

# Common Home Funeral Questions

By Lee Webster

## **Who owns the dead?**

In the language of the law, the family member who has the most direct link in the next-of-kin chain has legal custody and control of the body. If unwilling or unable to assume that responsibility, members along the chain as spelled out by state law are imbued with the authority until someone is able to act.

The fact that most families choose to relinquish that partial responsibility by signing a contract with a professional that transfers physical custody does not negate the family's right to decide what ultimately happens to that body. Funeral directors have no medico-legal authority. The only service they are licensed to perform that a family member cannot is embalming.

Some states require that refrigeration and/or disposition occur within a certain time frame, which usually apply when being handled by a funeral firm, but home funeral families choose in most states how the body is handled, preserved, transported, and disposed of on their own timetable. Even in cases of autopsy (where the ME's right supersedes the family's temporarily) and organ donation, the decision remains with the next-of-kin after the process is complete, including having the body brought home.

## **Is home funeral a growing trend in the US? Has there been a rise in number of inquiries or people attending workshops?**

Many of us who teach workshops and

practicums and speak to community groups regularly are experiencing a significant uptick in requests to make presentations and in numbers attending workshops and trainings, including from the funeral industry as they respond to families' desire for more authentic, homegrown, and connecting participation.

## **What, other than legal requirements, impede families from exercising their right to care for their own dead?**

Because the funeral industry is a tight-knit community, often crematories, cemeteries, and newspapers refuse to accept bodies or information directly from the family by policy or business practice. Even when families have the right to this according to law, they are still being obstructed from handling the entire process without being forced to hire an intermediary.

Some hospitals and hospices also require removal by a professional without regard for policy compliance with the law. Care facilities and hospitals often have limits on how long a body can be housed, forcing the family to hire a funeral director to file the death certificate quickly, especially on holidays and weekends when the local offices are not open, in order to obtain the transport permit needed to remove the body to the home.

The process is becoming more, not less, cumbersome for families with the implementation of state Electronic Death Registration Systems, or ERDS. Funeral directors have a direct link to Vital Statistics software, as

do town or city clerks, though they are infrequently well-trained. Some states empower doctors and even state police to file death certificates but few have proved willing.

### **What are the top reasons families choose home funeral care?**

Top reasons for electing to conduct care of the deceased include, in no particular order:

- to take the time to be truly present
- to avoid outsourcing the responsibilities they choose to assume themselves
- to avoid professionalizing a family rite of passage
- to make meaning of the death
- to begin healing the family and community
- to take environmental responsibility by foregoing invasive and toxic procedures
- to make the funeral affordable
- to find spiritual connection
- to participate more fully in their own lives and in their family life

### **If a body is not embalmed, what must a family do to care for it? When should the body be buried?**

This is a more complex question than it sounds. Care of the deceased changes depending on whether it was an anticipated death or unanticipated, under what conditions the person died, under what regional weather conditions the period will be subject to, and whether there will be travel involved.

Unembalmed bodies (according to the CDC, CID, WHO and PANO) are not dangerous nor are they more infectious than they were in life. Simple methods of cooling the body such as using dry ice, Techni-ice, an a/c unit, or opening

a window in cool weather are more than sufficient. Even without these methods, most bodies can be kept for up to 3 days in a 65 degree room. Bathing the body with simple soap and water to remove the usual surface bacteria will dispense with concerns about smell. The body is then dressed if desired or wrapped in a shroud or blanket, sheet, or quilt.

Removal for final disposition — either burial or cremation — is at the discretion of the family, either themselves or by hiring that service. Some states require that a funeral director file the death certificate or witness a burial, but in most states the family can file any necessary paperwork and make any other additional arrangements themselves, such as calling Social Security or filing obituaries. There is no time limit in most states for burial or cremation unless cause of death requires it, and only a handful of states have mandatory waiting periods before cremation.

### **How many home funerals occur in the US every year?**

Families choosing to do all or part of after death care in the US is on the rise if we measure by interest, but definite figures are unavailable. The best we can do is acknowledge the cultural shift from one of fear to one of increasing openness around all things death related.

We do know that more people are interested in supporting families choosing home funerals for their increased intimacy and privacy. Because of that, they are unlikely to report their activity even if there was a medium for doing so.

There has always been an uninterrupted faith tradition for Jewish Muslim and Quaker communities, but as more people begin to

understand that caring for our own is a fundamental human right regardless of religion, the more they are expressing a longing to go back to simpler ways, though with some new twists. Gone are the days of cookie-cutter funerals — home funeral families take from traditions what has meaning for them and they make up the rest as they go along, sometimes coming up with new traditions in the making.

