

Burial or Cremation of Deceased Persons Without Financial Means

Summary NSW Health is responsible for the burial or cremation of deceased persons without financial means, including assessing the financial means of deceased persons. NSW Police have ceased determining the financial means of deceased persons. Update of the PD was necessary to address this change. Several other updates are also included.

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Burial or Cremation of Deceased Persons Without Financial Means

Policy Statement

NSW Health is responsible for the burial or cremation of deceased persons without financial means, including assessing the financial means of deceased persons. This includes non-coronial deaths in and outside of hospitals in addition to deaths that are reportable under the *Coroners Act 2009* (NSW).

This Policy Directive provides information on the requirements, responsibilities and procedures associated with the funeral of deceased persons without financial means.

This Policy Directive rescinds NSW Health Policy Directive *Destitute Persons - Cremation or Burial* ([PD2008_012](#)) in response to the withdrawal of NSW Police in assessing financial means and completing Form P372.

Summary of Policy Requirements

Non-coronial deaths in hospitals

Local health districts (LHDs) are responsible for administering the burial or cremation of deceased persons without financial means for all non-coronial deaths in hospitals.

The LHD where the death occurred is responsible for the financial assessment, arranging and paying for the burial or cremation of the deceased person.

Non-coronial deaths outside of hospitals

LHDs are responsible for administering the burial or cremation of deceased persons without financial means for all non-coronial deaths outside of hospitals.

The LHD where the death occurred is responsible for arranging and paying for the burial or cremation of the deceased person.

NSW Health Pathology is responsible for assessing the financial means for the burial or cremation of deceased persons and will provide that assessment to the LHD where the death occurred.

Deaths reported to the Coroner under the *Coroners Act 2009*

NSW Health Pathology is responsible for assessing the financial means for the burial or cremation of deceased persons where a death is reportable under the *Coroners Act 2009* (NSW) and will provide that assessment to the LHD where the death occurred.

The LHD where the death occurred is responsible for arranging and paying for the burial or cremation of the deceased person if they have been deemed to be without financial means.

Contracts for Burial and Cremation

Contracts for the burial or cremation of deceased persons without financial means are managed by [HealthShare NSW](#). These contracts provide reliable, defined levels of service and have been awarded based on value for money and geographical location.

Legal and legislative framework

Regulatory requirements apply to the storage, preparation, transportation, and burial or cremation of deceased persons in NSW.

Revision History

Version	Approved By	Amendment Notes
PD2025_027 June-2025	Secretary, NSW Health	The financial means of deceased persons is no longer determined by the NSW Police. Local health districts determine the financial means of deceased persons in non-coronial deaths in hospital and they arrange and pay for the burial or cremation of these persons. NSW Health Pathology determines the financial means of non-coronial deaths outside hospitals and deaths reported to the coroner and provides advice of this assessment to the local health district where the death occurred, and the local health district are responsible for arranging and paying for the burial or cremation of these persons.
PD2008_012 February-2008	Director-General	
PD2007_051 June-2007	Director-General	
PD2005_233 January-2005	Director-General	

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1. Background

1.1. About this document

This Policy Directive rescinds the NSW Health Policy Directive *Destitute Persons - Cremation or Burial* ([PD2008_012](#)) in response to the withdrawal of NSW Police in assessing financial means and completing Form P372.

This Policy Directive outlines the requirements, responsibilities, and procedures for the funeral and burial or cremation of deceased persons without financial means in NSW.

Funerals are arranged within the parameters of the NSW Government Contract 623.

Local health districts (LHDs) are responsible for administering and paying for the burial or cremation of coronial and non-coronial deceased persons without financial means.

NSW Health Pathology is responsible for assessing the financial means for the burial or cremation of deceased persons without financial means where a death is reportable under the *Coroners Act 2009* (NSW) or where a death occurs outside of a hospital. This responsibility replaces the role previously performed by NSW Police, outlined in the rescinded NSW Health Policy Directive *Destitute Persons - Cremation or Burial* ([PD2008_012](#)).

