult siblings of the decedent;

(g) Deleted by Laws 2006, Ch. 196, § 5, eff. August 7, 2006.

(h) Any person who is willing to assume legal and financial responsibility for the final disposition of the decedent's last remains.

(2) Deleted by Laws 2006, Ch. 196, § 5, eff. August 7, 2006.

(3) Disputes among the persons listed under subsection (1) of this section shall be resolved by the probate court. A third party shall not be liable for refusing to accept the decedent's remains or dispose of the decedent's remains until the party receives a court order or other reasonable confirmation that the dispute has been resolved or settled.

(4)(a) If the person with the right to control disposition is unable or unwilling to make such disposition, or if the person's whereabouts cannot be reasonably ascertained, then that person's rights shall terminate and pass to the following, in the following order:

(I) The rest of the persons in the class with the same degree of relationship granting the same priority of control over the disposition pursuant to subsection (1) of this section;

(II) The next class of persons in the order listed in subsection (1) of this section if no one else with the same degree of relationship granting the same priority of control over the disposition of this section exists or possesses the right of final disposition pursuant to subsection (1) of this section.

(b)(I) The person with the right to control disposition shall be presumed to be unable or unwilling to provide for such disposition, or the person's whereabouts shall be presumed unknown, if the person has failed to make or appoint another person to make final arrangements for the disposition of the decedent within five days after receiving notice of the decedent's death or within ten days after the decedent's death, whichever is earlier.

(II) Any member or veteran of the armed forces of the United States or of an organization supporting members or veterans of the armed forces of the United States shall have the right to access the human remains and records thereof in order to identify the remains if no person with the right of final disposition has provided for final disposition for at least one hundred eighty days after death. If the remains are those of a veteran of the armed forces of the United States, the person who possesses the remains shall make arrangements for the remains to be transferred to the closest United States military cemetery. This subparagraph (II) shall not be construed to authorize the exhumation of dead human bodies nor the possession of dead human bodies by any person seeking to identify the identity of the remains.

(c) If a person is unable or unwilling to make a disposition under this subsection (4), such person shall not be counted as a member of the class with the same degree of relationship granting the same priority of control over the disposition pursuant to subsection (1) of this section when determining the number that makes a majority of such class.

(5) If the persons enumerated in subsection (1) of this section are not willing or able to provide for the final disposition of a decedent's remains, or if the persons' whereabouts cannot be reasonably ascertained, then the public administrator responsible for the decedent's estate or the person who controls the final disposition of indigent people in the county in which the death occurred shall make arrangements for the final disposition of the decedent's remains.

(6) A third party who provides for the final disposition of a decedent's remains upon authorization from a person who claimed to have the right to control the final disposition shall be immune from civil liability and administrative discipline.