

How Hospice Staff Can Support New Hampshire Families To Care for Their Own Dead

New Hampshire 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 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.

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?”* instead of *“What funeral home do you want us to call?”*
2. Provide the following information alongside any information about local funeral homes: *“Under New Hampshire law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by New Hampshire law). This may include:*
 - a. caring for the deceased (for example, bathing and dressing);
 - b. sheltering the deceased at home;
 - c. filing death notice, handling death certificate/transportation/disposition permit;
 - d. transporting the body home or to another location for care and viewing (sometimes called a wake or vigil), and to place of final disposition;
 - e. 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

New Hampshire Funeral Resources & Education www.nhfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org