1.2. Key definitions

Body	The body of a deceased person but does not include the cremated remains of the person.
Burial or Cremation	Means a basic funeral as detailed in the NSW Government Contract 623.
Contracted funeral director	Funeral director who has been contracted with HealthShare NSW to provide basic, dignified, and respectful burial or cremation services for deceased persons without financial means in NSW.
Coroner	Person who is appointed as a Coroner in accordance with the Coroners Act 2009 (NSW).
Dead person	Includes a stillborn child.
Appropriate disposal authorisation under Coroners Act	Under section 100 of the <i>Coroners Act 2009</i> (NSW), a person must not bury, cremate or place in a mausoleum or other permanent resting place, human remains without an appropriate disposal authorisation, being: <ul style="list-style-type: none"> (i) a notice given by a medical practitioner for the purpose of section 39 of <i>the Births, Deaths and</i>

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	<p><i>Marriages Registration Act 1995</i> (NSW) relating to the deceased person (Medical Cause of Death Certificate),</p> <p>(ii) an order made by a coroner under section 101 authorising the disposal of the remains,</p> <p>(iii) a certificate issued under section 51 of the <i>Births, Deaths and Marriages Registration Act 1995</i> (NSW) that relates to the deceased person (following issuing of a Coronial Certificate).</p>
Deceased person without financial means	Deceased persons with insufficient money or assets to pay the costs of burial or cremation, where the senior next of kin, family, relatives, friends, or other interested parties, are unable or unwilling to pay the costs of burial or cremation following investigation of the financial circumstances of the individual.
Funeral director	<p>Person (other than the operator of a mortuary transport service) who, in the conduct of the person's business, engages in:</p> <p>a) the collection, transport, storage, preparation or embalming of bodies for burial, cremation or transport, or</p> <p>b) the conduct of exhumations.</p>
Executor	<p>An Executor is the person appointed in the deceased person's will to administer their estate. The Executor has a duty to see to the funeral, burial/cremation arrangements and is entitled to reimbursement or payment of associated costs from the estate.</p> <p>Where there is no Executor, and the person leaves an estate, the person best entitled to a grant of letters of administration in respect to the estate (under section 63 of the <i>Probate and Administration Act 1898</i> [NSW]) will be regarded in the same position as the Executor. The hierarchy is as follows:</p> <ul style="list-style-type: none"> • the spouse • one or more of the next of kin • the spouse conjointly with one or more of the next of kin <p>and if no such person:</p> <ul style="list-style-type: none"> • a person who the Court directs • any person the Court thinks fit.
Hospital	As defined in the <i>Public Health Act 2010</i> (NSW), excluding a private health facility or a hospital that is a recognised establishment of an affiliated health organisation.

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Nominated person	A person from a local health district (LHD) or NSW Health Pathology who assesses the financial means of deceased persons, and arranges for contracted funeral directors to collect, transport and bury or cremate deceased persons without financial means.
NSW Government Contract 623	The NSW Government HealthShare Contract HSSP_HC21_C623 <i>Burial and Cremation of Deceased Persons without Means</i> .
Senior next of kin	The senior next of kin has the same meaning as in the Coroners Act 2009 .
Stillbirth	The birth of a child that exhibits no sign of respiration or heartbeat, or other sign of life, after birth and that: <ul style="list-style-type: none"> a) is of at least 20 weeks' gestation, or b) if it cannot be reliably established whether the period of gestation is more or less than 20 weeks, has a body mass of at least 400 grams at birth.

