

1974 WL 27806 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1974

*1 Honorable Dennis Lloyd
Judge of Probate
Darlington County
Darlington County Courthouse
Darlington, South Carolina

Dear Judge Lloyd:

In confirmation of the advice given you on Saturday evening concerning the burial rites to be accorded a deceased person, I submit the following.

It is my understanding that the surviving next of kin of the deceased are three children, of whom one is absent from the state and cannot be located. The remaining two children are in disagreement as to whether burial services should be conducted at a funeral home or at the residence of the deceased. In the interval subsequent to the death, you have appointed one of the sisters as temporary administratrix of the estate of the deceased person.

While it is clear that an administratrix or other personal representative would normally have no rights in the disposition of the deceased body of his testate or intestate, it is my opinion that it is appropriate for you under these exceptional circumstances to issue an order providing for the disposition of the body in the manner you think is indicated after consideration of all the attendant circumstances. The apparently irreconcilable conflict between the surviving next of kin requires that some action be taken immediately to see that there is a decent interment of the body. If you feel that the administratrix is the proper person to oversee the burial rites with a due regard to decency and to the rights of other next of kin, it is my opinion that she may properly be appointed by you to undertake this function.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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