

## How Physicians Can Support 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

As the person responsible for establishing cause of death, physicians are often the primary legal authority in contact with the family. How you approach their choices will determine the direction taken. Here are three ways you can positively influence the outcome:

1. The prevailing practice in hospitals and hospices when a death has occurred, or in anticipation of a death, is to ask families, “*What funeral home do you want us to call?*” The question implies that the family is required to purchase the services of a funeral director or mortuary when this is not, in fact, the case. Instead encourage your staff to ask families, “*What plans can we assist you in making?*”
2. Let families interested in handling their own paperwork know they may do so once the medical portion (pronouncement and cause of death by medical authorities) and the demographic portion (by the next-of-kin acting as their own funeral director) are completed.
3. One of the biggest stumbling blocks for families handling their own paperwork is finding physicians to get the medical portion of the death certificate completed, especially in circumstances when the deceased died in an unfamiliar place. Physicians can make a real difference to home funeral families by tending to the cause of death signature on the death certificate as quickly as possible.

### 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)