

How First Responders Can Assist Maryland Families to Care for Their Own Dead

Maryland 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 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

Many families don’t know that an anticipated death for someone on hospice care or under other medical supervision is not generally cause to call 911. As a first responder, you may be the first person in cases not requiring medical or legal intervention, to assure families that it is okay to slow things down. You or a chaplain or clergy person associated with your service can assist families in understanding their options:

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 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;
 - and making all arrangements for any ceremony and for final disposition (for example, with a cemetery or crematory, or obtaining local county planning commission permission for a home burial).”
3. Familiarize yourself with the additional resources below.

Additional Information

Maryland Funeral Resources & Education www.marylandfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org