

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2542 (Patterson) – As Amended March 18, 2026

PROPOSED CONSENT

SUBJECT: HUMAN REMAINS: DISPOSITION

KEY ISSUE: SHOULD THE EXISTING RIGHT OF DISPOSITION FOR THE REMAINS OF DECEASED INDIVIDUALS PASS TO THE NEXT STATUTORILY-IDENTIFIED PERSON IN CASES WHERE EITHER THE PERSON WHO WOULD HAVE BEEN VESTED WITH THE RIGHT OF DISPOSITION HAD AN ACTIVE RESTRAINING ORDER AGAINST THEM PROTECTING THE DECEASED INDIVIDUAL OR WHERE VESTING THE RIGHT OF DISPOSITION IN THAT PERSON WOULD HAVE BEEN AGAINST THE BEST INTERESTS OF THE DECEASED?

SYNOPSIS

This measure was prompted by a heartbreaking story from the author's district. In the summer of 2025, Marissa Divodi-Lessa and her young son Josiah were shot and killed by Marissa's abusive boyfriend. Marissa's family, already facing heartbreak, were then hit with another battle over determining where Josiah would be buried. While Marissa's family wanted the two buried together, existing law vested the right to determine where Josiah would be buried with his father and Marissa's ex-husband, who had no relationship with Josiah and against whom Marissa had obtained a domestic violence restraining order. After initially trying to have Josiah buried separately from Marissa, Josiah's father eventually agreed to the wishes of Marissa's family and the mother and son were buried together, but the ordeal highlighted a gap in existing law where biological parents may be vested with the right to determine a child's final resting place despite circumstances that may arguably make such authority inappropriate. Existing law provides a list of individuals with whom the right of disposition vests, as well as some exceptions to that series. This bill would incorporate a new exception and pass the right of disposition on to the next person if the person who would obtain the right of disposition either 1) has an active domestic violence restraining order against them protecting the deceased person at the time the person passes away, or 2) awarding the person the right of disposition would have been against the decedent's best interests. The bill, inspired by Marissa's family and named in her honor, represents a relatively modest change in the law that can help ensure families already dealing with some of the worst moments in their lives do not need to fight additional unnecessary battles. There is currently no support or opposition on file.

SUMMARY: Establishes Marissa's Law, which would transfer the right of control from the person who receives it by operation of existing law if certain conditions are met. Specifically, **this bill:**

- 1) Transfers the right of control over the remains of a deceased person that is vested by operation of existing law to the next of kin in accordance with existing law when the funeral director or cemetery authority knows that the person with the right of control meets either of the following conditions:

- a) The person with the right of control was subject to a restraining order for domestic violence against the deceased at the time of the decedent's death;
- b) The person with the right of control is a parent of the deceased and granting disposition rights to that person would have been contrary to the decedent's best interests.

EXISTING LAW:

- 1) Vests the right to control the disposition of the remains of a deceased person, the location and conditions of interment, and arrangements for funeral goods and services to be provided, along with the duty of disposition and the liability for the reasonable cost of the disposition of the remains, unless other directions have been given by the decedent, in the following order:
 - a) An agent under a power of attorney for health care who has the right and duty of disposition under the Health Care Decisions Law within the Probate Code, subject to exceptions;
 - b) The competent surviving spouse;
 - c) The sole surviving competent adult child of the decedent or, if there is more than one competent adult child of the decedent, the majority of the surviving competent adult children, subject to exceptions;
 - d) The surviving competent parent or parents of the decedent. If one surviving competent parent is absent, the remaining competent parent is vested with the rights and duties after reasonable efforts have been unsuccessful in locating the absent surviving competent parent;
 - e) The sole surviving competent adult sibling of the decedent or, if there is more than one surviving competent adult sibling, the majority of the surviving competent adult siblings, subject to exceptions;
 - f) The surviving competent adult person or persons respectively in the next degrees of kinship or, if there is more than one surviving competent adult person of the same degree of kinship, the majority of those persons.
 - g) A conservator of the person when the deceased has sufficient assets;
 - h) A conservator of the estate when the deceased has sufficient assets;
 - i) The public administrator when the deceased has sufficient assets.
- 2) Relinquishes the right of control and passes it on to the next of kin in accordance with 1) when the person to whom the right of control has vested has been charged with first- or second-degree murder or voluntary manslaughter in connection with the decedent's death and those charges are known to the funeral director or cemetery authority.

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: In August 2025, Marissa Divodi-Lessa and her son Josiah were shot and killed by Marissa's partner. Despite years of estrangement and a fraught history including an active

domestic violence restraining order against him, Marissa's ex-husband and Josiah's biological father received the right to decide how to manage Josiah's remains. This right was vested by operation of existing law, which lays out a sequence of individuals with whom the right to dispose of the remains of a deceased individual vests. That existing statute vests that right with surviving parents, largely regardless of the status of the parent's relationship with the child at the time of their death. While such a default may be appropriate in many cases, there are certainly circumstances where it is far from acceptable. In the case of Josiah, Marissa's family fought valiantly to convince Josiah's father to bury the young boy with his mother. They should not have had to. According to the author:

The death of a loved one is always a difficult time. To help during this difficult time, current law establishes a clear standard for who may access the remains of a deceased person. However, this process can create additional hardship for families because it does not distinguish between parents who should have access to the remains of their child and those who should not due to abuse, neglect, or abandonment.

AB 2542 creates a clarifying exemption that prevents individuals who do not have their best interests in mind from obtaining access to the child's remains. The bill is narrowly tailored to ensure parents who care for their children are exempt from its provisions, balancing parental rights while protecting families from needless trauma.

This bill proposes a reasonable modification to existing law to account for circumstances where the person who receives the right of control over the deceased by operation of law may not be the appropriate person to make decisions regarding the deceased's final resting place. Existing law already creates an exemption to the existing series of persons with whom this right will vest in circumstances where the person who would receive the right of control has been charged with first- or second- degree murder or voluntary manslaughter in connection with the deceased's death. (Health and Safety Code Section 7100 (b).) In this circumstance, if the funeral director or cemetery authority know about the charges, the right of control is relinquished and passes on to the next of kin in accordance with the existing sequence. This bill would further modify this provision to pass that right on to the next of kin where the funeral director or cemetery authority knows of either of the following circumstances: 1) the person with right of control was subject to a restraining order for domestic violence against the deceased at the time of the decedent's death; or 2) the person with right of control is a parent of the deceased and granting disposition rights to that person would have been contrary to the decedent's best interests.

This proposal seems reasonably tailored to ensure that families whose loved ones have faced domestic violence are not further traumatized when attempting to make decisions about their relatives' final resting place.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334