

How Oregon Hospital Staff and Administrators Can Support Oregon Families in Caring for Their Own Dead

Oregon families have the legal right to custody and control of their own dead. One of the greatest challenges to home funeral families is hospital body release policies that are either counter to the law or nonexistent. In the case of muddy or absent policy, the confusion over authority can create negative experiences or court battles. Hospital staff can empower families who may not have known that they had a choice, through well-crafted body release policies and procedures, and by ensuring that nurses, chaplains and social workers convey accurate information to families about their right to handle 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

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. If changes are needed, use Sample Hospital Policy Language Regarding Removal of the Body to see what other hospitals include in their policies.
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 Oregon Home Funeral Families.
3. 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;
 - 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

Oregon Funeral Resources & Education www.oregonfuneral.org

National Home Funeral Alliance www.homefuneralalliance.org

Funeral Consumers Alliance www.funerals.org

Sample Hospital Policy Language Regarding Removal of the Body www.oregonfuneral.org/for_professionals