

How Care Facility Staff and Administrators Can Support Maryland Families in Caring for Their Own Dead

Maryland families have the legal right to custody and control of their own dead. One of the greatest challenges to home funeral families is that many facilities have policies that require immediate or timely removal of the body. These may make it difficult for families to make their own arrangements for completing paperwork and transportation. While some families may have plans to move their loved one home rather than to a funeral home, others may only learn they have this right through well-crafted body release policies and procedures. Nurses, chaplains, and social workers can convey accurate information to families about their right to handle after-death care and assist families in making the transition from facility to home go smoothly.

Legal Authority of Families

In Maryland, the legislative authority for families to act as unpaid funeral services practitioners is found in Maryland Code §4-212(7) “The funeral director or *person acting as the funeral director* shall in all cases obtain the medical certification from the person responsible for its completion or obtain assurance that the medical certification has been provided to the Secretary by an approved electronic process.”

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.
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 Maryland Home Funeral Families*.
3. Provide the following information alongside any information about local funeral homes: Under Maryland law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by Maryland 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

Maryland Funeral Resources & Education www.marylandfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org

10 Ways Care Facility Staff Can Support Home Funeral Families

How Celebrants/Clergy/Chaplains Can Support Oregon Home Funeral Families