

How Clergy, Chaplains, and Celebrants Can Assist Virginia Families to Care for Their Own Dead

Virginia families have the legal right to custody and control of their own dead. Clergy, Chaplains, and Celebrants play a vital role in helping families to know their rights and to consider whether engaging in aspects of hands-on care for their dead – sometimes known as a “home funeral” – is right for them.

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

Virginia families who are members of a religious congregation or have an active faith tradition may turn to their Clergy for guidance when a death occurs. Others may find themselves supported by a Chaplain in a hospital, hospice, or emergency response setting, or using a Clergy person booked through a funeral home. Some families rely on a secular Celebrant for assistance in designing or officiating a funeral or memorial. Regardless of the circumstance, Clergy, Chaplains, and Celebrants can:

1. In anticipation of or at time of death, ask “*What plans can we assist you in making?*” instead of “*What funeral home are you using?*”
2. Provide the following information: “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).”
3. Support the family and their community in considering options for meaningful hands-on engagement in ceremony and ritual: bathing and dressing the body; visitation with the body at home or in another setting; making or decorating a shroud or casket; carrying and lowering the body and helping to close the grave or witnessing the cremation; creating meaningful, personal ceremony.
4. Familiarize yourself with the additional resources below.

Additional Information

Virginia Funeral Resources & Education www.virginiafuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org