

How Funeral Directors Can Support New Hampshire Families Who Wish to Direct or Participate in Care for Their Own Dead

“The most important support funeral directors can provide home funeral families is the compassionate understanding that this is something families feel called to do for their loved one and themselves, their friends, and community. Home funeral families by and large are looking for simplicity, self-reliance, personal responsibility, and a shared, intimate experience that only they can conceive of and conduct.”

—Lee Webster, National Home Funeral Alliance (NHFA)
“How Funeral Directors Can Support Home Funeral Families”

New Hampshire 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. Families choosing to conduct a home funeral may do so without assistance from a funeral director or may prefer to have a funeral director handle some but not all of these tasks.

How can funeral directors assist families who choose home funerals?

Please see also: *“How Funeral Directors Can Support Home Funeral Families”* for 12 categories of services and goods funeral homes can offer to support home funeral families.

Legal Authority of Families in New Hampshire

In New Hampshire, the legislative authority for families to act as unpaid funeral services practitioners is found New Hampshire RSA 290:17:

CUSTODY AND CONTROL GENERALLY

The custody and control of the remains of deceased residents of this state are governed by the following provisions:

- I. If the subject has designated a person to have custody and control in a written and signed document, custody and control belong to that person.
- II. If the subject has not left a written signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin.

Law v. Regulation

Health Code 325:40-a:

No dead human body shall be exposed to the public for a period in excess of 24 hours unless said body is properly embalmed.

The statute clearly states that embalming is only required in the event that a body is going to be *exposed to the public for more than a 24 hour period*, or noncontiguous total of 24 hours. Home funerals, where the body is available for viewing by family, friends, invited guests, and other members of the public in a private home or other unpublished venue, are by nature NOT a public venue and are therefore not subject to embalming by law. This is a regulation for the funeral profession.

Information to Provide Families

New Hampshire Funeral Resources & Education www.nhfuneral.org

Funeral Consumers Alliance www.funerals.org

National End-of-Life Doula Alliance www.nedalliance.org