



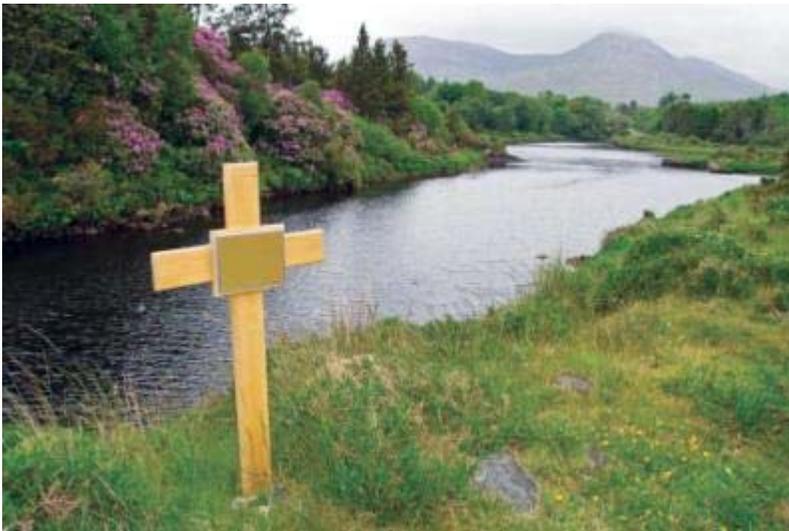
# MOTHER EARTH NEWS

## We've Never Regretted a Private Burial

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Have you ever looked at a special place and thought, "I'd like to be buried there"? Such a simple wish may not be so simple to fulfill.

PHOTO: FOTOLIA

One summer evening, my father-in-law, Frederick, suffered a fatal heart attack. EMTs rushed him to a nearby hospital in central Illinois, but in less than two hours, he was gone.

Within minutes of Frederick's death, a hospital employee asked about funeral arrangements. I was jarred. My family was still in shock over our loss. Unsolicited, the staffer called a local funeral home and pulled me to the phone. The mortician, upon learning we had no plans, began to sell me his. I was angry that our grieving was interrupted for a sales pitch.

We had not anticipated Frederick dying. We had not expected to plan a funeral. I told the man plainly that I was galled that we couldn't have a moment to ourselves free from advertising, and that I couldn't bury my father-in-law without going through the funeral industry. Suddenly, I wondered aloud about burying Frederick's remains on my property in central Colorado.

The mortician asserted that such an endeavor would be a terrible mistake. "In all my years as a mortician," he fumed, "there was only one time I ever heard of someone trying to bury on private property. It took more than a year and turned out to be a huge, costly mistake."

He warned me that I was going to have to wade through federal, state and local laws and regulations to obtain permission (which would almost certainly be denied, he said), and he asked what I would do

with the body in the interim. Even if I could get permission, I would have to turn my entire 51-acre parcel into a cemetery and would thus never be able to sell it. The whole ordeal would cost much more than a traditional funeral and put the family through needless suffering. He kept urging me to give him permission to “take care of everything.” I told him I would think about it.

After I hung up the phone, the hospital staffer asked whether I had “made arrangements” with the funeral home. The staffer supported the mortician’s claims, telling me, “People just don’t go out and bury the dead anymore.”

“No,” I corrected her. “People in America don’t bury the dead anymore. But that is exactly what millions of other people all around the world do. They bury their dead on their own land, as they have since the dawn of time, without having to go through an industry to do it — and that is what I intend to do.” Thus began my quest to bury my father-in-law on my own property.

The mortician was wrong about everything — at least as it pertained to our situation — but my exchange with him opened my eyes. There are many issues to consider before burying someone on private property, and it is inadvisable to do so entirely on your own. You will find it expedient to involve “the authorities” to some extent, though it is sometimes difficult to limit that extent. The commercial and public entities able to assist do not function as buffets do, allowing you to pick only the services you want.

My experience was in burying a body. Rules about burying or scattering the ashes of someone who has been cremated are often more relaxed. Again, I counsel you to confer with the city, county and state authorities for applicable laws in your area.

