

Dying for a Plan

By Reg P. Wydeven
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When I was little, my folks took us to see 'Pete's Dragon.' The Disney flick was about a boy and his dragon, Elliott, who ran away from their abusive foster family. The pair end up living in a lighthouse with kind-hearted Nora and her quirky father, Lampie.

Lampie was portrayed by Mickey Rooney, in one of his over 300 movie appearances. Sadly, Rooney passed away earlier this month at the age of 93. Unlike most of his movies, his passing did not have a happy ending.

Two days after his death, a dispute arose between Michael Augustine, Rooney's conservator, and Jan Rooney, his estranged, eighth wife. A Los Angeles judge had to sign an order preventing anyone from moving Rooney's body as Augustine and Jan fought over his remains.

Shortly before the hearing to decide on Rooney's remains, Jan and Augustine reached an agreement. Rooney will be buried at Hollywood Forever cemetery alongside many legends of the silver screen. The settlement also bars Jan's son, Christopher Aber, from attending Rooney's private family memorial service.

In June of 2012, after 34 years of marriage, Mickey and Jan Rooney separated and they signed an agreement whereby Jan waived all claims to Mickey's estate. She will receive Rooney's Social Security and other pensions totaling \$8,400 a month. Rooney eliminated her, and all of his children, from his will, which he signed in March. Rooney left his entire estate to another of Jan's sons, Mark Rooney, who was his caregiver for the last two years of his life.

Thankfully Rooney's family was able to resolve their differences in pretty short order. Not every family is as lucky.

As you know, lawyers constantly nag everyone to get their affairs in order just in case. When people don't have their ducks in a row, disputes can arise, creating stress in a family that has already suffered a loss.

Like many people, Rooney's will was in place, so who gets his stuff is pretty well squared away. However, a disagreement did come up over his remains. To address these types of conflicts, a few years ago Wisconsin created the "Authorization for Final Disposition" form.

This form allows a person to designate a representative who has the authority to carry out that person's funeral and burial wishes. This can be important, especially in blended family situations, because fights over funeral arrangements and remains can occur. Without such a form, the Wisconsin Statutes spell out who has the control over a person's remains.

A surviving spouse has the decision making priority for a person's remains. Therefore, had Rooney lived in Wisconsin, Jan would be the decision maker, even if his children felt differently. If there is no surviving spouse, then the vote of the majority of the deceased person's children controls the remains. If there are only two children with opposing wishes, this can be a problem. If there are no children, the decision falls on the deceased person's parents. If the parents have divorced and cannot agree, again, the remains could stay in purgatory.

So when thinking about your estate plan, consider including an Authorization for Final Disposition, especially if you have a blended family. After all, everyone wants to rest in peace.

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