

How Cemetery & Crematory Staff Can Support Virginia Families Who Care for Their Own Dead

Virginia families have the legal right to custody and control of their own dead. Whether the death was anticipated or unanticipated, once time and cause of death are established, the family may choose to care for and transport the body, file the death certificate, arrange for disposition, and conduct any other aspect of after-death care without the assistance of a funeral director, or using one for some but not all of these tasks.

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

Your business may provide some of the services of a funeral director – for example, filing the death certificate in conjunction with a direct cremation. Or you may typically rely on a funeral home to walk a family through much of the process. Regardless of your services, cemetery and crematory staff that sell directly to the public can be prepared to work with families who are acting as their own funeral director:

1. Ensure that your staff are fully aware of the following information and are able to share it with interested families: “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;
 - and making all arrangements for any ceremony and for final disposition (for example, with a cemetery or crematory).”
2. Unlike licensed funeral services practitioners, there is no legal time limit for how long families may spend caring for their deceased family member in a private setting. Be prepared to receive the body directly from a family who has chosen to shelter and transport the deceased themselves.
3. Support the family and their community in considering options for meaningful hands-on engagement in ceremony and ritual. For a burial this can include carrying and lowering the body or remains and helping to close the grave. For cremation this could include decorating a cremation container obtained in advance or witnessing the cremation.
4. Familiarizing yourself with the additional information resources below will further equip you to serve families who choose to care for their dead.

Additional Information

Virginia Funeral Resources & Education www.virginiafuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org

National Home Funeral Alliance *How Funeral Directors Can Support Home Funeral Families*

Green Burial Council *Opening, Closing, and Maintaining a Green Burial Cemetery*

GBC *On the Way to the Green Burial Cemetery: A Guide for Families*