Before I detail our experience, let me offer a few words about the physical processes of death.

## **Death: Totally Natural**

If you are considering preparing a dead body for a private burial yourself, you need to be familiar with the reality of it.

Death is as much a process as an event. Our bodies are a collection of interrelated systems. After heart and brain activity stop, these different systems die at varying rates. The brain dies minutes after blood and oxygen stop flowing to it, while other systems die at rates ranging from a few minutes to many hours. Decomposition starts soon thereafter.

With the heart no longer pumping, blood sinks to the lowest part of the body (usually the back, if the deceased is lying down), making that area look dark while the upper surface of the body turns pale. Heat loss begins. In about three hours, the muscles and joints stiffen, a condition called rigor mortis.

Within a day, bacteria that had aided digestion start breaking down cells, tissues and organs. This action produces hydrogen sulfide and methane gases, which start to inflate (and emit from) body cavities, forcing gas, fluids and blood into different parts of the body and making it appear bloated. Decomposition accelerates. The body begins to discolor and collapses in on itself. Finally, the body begins to dry out, and the rate of decay slows. The body turns to a skeleton in 10 to 15 years.

Let’s be honest: Reading this brief description of the death process probably makes many of us grateful for the funeral industry. No matter how back-to-nature people may feel they are, few are prepared to handle the remains of a dead animal, let alone a dead relative.

Over the years, Americans have gratefully given up having any firsthand experience with death. The funeral industry (including cemeteries) has been happy to indulge this cultural squeamishness. With

the industry “taking care of everything,” we need do nothing and know nothing. The industry fosters the illusion that death doesn’t have to be messy. Even a week or two after dying, Grandma can still look as if she were sleeping, with a light blush on her cheeks and her hair just so. Burying her near a sign that reads “Garden of Eternal Rest” will somehow make her journey to the next life (and our coping with it in this life) stress-free.

## **Private Burial Considerations**

Most people die in (or are pronounced dead at) hospitals, and hospitals quickly press to have the remains removed.

You may wonder why you should bother with a hospital at all. Why not let Grandma die in bed at home and simply bury her on the property in a homemade casket without asking or telling anyone?

Well, let’s suppose Grandma does die at home. Even if you’re prepared to take Grandma from her deathbed to her final resting place on the back 40, doing so may cause big problems later. You must research the local, county and state regulations — and any deed restrictions on your land — beforehand and follow them carefully. (See Resources at the end of this article). By sidestepping laws and regulations, you may be fined and forced to exhume the body and pay for an autopsy.

The death certificate is another thing to consider. No organization that the deceased had any dealings with, such as an insurance company, mortgage company or bank, will provide any information or benefit to heirs without an original death certificate. You will save grief and aggravation if you call an ambulance to take Grandma’s remains to a hospital where the death and its cause can be certified by a coroner, who will issue an official death certificate.

If Grandma dies in the hospital and you decide to bury her yourself on private property, you will need a casket or leak-proof box sturdy enough to put the body in, a vehicle large enough to accommodate that box, and another person or two to help move the box, as it may weigh up to 75 pounds, plus the weight of the body. Many cities and counties have laws prohibiting “improper removal or disposal” of a dead body. Expect the hospital to do little to assist, and that administrators may even call police. Unless you have coordinated all of this in advance with the hospital, your actions will probably seem irrational to them.

## **The Pros and Cons of Funeral Home Help**

We were completely unprepared when my father-in-law died, and the hospital would release his remains only to a licensed mortician. That forced us to deal with the funeral industry.

I reluctantly called the mortician back and had him pick up my father-in-law’s body. This decision ensured my family would receive a death certificate, stay out of trouble with the hospital (and the law), have time to research Colorado private burial regulations, and find a commercial cemetery (if my research uncovered laws prohibiting burying on private property).

The funeral home wouldn’t (and couldn’t) simply remove the body from the hospital and ship it. Its own legal requirements meant the staff had to embalm, clean and dress the body and put it in a casket (which we bought from them for convenience). We also had them fly the remains to Colorado for us. Transporting a body by commercial carrier also triggers regulations. Commercial airlines require that bodies be embalmed, placed in leak-proof containers and be transported as freight.

