

## How Medical Examiners Can Support Oregon Families in Caring 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

As the person responsible for establishing cause of death, Medical Examiners 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 by providing legally appropriate information:

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 form 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).
3. If autopsy, tissue, or organ donation is involved, thank you for continuing to support families wishing to view or spend time with the deceased before final disposition.

### Additional Information

Oregon Funeral Resources & Education [www.oregonfuneral.org](http://www.oregonfuneral.org)

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

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