

# How Hospice Staff Can Support Virginia Families To Care for Their Own Dead

## Legal Authority of Families

Virginia families have the legal right to custody and control of their own dead. There is a natural transition from hospice care to after-death home care. Families who have cared for their loved one during the dying process may benefit from engaging in family-centered home after-death care but may be unfamiliar with their rights to do so. Unlike licensed funeral services practitioners, there is no legal time limit for how long families may spend caring for and sheltering their deceased family member.

## 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

The transition from hospice service to home after-death care can be seamless with very little effort. The following suggestions may be offered by hospice personnel to ease the transition off service without adding responsibilities to your staff.

1. Ask families, “*What plans can we assist you in making?*” or “*Would you like to speak with someone about funeral options?*” instead of “*What funeral home do you want us to call?*”
2. Provide the specific legislative information alongside any information about local funeral homes: “*Under Virginia law, families may conduct 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. Let families know that while there are legal limits for hospice personnel after the time of death, they may invite hospice staff to help with any aspect of after death care as volunteers, if desired, such as bathing, dressing, and laying out the body.
4. For families handling the death certificate without a funeral director, assist in completing the medical portion in a timely manner.

## 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)