



CREMATED REMAINS

State law requirements

Easy Steps to Compliance

Releasing Cremated Remains:

Following completion of a cremation, you must release the cremated remains according to the instructions given on the written authorization to cremate. If the cremated remains are to be shipped, you must package them securely and ship them via a method which has an internal tracking system available and which provides for a receipt signed by the person accepting delivery. This may include UPS, US Certified/Return Receipt mail, Federal Express, or other such carriers.

If there is a dispute over release or disposition of the cremated remains, you are allowed to deposit the cremated remains with a court of competent jurisdiction (ie. circuit court) pending resolution of the dispute. If you don't want to do this, you are allowed to keep the cremated remains until the authorized representative with the right to control disposition presents satisfactory indication that the dispute is resolved.

Unclaimed Cremated Remains:

If you have any cremated remains, you must store them in a secure location while trying to locate an authorized representative or person to whom you were instructed to release the cremated remains.

The following procedure must be used:

1. 60 days after the cremation: If the cremated remains are not claimed, you must send notification, by certified mail, to the authorized representative or person to whom the cremated remains were to be released. This notification must inform the recipient that the cremated remains are unclaimed and that you need additional instructions regarding their release.
2. 30 days after the first notification: If the cremated remains are still unclaimed, you must send a second notification, by certified mail, to the same person(s) that you sent the initial notification. You must inform the recipient that the cremated remains are still unclaimed and that you need additional instructions regarding their release. You must also inform the recipient that you may dispose of the remains in ninety (90) days if unclaimed.

3. 90 days after the second notification: If the cremated remains are still unclaimed, you may dispose of the cremated remains by burial or entombment. You may bury the cremated remains in a common grave if you informed the authorized representative earlier of the possibility of the use of a common grave. See below.

If you follow the procedures above, you are entitled to payment for these services from the deceased person's estate, pre-need contract, applicable insurance policies or trust funds, or indigent burial programs.

Permission to Cremate

If you have been contracted to provide a cremation, you must work with the crematory to accomplish 2 common goals:

1. get written authorization from the authorized representative who has the legal right to authorize the cremation.
2. get a permit for cremation from the medical examiner.

You must NOT release a body to a crematory before the written authorization to cremate from the authorized representative and the permit for cremation are executed.

Disclosure on Burial in Common Graves for Unclaimed Cremated Remains

You must disclose, in writing, to the authorized representative during the arrangement conference that unclaimed cremated remains may be buried in a common grave and may not be recoverable in their entirety or at all, if exhumed at a later date.

Removing Objects from the Body Prior to Cremation

You must ask the authorized representative if the decedent may have any non-combustible objects, hazardous medical equipment, or other objects which may not incinerate.

If there are such objects, you must disclose to the authorized representative that these objects must be removed because of their non-combustible or dangerous properties.

An EMBALMER must remove all of these objects prior to releasing the body to a crematory. It is NOT the responsibility of the crematory to remove these objects.

This information sheet is designed to aid you in complying with state funeral laws.
Printed and Compiled by: West Virginia Board of Funeral Service Examiners