

Home Vigil Legal Template

This document is designed to be an end-of-life action plan that instructs family and community about legal practice of death care at home and steps towards planning a green burial (disposition without embalming). Anam Cara Therapies in partnership with A Thousand Hands is providing this template in an attempt to share information about what is legally possible in Minnesota around home-based funeral practices. Please note that this information may be helpful for home vigils in other states, but each state has differing laws on what is legally acceptable death practice. This document was developed in accordance with Minnesota state laws.

After a person has died, these are legal steps to follow in order to assure you are in compliance with Minnesota burial requirements:

Step 1.

If the person was on hospice or palliative care, call the hospice line to report death. If the person was not on hospice, contact the person's attending physician or primary care physician.

If these options are not available call the non-emergency line for your county.

In Minneapolis, call 311 for incidents that do not require a police response.

Medical staff will come to verify cause of death.

Step 2.

If the next of kin is not present, contact them. This goes in the order of spouse, adult children, adult grandchildren, great-grandchildren. If the deceased has no children or spouse, the order moves upward to parents and then collateral heirs including siblings and nieces and nephews. Next of kin takes responsibility for their funeral/burial arrangements and financial affairs after a relative dies. Please note that in Minnesota a mortician is not required to fill out a death certificate, a family member or "person in charge of the disposition" can do this. However, you do need a physician to complete a death certificate. You have options for how the legal process of a home-based vigil can work. Some families choose to do this process independently and complete the paperwork process without a mortician. Other families choose to have a home vigil, but contract with a mortician to do paperwork and assist with transportation to the cemetery or moratorium. In accordance with the home vigil process you will want to communicate that the person will not be embalmed and look at options for green burial.

Forms you will need:

1. State of Minnesota Certificate of Removal

Issued by the Minnesota Department of Health, form #HE-01655-02

<https://www.health.state.mn.us/facilities/providers/mortsci/docs/certrem.pdf>

This is used to remove a person from the place of death to any location where the body is held awaiting final disposition. This form must be used to remove a person from a facility or hospital to home. It must also be used to transport the person from home vigil to burial grounds or cremation site. Keep this in your car and present to person who is transferring body.

2. Minnesota Registration & Certification (documentation of death worksheet)

Issued by the Minnesota Department of Health, Form # D102

<https://www.health.state.mn.us/people/vitalrecords/deathreg/docs/wksheet.pdf>

Filing a death certificate must happen within five days of the death or prior to burial, whichever comes first. To file a death certificate:

A) A “documentation of death worksheet” must be completed. The documentation of death worksheet must be filed by a mortician or other community member in charge of the disposition of the body.

B) The cause of death on the documentation of death worksheet must be certified by either a physician, coroner, or medical examiner with jurisdiction of the body.

C) The documentation of death worksheet is filed with the State Registrar to the attention of the supervisor of Death Record Processing using fax number

651-201-5750.

3. Disposition Permit (issued by state registrar)

A disposition permit is required prior to disposition. It is issued by the State Registrar after the documentation of death worksheet has been filed. This permit must be given to the cemetery official or crematory. Certified copies of the death certificate (will have embossed stamp) are typically required for application for life insurance, transfer of titles of homes or automobiles, banking and for many other legal issues. Certified copies of the death certificate may be obtained from any local registrar, by using the State Registrar’s Minnesota Death Record Application.

<https://www.health.state.mn.us/people/vitalrecords/docs/dcappia.pdf>

Step 3.

Contact your community care circle to prepare person for home vigil.

The estimated timeline includes day 1 for preparation of the person to include a private family vigil, day 2 for community and extended family vigil, and day 3 for disposition. Minnesota law requires the disposition of a person who is unembalmed for no longer than 72 hours.

Step 4.

Contact burial ground or cremation site to notify them of death. Arrange burial time and date. Remember to allow time for cemetery to prepare site. Also, staffing and schedules

must align for cemetery, so allow as much time possible. Typically, weekend burials incur more costs because pay rates are different.

Step 5.

Prepare for transposition of dead person. In vehicle you must have death certificate, certificate of removal, and disposition permit. These need to be in the possession of the person in physical/legal custody of dead person (next of kin). It can also be attached to container that holds the body. At the place of final disposition, legal and physical custody of the body passes with the filing of the disposition permit to person in charge burial ground/crematorium.

When moving a deceased person with a vehicle, you must follow Minnesota law. They must be wrapped in a non-porous, preferably plastic sheet. The person is required to be moved on a cot, stretcher or something rigid to move the person. They must be transported in the horizontal or lying position and shielded from public view in an enclosed area (i.e, no open extended cabs).