

How New Hampshire Town Clerks Can Assist New Hampshire Families to Care for Their Own Dead

New Hampshire families have the legal right to custody and control of their own dead. They may also choose to file the death certificate without the assistance of a funeral director. Town clerks or staff may be unfamiliar with paper filings and families handling this paperwork on their own. Knowing how to serve these families, who are exercising their rights under New Hampshire law, is a vital public service.

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 a member of the staff, you may field inquiries or accept filings from families wishing to file the death certificate without reliance on a funeral director. These suggestions will help these families receive the same high level of service provided to those using a professional to file electronically:

1. Ensure that you and all of your colleagues are familiar with New Hampshire law regarding a family's right to care for their own dead, including the filing of the death certificate and receipt of the burial/transport permit.
2. If additional clarification or training is needed to ensure paper filings will be accepted and processed in a timely fashion, please consult the State of New Hampshire Vital Records Department.
3. Familiarizing yourself with the additional information resources below will further equip you to serve families who choose to care for their dead.

Additional Information

New Hampshire Funeral Resources & Education www.nhfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org