



Cremation Procedure & Code of Virginia Addendum to Cremation Authorization

CODE OF VIRGINIA

§ 54.1-2800. Definitions. "Next of Kin" means any of the following persons, regardless of the relationship to the decedent; any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant so § 54.1-2800, the legal spouse, child over eighteen years of age, custodial parent, noncustodial parent, siblings over eighteen years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, maternal siblings over eighteen years of age and paternal siblings over eighteen years of age, or any other relative in the descending order of blood relationship.

§ 54.1-2825 (A). Any person may designate in a signed and notarized writing, which has been accepted in writing by their person so designated, an individual who shall make arrangements and be otherwise responsible for his funeral and the disposition of his remains, including cremation, internment, entombment, or memorialization, or some combination thereof, upon his death. Such designee shall have priority over all persons otherwise entitled to make such arrangement, provided that a copy of the signed and notarized writing is provided to the funeral service establishment and to the cemetery, if any, no later than 48 hours after the funeral service establishment has received the remains. Nothing in this section shall preclude any next of kin from paying any costs associated with any funeral or disposition of any remains, provided that such payment is made with the concurrence of any person designated to make arrangements.

§ 54.1-2825 (B). Where a person has designated in a U.S. Department of Defense Record of Emergency Data (DD Form 93), or any successor form, for an individual to make arrangement for his funeral and disposition of his remains, and such person dies while serving in any branch of the U.S. Armed Forces as defined in 10 U.S.C. § 1481, such designee shall be responsible for making such arrangements.

IMPLANTED DEVICES

A pacemaker, defibrillator or other potentially hazardous implant may not be cremated per state regulations (18VAC65-20-436). Those devices, other implanted battery-powered devices, and certain prostheses may create a hazard when placed in the cremation chamber and subjected to heat. The funeral home is hereby authorized to remove each device and to charge for its services in making or arranging for such removal which shall take place at a facility determined by the funeral home. Unless indicated directly below, The funeral home may dispose of all such devices at its discretion. If radioactive seed implants or isotopes have been used within one year of the time of death, cremation may not be performed.

WITNESSES

Witnessing a cremation can be an emotional experience. Witnesses are assuming the risks involved and fully release the Funeral Home and Crematory from any liability. To the extent permitted by the Crematory, the persons listed on the Authorization are authorized to be present at the cremation room prior to and during the cremation of the Decedent's remains and during the removal of the cremated remains from the cremation chamber. If you desire witnesses, you must declare this and list their names. Arranging and scheduling a specific time to carry out the cremation with witnesses will incur additional charges toward the total cost of the cremation.

CREMATION PROCESS

§54.1-2818.1 Prerequisites for Cremation. No dead human body shall be cremated without (i) permission of the medical examiner as required by §32.1-284 and either (ii) visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to §54.1-2825 or an agent named in an advance directive pursuant to §54.1-2984. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation.

Cremation is considered final disposition of remains in the Commonwealth of Virginia. It is carried out by placing the Decedent's remains in the casket or alternative container, which is then placed into a cremation chamber or retort where they are subjected to intense heat and flame. All cremations are performed individually. During the cremation process, it may be necessary to open the cremation chamber and reposition the remains of the Decedent in order to facilitate complete and thorough cremation. Through use of the suitable fuel, the incineration of the container and its contents is accomplished and all substances are consumed or driven off, except bone fragments (calcium compounds) and metal (including dental gold and silver and other non-human materials) as temperature is not sufficient to consume them.

CREMATION PROCESS (continued)

Due to the cremation process, any personal possessions or valuable materials, such as dental gold or jewelry (as well as any prosthesis or dental bridgework) that are left with the remains and not removed from the casket or container prior to cremation may be destroyed or if not destroyed, will be disposed of by the Crematory. The Authorizing Agent understands that arrangements must be made with the Funeral Home to remove any such possessions or valuables prior to the time that the remains of the Decedent are placed in the cremation chamber.

Following the cooling period, the cremated remains, which will normally weigh several pounds in the case of an average size adult, are then swept or raked from the cremation chamber. Although the Crematory will take reasonable efforts to remove all of the cremated remains from the cremation chamber, it is impossible to remove all of them, as some dust and other residue from the process will be left behind. In addition, while every effort will be made to avoid commingling, inadvertent and incidental commingling of minute particles of cremated remains from the residues of previous cremations is a possibility, and the Authorizing Agent understands and accepts this fact.