Regional influence is also a factor in trying to determine how many home funerals occur. Northern California, where the practice has been in effect for a good 20 years and the culture supports it as the norm, has a high volume of family-directed funerals. Appalachian states have reported that the tradition continued underground in small communities as a matter of course, never taking up expensive professional services. Southern Bible belt states have the highest incidence of purchasing full funerals complete with embalming, church services, grave committals, processions, conventional burials—and the debt to pay for them in what is also the lowest median income areas of the country. New Englanders vary between 80% no-frills Direct Cremation purchases and burial on rural family property, both with and without hiring a funeral firm. Any guess about who is having home funerals and where is just that — a guess.

Contributing to the uncertainty of counting numbers is the fact the definition of a home funeral varies widely. Keeping a loved one home for an hour or for a week might be considered a home funeral. Hiring a professional to file paperwork or handle transportation only after a three-day vigil is still a home funeral. It comes down to home many families self-identify as home funeral families and they aren't required to report it to anyone.

The Offices of Vital Statistics do not keep record of what is a professionally arranged or family-directed after-death care situation. Families acting as their own funeral director will sign the death certificate but it is not noted. Some home funeral families hire someone to file death certificates for them and do everything else themselves, so who signs does not provide definitive proof.

Hospices and hospitals may be aware of the choice to bring or keep a loved one home, but neither is equipped or interested in documenting what happens after the patient is no longer on their service.

NHFA members are educators and individuals interested in ensuring that the right to family-directed home care be protected. They are not necessarily present during other people's home funerals, as families have the full authority to complete the process without anyone, including guides.

Educators who speak to groups or to individuals over the phone by and large do not know what happens after they have answered questions. It may be years before anyone present has the opportunity or desire to implement what he or she learned.

***[Please note: the following statistics were gathered in 2016. LW August 2020]***

### **How many members are there in the National Home Funeral Alliance?**

The NHFA has around 1,200 members, more than doubling within the last 2 years. Our Facebook page has an average of 20,000 – 30,000 post reaches each week. But these numbers are just about people who wish to show their support for our organization — the

number of people out there who are LEARNING about home funerals and storing that information for future use eludes us all but is the one that, in the end, matters most.

Of those who elected to tell us their vocational or professional affiliation:

- **Spiritual/Mental Health Sphere**  
26%
  - Celebrants, chaplains, ordained clergy, therapists, counselors, social workers
- **Business Sector**  
24%
  - Funeral directors, other business, police, PR, lawyers, web tech, environmentalists, event planners, cemeterians
- **Physical Health Sphere**  
20%
  - Nurses, hospice workers, body workers, caregivers, physicians, medical workers
- **Education Sphere**  
17%
  - Home funeral guides, educators, writers, editors
- **Nonprofit Sector**  
10%
  - Nonprofit directors
- **Artistic Sphere**  
3%
  - Musicians, artists, filmmakers

NHFA members are not all one flavor, and are not members for any one reason. They are not all home funeral guides nor do they all have contact with home funeral families. The organization provides a big tent for anyone interested, whether for professional or financial reasons, in which to promote the concept and educate themselves and the public.

### **What do home funeral guides charge for?**

Home funeral guides are allowed by law to charge ONLY for educational services. This may include general instruction, presentations, demonstrations, phone consulting, and other means of imparting information.

Home funeral guides MAY NOT charge for hands-on body care of any kind.

Home funeral guides who charge for consulting time spent with the family during a death AND sell anything to them, such as a casket, shroud, ice, or item needed for the physical care of the deceased are bound by the FTC's Funeral Rule to provide a General Price List and are bound by the Rule's protocol and processes.

Home funeral guides and community groups who convene to be available to families during the funeral period do so as volunteers. The fact that they may have a website or promotional materials does not imply business transactions. They are also not responsible for reporting to any agency or office what home funerals occur with or without their involvement.

“Home funeral guides are not currently certified by any third party organization. They are trained not to do the work of preparing the body, providing transportation, filing the paperwork, or anything a professional is licensed to do, but to assist the family with information about all of these things and more. Home funeral guides are trained to know the law, know when bodies need additional attention, assist in finding local resources, and a myriad of other skills and educational services. They make sure things are done properly, safely, and legally; but

more importantly, they are there as back-up support to family members and friends who may want to care for their own but are not confident about how. Any money changing hands is for educational services only. Any hands-on work is strictly voluntary at the request of the family.”

—From *How Funeral Directors Can Support Home Funeral Families*