

How New Hampshire Hospital Staff and Administrators Can Support New Hampshire Families in Caring for Their Own Dead

New Hampshire 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 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

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 New Hampshire Home Funeral Families.
3. 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:
 - caring for the deceased (for example, bathing and dressing);
 - sheltering the deceased at home;
 - filing death notice, handling death certificate/transportation/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

New Hampshire Funeral Resources & Education www.nhfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org

Sample Hospital Policy Language Regarding Removal of the Body www.nhfuneral.org/for_professionals