



State of \_\_\_\_\_ )  
 )ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Said State

By signing this form, I declare that I signed this form in the presence of the other witness and the Declarant and I witnessed the signing by the Declarant or other person acting on the Declarant's behalf at the direction of and in the presence of the Declarant.

\_\_\_\_\_  
Signature of 1<sup>st</sup> Witness

\_\_\_\_\_  
Type or Print Name of Witness

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Signature of 2<sup>nd</sup> Witness

\_\_\_\_\_  
Type or Print Name of Witness

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

## **General Information on Declaration of Designee for Final Disposition and Ceremonies**

**This form must be attached to an existing durable power of attorney for health care under Iowa Code Chapter 144B. If there is no existing durable power of attorney for health care under Iowa Code Chapter 144B, then in order to declare a designee, one should be executed which contains the provisions of this Declaration thereby eliminating the need for this form.**

A declaration of a designee is subject to the provisions of Iowa Code Chapter 144C and reference should be made to that chapter. The following is a summary of some of the provisions of Chapter 144C of the Code of Iowa.

1. Selected Definitions.

“Ceremony” means a formal act or set of formal acts established by custom or authority to commemorate a decedent.

“Declarant” means a competent adult who executes a declaration pursuant to this chapter.

“Declaration” means a written instrument, contained in or attached to a durable power of attorney for health care under chapter 144B, that is executed by a declarant in accordance with the requirements of this chapter, and that names a designee who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death.

“Designee” means a competent adult designated under a declaration who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death.

“Final disposition” means the burial, interment, cremation, removal from the state, or other disposition of remains.

“Third party” includes but is not limited to a funeral director, funeral establishment, cremation establishment, cemetery, the state medical examiner, or a county medical examiner.

2. A declaration shall not include directives for final disposition of the declarant’s remains and shall not include arrangements for ceremonies planned after the declarant’s death.

3. The following individuals shall not be witnesses for a durable power of attorney for health care:

- a. Any individual designated in the declaration as the designee or an alternate designee.
- b. An individual who is less than eighteen years of age.

4. The following individuals shall not be designated as the designee under the declaration:

- a. A funeral director, funeral establishment, cremation establishment, cemetery, elder group home, assisted living program facility, adult day services program, licensed hospice program, or attorney.
- b. Any agent, owner, or employee of an entity listed in 4(a), unless the individual is related to the declarant within the third degree of consanguinity.

5. Revocation.
  - a. A declaration is revocable by a declarant in a writing signed and dated by the declarant.
  - b. Unless otherwise expressly provided in the declaration, a dissolution of marriage, annulment of marriage, or legal separation between the declarant and the declarant's spouse that occurs subsequent to the execution of the declaration constitutes an automatic revocation of the spouse as designee.
  - c. A revocation is only effective as to a third party if the third party receives notice of the revocation.
  - d. The most recent declaration executed by a declarant shall control.
6. It is the responsibility of the designee to exercise the designee's authority under the declaration within twenty-four (24) hours of receiving notification of the death of the declarant or within forty-eight (48) hours of the declarant's death, whichever is earlier. Failure to do so, will result in the forfeiture of all rights and authority of the designee under the declaration and those rights and authority shall vest in and devolve upon an alternate designee, or if there is none pursuant to Section 144C.5. The rights and authority of the designee shall also be forfeited if the designee is charged with murder in the first or second degree or voluntary manslaughter in connection with the declarant's death and those charges are known to a third party.

**SUGGESTIONS AFTER FORM IS PROPERLY SIGNED, WITNESSED OR NOTARIZED**

1. Place original in a safe place known and accessible to family members or close friends.
2. Provide a copy to designee and to alternate designees (if any).
3. Provide a copy(s) to family member(s).