

# How to Have a Home Funeral and Home Burial in Vermont

By Lee Webster



## Home Funerals Led by Next-of-Kin

Families in Vermont may care for their own dead from death to disposition [[18 V.S.A. § 5207](#)]. Immediate family members of the deceased are not prohibited from providing for the care, preparation, or disposition of human dead bodies [[26 V.S.A § 1211\(b\)3](#)]. Embalming is primarily a cosmetic procedure and is not required by law.

This includes cleansing, dressing, and casketing or shrouding in the home; sheltering in place in the home; filing the [Preliminary Report of Death](#) through the town clerk where the person died or with the [Department of Vital Records](#); transporting the deceased after obtaining a transit permit from same; making arrangements for burial or cremation; or burying on private property.

If the body must be moved from a hospital, hospice, care facility, or medical examiner's office, all paperwork must be completed prior to removal. In addition, these institutions may have their own policies regarding body removal protocol, so check as well in advance as possible to ensure a smooth transition from institutional care.

## Steps for conducting body care:

- Bathe as desired to remove surface bacteria
- Wrap or clothe as desired
- Cool the body with the use of Techni-ice<sup>®</sup>, dry ice, air conditioning, opening a window in cool weather; 3 days under 65 degrees is sufficient under average circumstances
- Use universal precautions (masks, gloves, handwashing) as needed for someone with a communicable disease (*see Special Circumstances below for more info*)
- Do not move a body to or from the home without a completed PROD and transit permit

## Tips:

- Plan ahead whenever possible by contacting or locating key players (Town Clerk, Deputized agent, Medical Examiner, cemetery or crematory operator, etc.) who may need to be involved
- Shop ahead for caskets, shrouds, urns, and other necessary goods
- Shop for a funeral director who will assist if necessary with the services you may choose to purchase
- Research additional information at the [Funeral Consumers Alliance](#), the [National Home Funeral Alliance](#), and the Vermont section of [NH Funeral Resources, Education & Advocacy](#)

## Filing Paperwork and Obtaining Transit/Burial Permit

While there are precise steps for completing paperwork without hiring a funeral director, they are, in most cases, no more daunting than any other form filing. The information required for the demographic portion is personal individual and family history, all of which will have to be located by the family anyway and then conveyed to a funeral director if the family chooses to hire one to fill it in for them. There is no cost to filing for families.

### *Steps regarding death certificates and transit/burial permits:*

- 1) Acquire the PROD from the medical authority of record, with the medical portion completed and signed
- 2) Complete the demographic portion, no spaces left blank, signed by the next-of-kin acting as his or her own funeral director
- 3) File the form with Vital Records within 48 hours of the death. You may do this by any of the following actions:
  - a. Fax the form to Vital Records by fax to (802) 651-1787
  - b. Mail or deliver by hand to Vital Records, Vermont Department of Health, 108 Cherry Street, P.O. Box 70, Burlington, VT 05402-0070; if mailing the original, keep a copy to bring to the Town Clerk's office when seeking a transit permit
  - c. Enlist the Town Clerk in filing electronically directly with the Vital Records Office through the Electronic Death Registration System (EDRS); call ahead to ask about office hours, or to arrange for assistance outside of normal office hours if possible
- 4) Certified copies of the death certificate usually will be available for purchase from

any Town Clerk's office within 24 hours of receipt

- 5) Obtain the transit/burial permit from the Town Clerk's office or their designated deputy registrar; it must be signed by the Town Clerk or designated deputy, or a law enforcement officer in the town where the death occurred
- 6) Completed transit/burial permits must be registered with the Town Clerk in the town where the disposition occurred [[18 V.S.A. § 5201](#)].
- 7) If the body will be transported out-of-state for burial or cremation, be sure to call ahead to the out-of-state cemetery or crematory to check on any unique requirements, and to ensure they'll accept a body from a family.



