



## Identifying the Primary Next of Kin (PNOK) and Person Authorized to Direct Disposition (PADD)

Who is authorized to make decisions related to funerals and burials? When scheduling a service at Arlington National Cemetery (ANC), families often ask this question. Legally, the person authorized to direct disposition of human remains (PADD) is the person responsible for carrying out a decedent's final wishes. In many cases, the PADD is the primary next of kin (PNOK) – the person most closely related to the deceased, usually the spouse, eldest adult child or eldest parent. However, the service member may, in his or her end-of-life documents, designate a different person as the PADD.

According to Department of Defense Instruction Number 1300.18 (2008), the following order of precedence is used to identify the PNOK:

1. Unremarried surviving spouse. (If the surviving spouse has remarried – for example, in the case of a service member whose remains were recovered and identified well after the casualty incident – the PNOK is the next person in order of precedence.)
2. Children of legal age (eighteen or older), in order of seniority.
3. Parents, in order of seniority – unless legal custody was granted to another person by reason of a court decree or statutory provision.
4. Blood or adoptive relative who was granted legal custody of the person by a court decree or statutory provision.
5. Siblings of legal age, in order of seniority.
6. Other unique situations are addressed on a case-by-case basis, following DoD Instruction 1300.18.

Unless the deceased's end-of-life documents have identified a PADD, the following order of precedence determines who may serve as the PADD (also per Department of Defense Instruction Number 1300.18). Seniority in age determines precedence among persons of equal relationship to the deceased, such as parents or siblings.

1. Unremarried surviving spouse. (If the surviving spouse has remarried, the right of disposition will go to the next person in order of precedence.)
2. Children of legal age (eighteen or older), in order of seniority.
3. Parents, in order of seniority – unless legal custody was granted to another person. Step-parents who have not adopted the service member serve in *loco parentis* and are not considered parents for PADD purposes.



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4. Blood or adoptive relative of the individual who was granted legal custody of the service member by a court decree or statutory provision. (For example, an adoptive parent.)
5. Siblings of legal age, in order of seniority. When the deceased person has full siblings and half-siblings, the order of precedence is full siblings and then half-siblings. Adopted siblings are treated the same as full siblings if adopted by both of the deceased person's biological parents; adopted siblings are considered as half-siblings if adopted by only one of the deceased person's biological parents. Step-siblings are not authorized to dispose of remains.
6. Grandparents, in order of seniority.
7. Other blood relatives of legal age, in order of relationship to the deceased under the laws of the deceased's state of domicile. When two individuals are of equal relationship, priority will be determined by age.
8. Remarried surviving spouse. (*Note:* This does not include one who obtained a divorce from the deceased or who remarried before a finding of death was issued.)
9. Persons standing in *loco parentis*: any person(s) or institution who acted in place of the deceased's parents for a period of not less than one year at any time before the deceased joined the military. When two individuals are of equal relationship, priority will be determined by age.
10. A legal representative of the estate may make disposition of remains when all efforts to identify or locate a person in categories (1) through (9) are unsuccessful.
11. When all known persons in categories (1) through (10) relinquish disposition authority or cannot be identified or located, then disposition of the remains will be made by the administrative determination of the secretary of the military department concerned, or by their designee.

The executor of the estate has the authority to handle property. However, as a general rule, for an executor to handle funeral arrangements at ANC, he or she will need written authority to do so as the PADD. A statement in a will that is as simple as, "I want to be cremated and buried at Arlington National Cemetery if I am eligible, and I want the executor to handle the arrangements," will grant authority to the executor to act as the PADD. State law may also grant an executor the legal authority to act as the PADD.

For additional information on scheduling funeral services at Arlington National Cemetery, please visit [www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral](http://www.arlingtoncemetery.mil/Funerals/Scheduling-a-Funeral) or call 877-907-8585.