

NH Designation of Agent for After Death Arrangements

My Agent shall have full power and authority to act on my behalf, but only to the extent permitted by this Designation of Agent.

I hereby grant to my Agent the full right, power, and authority to do every act, deed, and thing necessary or advisable to be done regarding the above power, as fully as I could do if personally present and acting. My agent is not entitled to compensation or reimbursement of expenses related to the custody and control of my body per NH RSA § 290:17.

My agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this power of attorney.

(Print) I, _____, of _____ do hereby designate
_____ of _____ as my Primary Designated Agent and
_____ of _____ as my Alternate Designated Agent.

Signature: _____ Date: _____

Address: _____

WITNESSES

I declare under penalty of perjury under the laws of the State of New Hampshire that the person who signed or acknowledged this document is personally known to me to be the principal, or that the identity of the principal was proved to me by convincing evidence; that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud, or undue influence; that I am not the person appointed as attorney in fact of this document; and that I am not the principal's health care provider, an employee of the principal's health care provider, the operator of a community care facility or a residential care facility for the elderly, nor an employee of an operator of a community care facility or residential care facility for the elderly.

I further declare under penalty of perjury under the laws of this State that, to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Witness 1 Signature: _____

Print name _____ Date _____

Address _____

Witness 2 Signature: _____

Print name _____ Date _____

Address _____

NH Revised Stat § 290:17 Custody and Control Generally. –

The custody and control of the remains of deceased residents of this state are governed by the following provisions:

I. If the subject has designated a person to have custody and control in a written and signed document, custody and control belong to that person. The person designated by the subject shall be entitled to no compensation or reimbursement of expenses related to the custody and control of the subject's body.

I-a. If the subject has designated a person on a United States Department of Defense Record of Emergency Data (DD Form 93), custody and control belong to that person if the decedent died while serving in the United States armed forces and executed the DD Form 93, or its successor form.

II. If the subject has not left a written signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin.

III. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under RSA 290:19, IV.

IV. If the next of kin or person designated by the subject under paragraph I is missing and cannot be located using reasonable efforts, the missing person shall lose custody and control and custody and control shall pass to the next in order of priority.

V. If the next of kin holding custody and control will not cooperate with the funeral director in making arrangements, the next of kin shall lose custody and control after 3 days of noncooperation and custody and control shall pass to the next in order of priority.

VI. If the individual holding custody and control of the subject is arrested for criminally causing the death of the subject, custody and control shall pass to the next in order of priority.

VII. If no person is designated by the subject to have custody and control and no next of kin can be located using reasonable efforts, the funeral director holding custody of the body shall retain custody and control of the body for purposes of carrying out the disposition of the body.

VIII. A funeral director acting in good faith may rely upon representations made by individuals claiming to have custody and control of the subject.

Source. 1996, 283:18. 1999, 62:10. 2011, 48:1. 2012, 16:1, eff. June 22, 2012.