

How Hospice Staff Can Support Washingtonians Who Choose to Care for Their Dead

Washingtonians have the legal right to custody and control of their own dead. There is a natural transition from hospice care to after-death home care. Families who have cared for their loved one during the dying process may benefit from engaging in family-centered home after-death care but may be unfamiliar with their rights to do so. Unlike licensed funeral services practitioners, there is no legal time limit for how long families may spend caring for and sheltering their deceased family member.

Legal Authority of the Next-of-Kin

In Washington, the legislative authority for the next-of-kin to act as unpaid funeral services practitioners is found in **RCW§68.50.270**:

"Possession of human remains: The person or persons determined under RCW§68.50.160 as having authority to order disposition is entitled to possession of the human remains without further intervention by the state or its political subdivisions."

RCW§68.50.160(1) specifies: "A person has the right to control the disposition of his or her own remains without the predeath or post death consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished." Immediate family are by law the default decision makers regarding physical remains.

Ways You Are Empowered to Assist the Next-of-Kin

The following suggestions may be offered by hospice personnel to ease the transition off service without adding responsibilities to your staff.

1. Ask the next-of-kin, *"What plans can we assist you in making?"* instead of *"What funeral home do you want us to call?"*
2. Add this non-commercial public information source to your list of funeral homes: Washington Funeral Resources and Education, www.washingtonfuneral.org

3. Provide the following information alongside any information about local funeral homes:

“Under Washington law, families may conduct any or all tasks commonly performed by a funeral home, except embalming (which is not required by Washington 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).”
4. Let the next-of-kin know that while there are legal limits for hospice personnel after the time of death, they may invite hospice staff to help with any aspect of after-death care as volunteers, if desired, such as bathing, dressing, and laying out the body.
 5. For the next-of-kin handling the death certificate without a funeral director, assist in completing the medical portion in a timely manner.

Additional Information

Washington Funeral Resources and Education, www.washingtonfuneral.org

National Home Funeral Alliance (NHFA) www.homefuneralalliance.org

Funeral Consumers Alliance (FCA) www.funerals.org