

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

Oregon 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 24-hour notice of death and death certificate, arrange for disposition, and conduct any other aspect of after-death care.

Legal Authority of Families

In Oregon, the legislative authority for families to act as unpaid funeral services practitioners is found in [ORS 432.005\(23\)\(a\)](#):

SYSTEM OF VITAL STATISTICS

432.005 Definitions. As used in this chapter, unless the context requires otherwise:

(23) "Person acting as a funeral service practitioner" means:

- (a) A person other than a funeral service practitioner licensed under ORS 692.045, including but not limited to a relative, friend or other interested party, who performs the duties of a funeral service practitioner without payment

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 Oregon law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by Oregon 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 (families wanting to handle their own paperwork should request a packet from Oregon Health Authority's Center for Health Statistics Registration Unit, 971-673-1160);
 - 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

Oregon Funeral Resources & Education www.oregonfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org