- 8) If the body will be cremated, a Medical Examiner will need to examine the body and complete a Cremation Certificate prior to arriving at the crematory.

### **Burial on home property**

It is legal in Vermont to bury related family members only on home property if the zoning and local laws do not prohibit it. If you live outside the village or city limits, or are zoned rural residential, you can usually create a family burial ground on your own land. It is important to understand that burying on private property constitutes establishing a private family cemetery that will need to be documented and registered with the town.

#### *Steps regarding establishment of a family cemetery:*

- Check for local ordinances with the zoning authorities or the Town attorney
- Draw a map of the land showing the location that includes a drawn easement for future access by family members, and have it recorded with your deed at the town clerk's office for a permanent record and easement on the land (there's usually a small fee to pay)
- If you need advice on where to locate the burial grounds, call your town's health officer
- After burial, sign the burial transit permit and file it with the town clerk.
- For Vermont info directly involved in burial, see *Digging Deep: A Guide to Cemetery and Burial Law in Vermont 2017*
- For information regarding how to dig a natural burial grave, research general home and natural burial information at the Home Burial page of [NH Funeral Resources, Education & Advocacy](#)



#### *Restrictions and guidelines, according to 18 V.S.A. § 5319, include:*

- (2) The burial boundaries of a new or expanded cemetery shall be located:
  - (A) not less than 200 feet up gradient of a drilled bedrock well or a drilled well in a confined aquifer that is part of an exempt or permitted potable water supply or a transient non-community public water system source;
  - (B) not less than 500 feet up gradient from any other groundwater source that is part of an exempt or permitted potable water supply or a transient non-community public water system;
  - (C) not less than 150 feet cross or down gradient from any groundwater source that is part of an exempt or permitted potable water supply or transient non-community public water system;
  - (D) outside zone one or two of the source protection area for an existing or permitted public community water system;
  - (E) outside the source protection area for an existing or permitted non-transient, non-community public water system;

(F) outside a river corridor as defined in [10 V.S.A. § 1422](#) and delineated by the Agency of Natural Resources; and  
(G) outside a flood hazard area as defined in [10 V.S.A. § 752](#), and delineated by the Federal Emergency Management Agency, National Flood Insurance Program.

*Tips:*

- If the grave is wet, dig a small trench at the foot for the water to pool
- Line the grave with lengthy sticks or branches, and cover with evergreen boughs or other organic matter to create an oxygen trap and space to remove lowering ropes or straps
- Mound all the soil above the grave to create a flat surface once settling has occurred
- Winter burials are possible if time is taken to remove snow and thaw the ground sufficiently with coal fires, heaters, solar covers, or other methods
- The casket may also be filled with sawdust or other insulating agent and held in a cold shed, barn or garage until spring burial is possible

**Special Circumstances for Home Funerals**

*Deaths Involving Communicable Diseases*

If you've been caring for someone with a communicable disease such as Hepatitis or AIDS, the same precautions (latex gloves, for example) you took during the care apply after death. No extraordinary measures are necessary. If death occurs from a rarer infectious disease such as meningitis or a tropical fever, you should consult the [Vermont Department of Health's Infectious](#)

[Epidemiology Unit](#) at 888-588-7781.

Immediate burial or direct cremation may be recommended in such cases. Embalming is not required in any circumstances.



*Deaths Involving Medical Examiners*

Cremation certificates must be issued by a medical examiner or deputy. To locate a deputy near you, call 888-552-2952.

In the case of unanticipated death, the [Medical Examiner's office](#) will be contacted to determine cause of death. It is up to the ME to determine the need for an autopsy. If you are choosing to bring the body back home after the ME releases the body, be sure he or she knows of your intentions. While the body may be temporarily in the custody of the ME, when released the family again has full custody and control of the body.

*Deaths Involving Organ Donation*

Home funerals are possible at the end of organ donation harvesting. Ask the medical team what to expect and what special precautions or protocols they recommend, if any. For more information on organ donation in general, research New England Donor Services.