In most cases, embalming is not required by law.

I looked into receiving the remains at the Colorado airport and driving them to the burial site myself. This, too, proved to be a challenge. The airport wanted a receipt for the “cargo,” a vehicle big enough to haul it, and a gurney or second person on hand to help load. I couldn’t have arranged all of that from Illinois, and even if I could have, what would I have done with the body after I received it at the Colorado airport?

Once again, I found it necessary to go back to the funeral industry. I contacted a funeral home near what would be the burial site on my property. The staff agreed to pick up my father-in-law’s remains at the airport and keep them in their refrigerated storage facility for a few days until we had dug the grave. They would then drive the remains to the grave site.

## Digging for Answers

I began researching the private burial issue in earnest. I had expected to run up against prohibitive regulations, but I found virtually none. As it turned out, there are no federal laws that govern private burial on private property. Regulations are at the state and local levels, and they vary greatly from place to place. (The website for [The Centre for Natural Burial](#) offers a comprehensive and searchable listing of state laws. — Mother)

I live in a remote area outside of a tiny, unincorporated municipality that had no regulations — just some regulations pertaining to dead livestock. I also asked the staff of the Colorado funeral home whether they knew of any prohibitions, and they said they did not. In short, the civil authorities in my area had no objections to burying human remains on private property.

Do not take our experience as your permission, however. You must look into this yourself for your own area. Start with a review of your deed or property covenants. Next, check with a local funeral home or cemetery, and finally, check with the appropriate city, county and state government offices. It can be complicated and confusing to run down your state’s laws concerning death and private burial, because different state laws give authority to different agencies. In one state, the board of health may oversee burials; in another, it may be the board of mortuaries and cemeteries. A good place to start may be a phone call to your county clerk. He or she is bound to know who oversees the topics. Seek out the information well before you need it, if possible, so you aren’t trying to make tough decisions at a very stressful time. Be thorough. You do not want to be fined (or worse, have to dig up the casket and rebury it elsewhere). If you live in a rural area, you have a better chance at succeeding than if you live in a large city.

The Colorado funeral home provided us with the preferred dimensions of the grave: approximately 8 feet long, 4 feet wide and about 5 feet deep. Once again, customs and regulations vary widely. Regions where the water table is high may require placing the casket in a concrete vault and burying it to a specific depth.

We hired an excavator to dig the grave. He showed up with a massive backhoe and over-dug the hole to 10 feet long, 6 feet wide and a cavernous 9 feet deep. This created a big problem: How to lower the casket safely into such a deep hole?

When the funeral director delivered the remains, he, his assistant and I discussed the best approach. In the end, the three of us used a long, 2-by-10-inch board as a ramp and, with a rope, slowly slid the casket down the board into the grave.

## Saying Goodbye

A Catholic priest conducted a graveside service and my family and I said goodbye to my dear father-in-law. That, however, was not the end of our project. Living in a rural area with a lot of wildlife, we wanted to get the casket covered with dirt quickly to keep animals out, but we were unable to get the excavator to come right away to do it. We had to fill 540 cubic feet ourselves with shovels. We shoveled for several hours to fill in the grave to the point we felt no animals would be able to get in, but we shoveled off and on for days to completely close the grave.

We never regretted our decision to bury Frederick's body on our property. Figuring out how to do it and then make it happen was not easy. If my experience causes you to reconsider being buried under the old oak tree, that may be for the best. Private property burials can be done — with or without the funeral industry — but only after careful thought and thorough planning.

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## Resources

### [Homemade Caskets: You Can Make a Coffin](#)

Our simple plans for a one-of-a-kind casket

### [Green Burial Council](#)

Green, conservation and other types of burial, as well as links to funeral homes that comply with the organization's guidelines

### [The Green Funeral Site](#)

Information on green funerals and green burial, with links to suppliers of biodegradable caskets and service providers