

## How Care Facility Staff and Administrators Can Support Virginia Families in Caring for Their Own Dead

Virginia families have the legal right to custody and control of their own dead. One of the greatest challenges to home funeral families is that many facilities have policies that require immediate or timely removal of the body. These may make it difficult for families to make their own arrangements for completing paperwork and transportation. While some families may have plans to move their loved one home rather than to a funeral home, others may only learn they have this right through well-crafted body release policies and procedures. Nurses, chaplains, and social workers can convey accurate information to families about their right to handle after-death care and assist families in making the transition from facility to home go smoothly.

### Legal Authority of Families

In Virginia the legislative authority for families to act as unpaid funeral services practitioners is found **Virginia Code § 32.1-263-b**:

*The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall complete the certificate of death...If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.*

### Ways You Are Empowered to Assist Families

1. Determine who is responsible for writing or revising body release policies and procedures. Check to see if the existing policy is in compliance with the law regarding home funeral families' rights to care for their own dead.
2. Ask families, "What plans can we assist you in making?" instead of "What funeral home do you want us to call?" (See 10 Ways Care Facility Can Support Home Funeral Families)
3. Provide the following information alongside any information about local funeral homes: Under Virginia law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by Virginia law). This may include:
  - caring for the deceased (for example, bathing and dressing);
  - sheltering the deceased at home;
  - filing dropped to paper death certificate, handling death certificate/transportation/out-of-state disposition permit;
  - transporting the body home or to another location for care and viewing (sometimes called a wake or vigil), and to place of final disposition;
  - making arrangements for any ceremony and for final disposition (for example, with a cemetery or crematory, or obtaining county planning commission permission for a home burial).

### Additional Information

Virginia Funeral Resources & Education [www.virginiafuneral.org](http://www.virginiafuneral.org)

National Home Funeral Alliance [www.homefuneralalliance.org](http://www.homefuneralalliance.org)

Funeral Consumers Alliance [www.funerals.org](http://www.funerals.org)

*10 Ways Care Facility Staff Can Support Home Funeral Families*

*How Celebrants/Clergy/Chaplains Can Support Oregon Home Funeral Families*

