

How Hospital 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 hospital body release policies that are either counter to the law or nonexistent. In the case of muddy or absent policy, the confusion over authority can create negative experiences or court battles. Hospital staff can empower families who may not have known that they had a choice, through well-crafted body release policies and procedures, and by ensuring that nurses, chaplains and social workers convey accurate information to families about their right to handle 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

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. If changes are needed, use *Sample Hospital Policy Language Regarding Removal of the Body* to see what other hospitals include in their policies.
2. Ask families, "What plans can we assist you in making?" instead of "What funeral home do you want us to call?" (See *How Celebrants/Clergy/Chaplains Can Support Virginia 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

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org

Sample Hospital Policy Language Regarding Removal of the Body

How Celebrants/Clergy/Chaplains Can Support Virginia Home Funeral Families