After the cremated remains are removed from the cremation chamber, all non-combustible material (insofar as possible) such as dental bridgework and hinges, latches, and nails from the container will be separated and removed from the human bone fragments by visible or magnetic selection. The crematory is authorized to dispose of these materials with similar materials from other cremations in a non-recoverable manner, so that only human bone fragments will remain.

When the cremated remains are removed from the cremation chamber, the skeletal remains often will contain recognizable bone fragments. Unless otherwise specified, after the bone fragments have been separated from the other material, they will be mechanically pulverized. The process of crushing or grinding may cause incidental commingling of the remains with the residue from the processing of preciously cremated remains. These granulated particles of unidentifiable dimensions, which are virtually unrecognizable as human remains, will then be placed into a designated container.

DISPOSITION OF CREMATED REMAINS

Following the cremation, the Authorizing Agent directs the Cremator to undertake the actions set forth to arrange the final disposition of the cremated remains of the Decedent. If the cremated remains are shipped at any time, the Authorizing Agent directs that the Crematory utilize priority U.S. Mail with a return receipt or a shipping service that uses an internal system for tracing the location of the cremated remains during shipment and requires a signed receipt of the person taking delivery of the cremated remains.

The Authorizing Agent understands that if no arrangements for the final disposition, release or shipment of the cremated remains are made in the Authorization, The Crematory shall hold the cremated remains for one hundred twenty (120) days after the cremation. If during the one hundred twenty (120) day period the cremated remains are not retrieved by the person designated on the reverse side to receive them or by the Authorizing Agent then the Crematory may dispose of the cremated remains according to §54.1-2808.1 of the Code of Virginia.

§54.1-2808.1. Disposition of cremains. Except as otherwise provided in § 54.1-2808.2, a funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering of the cremains, if after 120 days from the date of cremation, the contracting agent has not claimed the cremains or instructed the funeral director as to final disposition. The funeral director shall keep a permanent record of all cremains which identifies the method and site of final disposition. The costs and all reasonable expenses incurred in disposing of the cremains shall be borne by the contracting agent. Upon the disposition of the cremains, the funeral director shall not be liable for the cremains or for the method of final disposition. Except as otherwise provided in § 54.1-2808.2, any funeral director in possession of unclaimed cremains prior to July 1, 1993, may dispose of such cremains in accordance with the provisions of this section. However, no funeral director shall, without written permission of the contracting agent, dispose of cremains in a manner or a location in which the cremains of the deceased are commingled, except in the scattering of cremains at sea, by air, or in an area used exclusively for such purpose, or place, temporarily, the cremains of persons in the same container or urn.

For the purposes of this section and § 54.1-2808.2, "contracting agent" means any person, organization, association, institution, or group of persons who contracts with a funeral director or funeral establishment for funeral services.

CASKET OR ALTERNATIVE CONTAINER

The remains are to be cremated in a combustible casket or alternative container that is capable of being completely closed, is resistant to leakage or spillage, is sufficiently rigid to be handled easily, and provides protection for the health and safety of Crematory and Funeral Home personnel. The Crematory is authorized to inspect the casket or alternative container, including opening if necessary, in the event that the casket or alternative container does not meet the above requirements, the Crematory will notify the Authorizing Agent. Many caskets that are comprised primarily of combustible material also often contain some exterior parts (decorative handles or rails) that are not combustible and that may cause damage to the cremation equipment. As Authorizing Agent, you authorize the Crematory, in its discretion, to remove and discard the non-combustible materials. The Crematory will not accept metal, fiberglass, or plastic caskets or alternative containers. It is further understood that the casket or alternative container will be consumed as part of the cremation process.

URN OR TEMPORARY CONTAINER

After the cremated remains have been processed, they will be placed in the urn(s), keepsake urn(s), or jewelry listed on the Authorization or, if an urn is not provided to the Crematory, in a temporary container provided by the Crematory. The Authorizing Agent acknowledges that it is impossible to recover all of the dust and residue from the cremation and processing.

PROVISO

If you have any questions or concerns, as it pertains to the procedure, process, or the Code of Virginia as it relates to the cremation of a deceased human, it is imperative that you ask for clarification prior to signing any authorizations for cremation.