

Hospice Patient Post-Mortem Funeral

A twenty-nine year-old woman entered a hospice on March 28. On March 30 her mother took her to an attorney's office for consultation about a letter of intent in which the daughter requested that her remains be cremated.

On April 7 the patient formally signed her letter of intent. She died the next day and her remains were cremated.

The patient's father sued the hospice. His lawsuit raised multiple counts of negligence and alleged interference with his freedom of religion. He objected that his ex-wife, the deceased's mother, was allowed to take their daughter to an attorney without the father being notified. He insisted the hospice should have stepped in to prevent the patient from executing her letter of intent. He claimed the hospice committed invasion of privacy by intruding into the family's private affairs. And finally he alleged that his constitutional rights

The patient made her own choice.

She had no legal impairment against acting on her own behalf, no surrogate had been appointed to make her decisions for her and she was legally competent to execute a letter of intent free from the imposition of the will of other family members as to her funeral arrangements.

Her father objected to cremation, but his freedom of religion was not violated.

APPELLATE COURT OF CONNECTICUT,
1999.

were violated because his religious objections to cremation were not honored after his daughter's death. The Appellate Court of Connecticut upheld the lower court's decision to dismiss all counts of the father's lawsuit.

The daughter was the patient. The hospice was legally responsible to the patient, not to her father. The hospice was right to carry out the patient's wishes as she expressed them in her letter of intent which she signed with the advice of her legal counsel. The daughter was a competent adult. She had every right to consult with an attorney and to make her own decisions for her own post-mortem arrangements.

Furthermore, this hospice is a private corporation, and freedom of religion means only the right to be free from the government intruding into the free exercise of religion. **Bennett v. Connecticut Hospice, Inc.**, 741 A. 2d 349 (Conn. App., 1999).