1.3. Legal and legislative framework

Regulatory requirements apply to the storage, preparation, transportation, and burial or cremation of deceased persons in NSW. Regulatory requirements include:

- All deceased persons must be prepared in a mortuary that complies with the relevant standards under the [Local Government Act 1993](#) (NSW) and [Local Government \(General\) Regulation 2021](#) (NSW) and is registered with NSW Health.
- The [Public Health Regulation 2022](#) (NSW) prohibits a body being kept at a hospital for more than 21 days after death.
- Before a burial or cremation can occur, all documentation required under the [Public Health Regulation 2022](#) (NSW) must be provided, and the disposal must be permitted under section 100 of the [Coroners Act 2009](#) (NSW).
- The [Cemeteries and Crematoria Act 2013](#) (NSW) requires a cemetery operator for a cemetery to maintain a register of interment rights, memorials, cremations, and interments.
- The Coroner may, by order in writing, authorise the disposal of human remains under section 101 of the [Coroners Act 2009](#) (NSW).

1.4. Complaints about contractors

Complaints by family or friends about the performance of a contracted funeral director must be referred to [HealthShare NSW](#) on (02) 8644 2000.

2. Contracts for burial and cremation

Contracts for the burial or cremation of deceased persons without financial means are managed by [HealthShare NSW](#). These contracts provide reliable, defined levels of service and have been awarded based on value for money and geographical location.

Each local health district (LHD) has contracted funeral directors. Information regarding contract suppliers can be found in the NSW Government Contract 623 for each awarded contract. LHDs can use any contractor who has been awarded a supply arrangement for a LHD area but are encouraged to use the supplier providing the lowest cost for the service required.

The supply agreement outlines the contractual scope of requirements for the casket, performance of burial or cremation services and rates of payment for burial or cremation in the LHD for:

- adults (including burial or cremation fee and basic funeral) for persons less than 120 kilograms, or persons greater than 120 kilograms
- children and infants (including ground or cremation fee and basic funeral).

Details of the scope of service for burial or cremation of deceased persons without financial means are outlined in the contractual agreements between each funeral director and [HealthShare NSW](#).

Contracted funeral directors provide a basic funeral, which includes:

- arrangement and management of all legal and other required documentation
- transport of the body prior to burial or cremation (facility pickup to supplier premises and then funeral transport, specifically, straight to the burial or cremation site and not to another location such as a church or other facility/residential property)
- the storage of the body at a mortuary or holding room
- the supply of the required casket or shroud
- the care and preparation of the body prior to burial or cremation
- a viewing of the body prior to burial or cremation
- the arrangement and conduct of a basic funeral (at graveside or crematorium); and
- the burial or cremation of the body.

NSW Fair Trading provides information about the standards for funeral goods and services that funeral directors are obligated to meet and the services that are supplied. Further information regarding funerals can be found on NSW Fair Trading website, [A guide to arranging a funeral](#).

An arrangement made privately between a funeral director and the senior next of kin, family or relatives of a deceased person, which involves collection and storage of the body of a deceased person in anticipation of providing a funeral, is a contract for service between these parties. Any subsequent dispute needs to be resolved by these parties. LHDs are unable to

assist with resolving these matters because they are outside the scope of this Policy Directive.

3. Communication

3.1. Communication with the Executor, senior next of kin, contracted funeral directors and documentation

Local Health Districts (LHDs) and NSW Health Pathology must determine the ability and willingness of the Executor (if there is one), senior next of kin, family members, friends or other interested parties associated with the deceased to pay for a burial or cremation. A record of this determination must be made in the patient medical record or official record keeping system and kept with other information about each case.

LHDs provide instructions to funeral directors, that are contracted to provide funeral services under NSW Government Contract 623, to bury or cremate persons without financial means, and are the funeral directors' clients concerning the delivery of these services.

The contracted funeral director is responsible for communicating the practical arrangements for the burial or cremation (such as the date, time and location) to the senior next of kin, family, and friends of the deceased person without financial means. Subject to section 5.2 and special circumstances, a burial or cremation for a deceased person without financial means is held near their place of death. The senior next of kin, family, and friends are responsible for their own transportation arrangements to and from the location where the burial or cremation is held.

Purchase orders and tax invoices for contracted services are to be maintained in line with current administrative procedures of the LHD.

