

## How Physicians 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. 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, physicians 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:

1. The prevailing practice in hospitals and hospices when a death has occurred, or in anticipation of a death, is to ask families, *“What funeral home do you want us to call?”* The question implies that the family is required to purchase the services of a funeral director or mortuary when this is not, in fact, the case. Instead encourage your staff to ask families, *“What plans can we assist you in making?”*
2. Let families interested in handling their own paperwork know they may do so once the medical portion (pronouncement and cause of death by medical authorities) and the demographic portion (by the next-of-kin acting as their own funeral director) are completed.
3. One of the biggest stumbling blocks for families handling their own paperwork is finding physicians to get the medical portion of the death certificate completed, especially in circumstances when the deceased died in an unfamiliar place. Physicians can make a real difference to home funeral families by tending to the cause of death signature on the death certificate as quickly as possible.

### Additional Information

New Hampshire Funeral Resources & Education [www.nhfuneral.org](http://www.nhfuneral.org)

National Home Funeral Alliance [www.homefuneralalliance.org](http://www.homefuneralalliance.org)

Funeral Consumers Alliance [www.funerals.org](http://www.funerals.org)