

How Medical Examiners Can Support Vermont Families in Caring for Their Own Dead

Vermont 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 Vermont, the legislative authority for families to act as unpaid funeral services practitioners is found in [18 V.S.A. § 5207](#). Certificate furnished family; burial-transit permit

“Within 24 hours after death, the death certificate shall be made available upon request to the family of the deceased, if any, or the undertaker or person who has charge of the body. The certificate shall be filed with the person issuing the burial-transit permit obtained by the person who has charge of the body before such dead body shall be buried, entombed, or removed from the town. When the death certificate is so filed, the officer or person shall immediately issue a burial-transit permit under legal restrictions and safeguards.”

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 Vermont law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by Vermont 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).
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

- Vermont Funeral Resources & Education www.vermontfuneral.org
- National End-of-Life Doula Alliance www.nedalliance.org
- Funeral Consumers Alliance www.funerals.org