4. Burial and cremation

Funeral procedures and rites are helpful for the resolution of grief and the bereavement process. This must be considered for the families and friends of people who are without financial means when they die.

Cremation is the preferred method of disposal, provided that:

- there is no objection set out in the will of the deceased
- there is no contrary direction by the State Coroner
- all necessary cremation documents are completed
- cremation is not contrary to known religious or cultural beliefs of the deceased
- cremation is the lowest priced option available.

If the deceased is an Aboriginal person, prior to accepting written agreement from the Executor, senior next of kin or family for cremation, inquiries must be made with the Executor or senior next of kin or family if the deceased has ever:

- expressed a preference for burial or cremation
- discussed cultural beliefs in relation to burial or cremation; or
- if they are aware of (or able to find out) the cultural funeral practices of the deceased's Country or Clan.

Cremation is not permitted where the deceased person has not been identified and/or where no next of kin is identified.

LHDs must engage a contracted funeral director to provide the funeral service. However, when there is an area within the LHD for which there is no contractor, a local funeral director can be contacted. It must be determined that they can provide the service at a cost acceptable under standard procurement procedures.

If the deceased is to be buried, provision for a uniform flat grave marker for name, date of birth and date of death needs to be accommodated to enable opportunity by senior next of kin, family, relatives, or friends for memorialisation.

The grave is one that could contain at least one other body, unless it is contrary to the deceased person's cultural or religious beliefs, or a written direction left by the deceased. If a cremation is performed, the ashes will be placed in an urn and stored if not claimed.

If ashes remain unclaimed after 2 years, they can be disposed of by the contracted funeral director, and a uniform flat grave marker may be added to the crematory's public remembrance wall, or if there is no remembrance wall another suitable place.

5. Responsible organisation for administering burial or cremation

5.1. Non-coronial deaths in hospitals

Local health districts (LHDs) are responsible for assessing financial means, and for administering and paying for the burial or cremation of deceased persons without financial means for all non-coronial deaths in hospitals. They are also responsible in cases where deaths occur in hospital are referred to the Coroner, but the cause of death is determined to be natural and the Coroner holds no jurisdiction, and the NSW Registry of Births, Deaths and Marriages issues a death certificate.

5.1.1. Determining financial means and seeking support

The nominated person, or delegate, of the LHD where the death occurred, or the hospital or facility that holds the body of the deceased person must make all reasonable enquiries:

- to determine the financial means of the deceased to cover the cost of the burial or cremation
- to identify if there was a will and Executor, the senior next of kin, family, relatives, friends or other interested parties that may be able to arrange or pay for the burial or cremation.

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Assistance from NSW Police may be requested if the nominated person's, or delegate's, own enquiries fail to locate the senior next of kin, family, any relatives, friends, or others who may wish to arrange a burial or cremation at their own expense. This will help to avoid causing unnecessary distress to people who may have wished to make other funeral arrangements and been willing to pay the funeral costs.

5.1.2. Cultural and religious considerations

The nominated person, or delegate, must consider and respect the culture, beliefs, and religious practices of a deceased person in determining their financial means and the funeral service provided.

5.1.3. Funeral arrangements

LHDs cannot arrange for the body of a deceased person to be collected until an assessment of the deceased's financial means has been completed, the senior next of kin has confirmed the funeral arrangements, and all documentation is finalised.

The nominated person, delegate, or the approving manager of the facility in line with LHD policies, advises the contracted funeral director that the hospital approves a contract funeral by providing a purchase order. The funeral director needs to obtain permission from the senior next of kin, family, relatives, friends, or others (or delegated authority if there is no senior next of kin, family, relatives, or friends) to arrange for the body to be transported to the funeral director's facility and prepared for burial or cremation.

