

How First Responders Can Assist Virginia Families to 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.

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

Many families don't know that an anticipated death for someone on hospice care or under other medical supervision is not generally cause to call 911. As a first responder, you may be the first person in cases not requiring medical or legal intervention, to assure families that it is okay to slow things down. You or a chaplain or clergyperson associated with your service can assist families in understanding their options:

1. The prevailing practice when a death has occurred, or in anticipation of a death, is to ask families, "What funeral home do you want us to call?" Typically, this question is accompanied by an information sheet listing all area funeral homes. Both the question and the information sheet imply that the family is required to purchase the services of a funeral director or mortuary when this is not, in fact, the case. Instead ask families, "What plans can we assist you in making?"
2. 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;
 - and making all arrangements for any ceremony and for final disposition (for example, with a cemetery or crematory, or obtaining local county planning commission permission for a home burial)."
3. 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