
From: Barb Phillips <[REDACTED]>
Sent: Sunday, April 14, 2024 1:25 PM
To: Mather, Maddison <matherm@northumberland.ca>
Subject: Long-Term Care Homes & Family-Led Death Care in Ontario

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April 14, 2024

County Council Committee

The Corporation of the County of Northumberland
555 Courthouse Road
Cobourg, On.
K9A-5J6

**Re: Long-Term Care Homes & Family-Led Death Care in Ontario, specifically -
Policy on Family Choice to Remove Body of Deceased Loved One from The Golden Plough**

Dear County Council Committee,

We are writing regarding The Corporation of the County of Northumberland's current policy on families' legal choice to personally remove their deceased loved one from your Care Home following death.

While many Care Homes may never have had a family member directly claim and remove the body of their loved one following death, nowadays more families are choosing to bring their deceased loved ones home, to provide Family-Led Death Care at their own home, without the aid of a funeral establishment.

* Our recent outreach has revealed that many Long-Term Care Homes in Ontario are not aware of or prepared for, and in some cases not supportive of or compliant with, this legal choice.

Through the information below we aim to quickly share both the law and best resources on this matter to

accurately guide The Corporation of the County of Northumberland's understanding, policy and compliance going forward.

Family-Led Death Care

In Ontario, next of kin can legally provide care for a deceased loved one without the involvement of a licensed funeral establishment or transport service, prior to burial or cremation.

The foundation of this, written as an Exemption from Licenses, exists within the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), O. Reg 30/11, Section 7(2) --

<https://www.ontario.ca/laws/regulation/110030#BK11>

The outcome of Section 7(2) has been defined by the **Bereavement Authority of Ontario (BAO)**, Ontario's regulating authority for the death care sector, as **Family-Led Death Care** and is described on this dedicated page of their website --

https://the_bao.ca/for-consumers/family-led-death-care/

The BAO defines **Family-Led death Care** as --

"A family member may provide funeral services, including **transport**, documentation including death registration, and body care, without a license and for no charge. Family members can legally provide funeral services without a license, except for arterial embalming, for their deceased loved one."

The BAO goes on to state --

"When contemplating Family-Led Death Care, it is important to note that **institutions, like hospitals or nursing homes, may not be aware that it is legal for family members to provide funeral services for their deceased family members. It is best that planning for Family-Led Death Care take place well in advance, including direct communication with the institutions that may be involved to ensure there is no misunderstanding at the time of need.**"

Regarding **Transporting the Deceased Body**, The BAO explicitly states --

"You may contact a funeral establishment or a transfer service to have the deceased person transferred from the place of death, or **a family member of the deceased may carry out the transfer services**, if those services are provided at no charge and /or benefit."

Regarding **Services a Family Can Provide --**

At the bottom of this webpage is a visual chart providing a simple, clear overview of all the funeral services a family can provide their deceased loved one, including "**removing the body from the place of death.**"

Thus, while many Long-Term Care Homes may never have had a family member directly claim and remove the body of a loved one following death, it is important to understand that next of kin can legally remove the body from the place of death independently if they choose.

Request

* If The Corporation of the County of Northumberland's policy regarding removal of the deceased is not already in compliance, we ask that you flag this for review and revision now, so that, as the BAO states above, there is no misunderstanding for family and staff at the time of need.

Please understand that once your Care Home has released the body, the family becomes responsible for any further actions and decisions. In our experience, most families making this choice are already very well educated and informed, and most will choose to do so in a similar manner to that of a funeral establishment or transfer service. Once again, having these conversations in advance is the best way to create smooth and respectful outcomes for all involved.

* If you would kindly respond to this email/letter at this time and let us know --

- The Corporation of the County of Northumberland's current policy is already compliant with this provision, or
 - The Corporation of the County of Northumberland will now update their body removal policy into compliance with this provision.
- we would be most grateful and will notify our communities in this regard.

* We also ask that all relevant staff be educated on this matter and policy so that any and all families

inquiring and wishing to make this choice for their deceased loved one at The Corporation of the County of Northumberland' Care Home is immediately met with accurate support of their choice.

Policy

If it would help, we would be glad to assist in crafting or revising language for your policy and can provide examples from other institutional policies that are in compliance with this Ontario regulation.

Perhaps your revision could be as simple as an amendment to your current policy stating, "As unlicensed providers, families can legally remove and transport their deceased from The Corporation of the County Northumberland Care Home, in their own vehicles, without the use of a funeral establishment or transfer service."

Ultimately, we hope that family members who request to remove their deceased from your Care Home will not meet unlawful restrictions or barriers, and that by working together now we will create open pathways for families choosing to enact Family-Led Death Care for their loved one.

As someone who will provide Family-Led Death Care without the assistance of a funeral establishment for my own family members when the time comes, I look forward to your reply, would be happy to discuss this matter further, and am available to answer any questions that may arise.

Sincerely;

Barb Phillips
Member, Community Deathcare Ontario, Legislative Committee

Community Deathcare Ontario, and Community Deathcare Canada, assist families and communities to reclaim, restore, and renew home-based end-of-life and post-death care.

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[REDACTED]

Barb Phillips, BA Physical and Health Education
Thanadoula/Home Funeral Guide/Life-Cycle Celebrant

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