5.1.4. When No Financial Support is Available

If the deceased has insufficient financial means and the senior next of kin, family, relatives, friends, or others are unable or unwilling to pay for the burial or cremation and funeral, or remain unidentifiable:

- the nominated person, or delegate, must record in patient documentation the outcome of the investigation. The record must show that the senior next of kin, family, relatives, friends, or other interested parties were unable, unwilling, or failed to provide instructions about payment for the burial or cremation, reasonable steps were taken to identify the deceased's senior next of kin, family, relatives, friends, or others without a timely resolution.
- a financial assessment has been undertaken.
- after the LHD nominated person, or delegate, has completed the assessment of financial means, the LHD is then responsible for completing arrangements for the funeral service (the nominated approving manager of the facility or LHD, in line with LHD policies, may need to approve cases where the senior next of kin, family, relatives, or friends remain unidentified).
- if the deceased person has no Executor, senior next of kin, family, relatives, friends, or others to provide authority or information to release the body, the approving manager of the hospital may authorise release of the deceased person's body from the hospital.
- the LHD nominated person, or their delegate, must place a purchase order for burial or cremation through the procurement system of the LHD.

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- the LHD nominated person, or their delegate, provides details of the purchase order to the contracted funeral director and arrangements are made for the deceased's body to be collected and transported to the contracted funeral director's mortuary facility.
- the LHD nominated person, or delegate, must request a tax invoice from the contracted funeral director for supply of the burial or cremation and this must be placed into the procurement system for payment of the funeral director. Purchase orders, tax invoices and supplier performance reports must be filed centrally in line with current administrative procedures of the LHD.

5.2. Non-coronial deaths outside of hospitals

LHDs are responsible for the burial or cremation of persons without financial means for non-coronial deaths outside hospitals, including residential aged care facilities. The LHD where the death occurred is responsible for arranging and paying for the burial or cremation of the deceased persons without financial means.

NSW Health Pathology is responsible for assessing the financial means for the burial or cremation of deceased persons and will provide that assessment to the LHD.

When a person has been:

- transported from one hospital in their usual area of residence to another hospital, and died at the other hospital, or
- transported to a mortuary away from their place or residence for coronial examination,

the reasonable costs of returning the body to the area of residence may be paid if:

- the funeral and burial or cremation in their local area is requested by the Executor or relatives of the deceased, and/or
- the deceased is Aboriginal (no request or approval required).

In cases where the deceased died in another hospital, the cost of the funeral will be met by the LHD in the deceased's usual place of residence. The cost of transport back to the deceased's usual place of residence will be met by the LHD where the person dies. [NSW Government Contract 622](#) provides for the transport of deceased persons by authorised contractors.

If a NSW resident dies interstate, the cost of transporting the deceased back to NSW is subject to local arrangements and will need to be negotiated with the equivalent interstate organisations by the nominated person in the LHD (hospital) at the deceased person's usual place of residence.

5.3. Deaths reported to the coroner under the *Coroners Act 2009*

NSW Health Pathology is responsible for assessing the financial means for the burial or cremation of deceased persons without financial means where a death is reportable under the *Coroners Act 2009* (NSW) and the deceased is held in a Forensic Medicine mortuary.

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The LHD where the death occurred, is responsible for arranging and paying for the burial or cremation of deceased persons without financial means irrespective of where the deceased is held.

Where a death has been reported to the Coroner, burial or cremation must not occur until the Coroner has issued an order authorising disposal A or there is another appropriate disposal authorisation – either a Medical Cause of Death Certificate issued under section 39 of the *Births, Deaths and Marriages Act 1995* (NSW) or a certificate issued by the NSW Registry of Births, Deaths and Marriages under section 51 of the *Births, Deaths and Marriages Act 1995* (NSW). Where the Coroner receives an application for cremation of the body of a person whose death is examinable by the Coroner, a Cremation Permit must be issued in accordance with the *Public Health Regulation 2022* (NSW).

Not all bodies of deceased persons whose deaths are reported to the Coroner are transferred to a NSW Health Pathology facility. The Coroner may review the death and determine the person has died of natural causes and therefore, the body may remain at the facility at which the person died, or was transferred to. In other cases, the Coroner may order that the body be transferred to a Forensic Medicine facility for post-mortem examinations.

