

Legal rights and requirements in Kansas

Heart Land Prairie Cemetery accepts un-embalmed bodies in biodegradable containers or wrapped in a fabric shroud. We are happy to make arrangements for burial directly with a family member or through licensed funeral establishments.

Families are permitted by law in Kansas to care for their own deceased and make all funeral arrangements. The authority for this is granted in *Kansas Statute 65-1734* which lists the “*order of priority of persons authorized to dispose of decedent’s remains...including burial, cremation, entombment or anatomical donation.*”

As listed in the statute:

1. *The agent for health care decisions established by a durable power of attorney for health care decisions pursuant to K.S.A 58-625 et seq., and amendments thereto, if such power of attorney conveys to the agent the authority to make decisions concerning disposition of the decedent’s remains.* In other words, if you have chosen your health care power of attorney, include on that form that they have authority to make your funeral arrangements or specifically assign that duty to another family member and get it in writing.
2. *The spouse of the decedent.*
3. *The decedent’s surviving adult children.* (It goes on to say that if there is more than one adult child and they all need to agree in writing to the arrangements.)
4. *The decedent’s surviving parents.*

The statute goes on to list other degrees of kinship, guardianship etc.

Families also have the legal authority to transport a body to the cemetery as stated in *Kansas Statute 65-1753* which specifically lists, among a variety of locations, a *cemetery* as a place one can deliver a deceased human body.

For every death that occurs in Kansas a death certificate must be filed with the Kansas Vital Statistics office within three days. All death certificates have to be signed by the attending physician or the medical examiner/coroner. The filing is done online. It is not possible for private citizens to sign up and gain access to the online filing system, also known as EDRS, Electronic Death Registration System, however, the Vital Statistics office in Topeka can receive information over the phone or by fax and forward the electronic form to the attending physician or medical examiner. If you are working with a funeral director they will initiate the filing of the death certificate for you as part of their services.

The telephone number for the Vital Statistics office is: 785-296-1428

The office is open during business hours during the week and closed on weekends. If a death occurs on a weekend, and the family is making all arrangements, it is imperative that you contact the office first thing on Monday morning.

If a person is dying at home on hospice, it is likely that the hospice medical director is registered with the Vital Statistics office. Similarly, **if the death occurs in a hospital**, the attending doctor will have death certificate signing capacity. **If the death is unexpected or the result of an accident**, the coroner or medical examiner's office will provide the "cause of death," sign and file the form.

It is helpful to know ahead of time if your doctor is registered to sign and file the online certificate with Kansas Vital Statistics as it will greatly expedite and simplify the process. For completion of the death certificate, the family needs to have readily available all pertinent information of the deceased, such as social security number, place of birth, level of education, mother's maiden name, etc.

To find out more about how to care for your own deceased at home see:

<https://www.homefuneralalliance.org/>