

How Medical Examiners 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. 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 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

As the person responsible for establishing cause of death, Medical Examiners 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 by providing legally appropriate information:

1. The prevailing practice when a death has occurred, or in anticipation of a death, is to ask families, *“What funeral home do you want us to call?”* Typically, this question is accompanied by an information sheet listing all area funeral homes. Both the question and the information sheet imply that the family is required to purchase the services of a funeral director or mortuary when this is not, in fact, the case. Instead ask families, *“What plans can we assist you in making?”*
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:
 - 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).
3. If autopsy, tissue, or organ donation is involved, thank you for continuing to support families wishing to view or spend time with the deceased before final disposition.

Additional Information

New Hampshire Funeral Resources & Education www.nhfuneral.org

Funeral Consumers Alliance www.funerals.org

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