NSW Health Pathology and LHDs must keep case records of assessments of deceased persons without financial means.

5.3.1. NSW Health Pathology procedure for assessing financial means

The NSW Health Pathology procedure for burial or cremation of a deceased person without financial means is as follows:

- NSW Health Pathology must make all reasonable enquiries:
 - to identify the Executor, senior next of kin or other persons that may be able to arrange or pay for the burial or cremation.
 - to determine whether the Executor, senior next of kin, family, friends, or others are willing or able to pay for the burial or cremation and funeral of the deceased person.
- NSW Health Pathology may request the assistance of NSW Police if its own enquiries fail to locate any Executor, senior next of kin, relatives, friends, or others who are willing or able to pay for a funeral (burial or cremation) at their own expense.
- NSW Health Pathology must provide to the LHD a copy of its financial assessment and facilitate a copy of the Coroner's Order Authorising Disposal of a body or other appropriate disposal authorisation under the *Coroners Act 2009* (NSW).

Once the applicable LHD receives NSW Health Pathology's assessment of financial means and the Order Authorising Disposal of a Body or other appropriate disposal authorisation under the *Coroners Act 2009* (NSW), the relevant procedures set out in section 5 apply.

6. Records of burial or cremation

Local health districts (LHDs) must keep records of the:

- names of the deceased

- places of burial/cremation of the deceased
- contracted funeral director used
- purchase order/tax invoices for each burial or cremation of a deceased person without financial means.

Records must be kept in the patient's medical record (if they have one) or the LHD/NSW Health Pathology official record keeping system.

For all coronial matters, the LHD must provide NSW Health Pathology with details of the burial for record keeping under the *Coroners Act 2009* (NSW).

7. Financial assistance to pay for funeral expenses

Local health districts (LHDs) and NSW Health Pathology must consider deceased persons' financial circumstances on a case-by-case basis. NSW Health Pathology and the nominated person, or delegate, of the LHD, must inform the Executor, senior next of kin, family, relatives, or friends about agencies and community groups that are known to provide financial assistance towards the cost of a funeral.

7.1. Cultural support and considerations for Aboriginal families

In acknowledgement of the specific cultural needs of Aboriginal families, LHDs are required to provide support in cases where deceased Aboriginal persons do not have the financial means for transport back to Country. There are procurement provisions to directly purchase service providers to transport deceased Aboriginal people back to Country or homelands. This expenditure is strictly to assist with transport and not for other funeral services.

LHDs may also consult with local Aboriginal Health Units to coordinate these transport arrangements and identify a culturally appropriate service if required.

The senior next of kin should be encouraged to explore eligibility for bereavement assistance. For example, Centrelink provides bereavement payments to eligible individuals.

7.2. Adjusting contributions based on financial assistance

Organisations the deceased may have had an association with while alive may also provide financial assistance. These organisations may include the Department of Veteran's Affairs, Lions Clubs Australia, Returned and Services League, Australia (RSL) clubs or trade unions. Pensioner associations, health and life insurance schemes, and charitable agencies may also help.

The nominated person should encourage the senior next of kin to determine whether funds are available in the deceased's bank account and superannuation fund and whether a death benefit may be paid to an eligible beneficiary.

NSW Health Pathology and LHDs must take into consideration any financial assistance that is provided towards the cost of funerals in their assessments of deceased persons financial circumstances. Where financial assistance is provided towards the cost of a funeral, LHDs must reduce their contribution towards the final contract cost of a burial or cremation by an amount equal to the financial assistance.

7.3. Special circumstances and compassionate grounds

LHDs may, on a case-by-case basis, consider compassionate grounds in exceptional circumstances. For example, in an LHD, although a foetus less than 20 weeks is not defined as a stillbirth, some parents may request a burial or cremation even though there is no formal requirement to do so.

Further, in the case of the death of multiple family members in one traumatic event, the LHD may need to direct the requestor to available services, such as a low-cost burial or cremation at a local crematorium.