

State:	Wisconsin
--------	-----------

**Inquiry 1: How long can I keep the body at home after death and under what conditions?**

Wis. Admin. Code HS § 135.01

Nothing in this chapter shall prevent a member of the immediate family from preparing the corpse of a family member for burial, except as provided in s. DHS 135.05 (1) (b), or from conducting the funeral of a deceased family member.

Wis. Admin. Code HS § 135.05

(b) Any member of the immediate family of a deceased person may prepare the body for burial or other final disposition, except that no person may embalm a corpse unless that person is licensed as a funeral director, and no member of the immediate family may prepare a corpse for burial or other final disposition if there is risk of transmitting a communicable disease from the corpse, either because a communicable disease was the cause of death or the individual had a communicable disease at the time of death, unless the local health officer determines that the risks of transmitting the disease from the corpse are minimal.

**Inquiry 2: Does my state require the body to be embalmed? Refrigerated?**

Wis. Admin. Code HS § 135.05

(c) A corpse need not be embalmed when prepared for burial, entombment or cremation unless it is to be shipped by common carrier as provided under par. (d).

(d) Every corpse to be shipped by common carrier shall be embalmed except a corpse that it is not possible to embalm, a corpse donated to a school for research and training purposes under s. DHS 135.06 (2), or when the immediate family of the deceased objects to embalming on religious grounds. Whenever a corpse to be shipped by common carrier is not embalmed or is in a state of decomposition, the corpse may be shipped only after being enclosed in a strong, tightly sealed outer case.

**Inquiry 3: What methods of disposition are legal in my state?**

Wisconsin law mentions burial, cremation, entombment, donation to scientific research, and removal from the state.

**Inquiry 4: Are there any circumstances under which I would be required to wait before final disposition?**

Wis. Stat. Ann. § 979.10

(1)(a) No person may cremate the corpse of a deceased person within 48 hours after the death, or the discovery of the death, of the deceased person unless the death was caused by a contagious or infectious disease. Notwithstanding s.

979.09, no person may cremate an unclaimed corpse if the deceased person died as the result of homicide. No person may cremate a corpse unless the person has received a cremation permit from:

1. The coroner or medical examiner in the county where the death occurred if the death occurred in this state;
2. The coroner or medical examiner in the county where the event which caused the death occurred if the death occurred in this state and if the death is the subject of an investigation under s. 979.01; or
3. The coroner or medical examiner of the county where the corpse is to be cremated if the death occurred outside this state. A cremation permit issued under this subdivision may not be used in any county except the county in which the cremation permit is issued.

### **Inquiry 5: What do I need to do to get a death certificate?**

Wis. Admin. Code HS § 135.03

**(1)** When a person dies, the funeral director or, if a funeral director is not involved, a member of the immediate family of the deceased, shall present or mail a completed death certificate to the local registrar in the registration district where death was pronounced within 9 days after the date of pronouncement of death.

Wis. Stat. Ann. § 69.18

**(1) Registration of deaths.** (a) Any one of the following may move a corpse for the purpose of final disposition:

1. A funeral director licensed under ch. 445 acting in person or through the agency of another funeral director licensed under ch. 445.
2. A member of the decedent's immediate family who personally prepares for and conducts the final disposition of the decedent.
3. A person acting under s. 157.02 or 445.16.

(b) Any person who moves a corpse under par. (a) shall file a death record for the corpse under this subsection in the manner prescribed by the state registrar under any one of the following circumstances:

1. The death occurred in this state.
2. The corpse was found in this state.
3. The corpse was removed in this state from a conveyance which was moving at the time of death.
4. The corpse was found in interstate waters and removed in this state.

(bm) A person required to file a death record under par. (b) shall obtain the information required for the death record from the next of kin or the best qualified person or source available. The person filing the death record shall enter his or her signature on the record and include his or her address and the date of signing and shall present or mail the record, within 24 hours after being notified of the death, to the physician, coroner or medical examiner responsible for completing and signing the medical certification. Within 2 days after receipt of the medical certification, the person filing the death record shall mail or present the death record in:

1. The registration district of the place of death if the death occurred in this state.
2. The registration district where the corpse was found or removed if the place of death is not in this state or is unknown, is removed in this state from a conveyance which was moving at the time of death or is found in interstate waters and removed in this state.

**Inquiry 6: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?**

Wis. Admin. Code HS § 135.06

(1) Report for final disposition.

(a) 1. Except for transportation under s. DHS 135.07 for purposes of reinterment, a report for final disposition completed by the funeral director or other person preparing the body for burial or other final disposition shall accompany each human corpse shipped by common carrier.

2. The report for final disposition shall be attached in a strong envelope to the shipping case when a human corpse is transported by common carrier.

3. No human corpse may be buried or otherwise finally disposed of unless accompanied by a report for final disposition which shall serve as authorization for burial or other disposition except cremation. Every person in charge of a place in which burial or other final disposition takes place shall keep a written record of every corpse interred there. A copy of the report for final disposition may serve as that record.

(b) 1. No human corpse of a person who died in Wisconsin may be shipped or otherwise transported out of the state unless accompanied by a copy of the completed report for final disposition. In addition, if the death was subject to investigation and certification by a coroner or medical examiner under s. 69.18 (2) (d), Stats., the corpse shall be accompanied by written permission of the coroner or medical examiner to embalm the corpse and carry out its final disposition. If the corpse is to be cremated, written permission of the coroner or medical examiner with jurisdiction under s. 979.10 (1) (a), Stats., is required.

2. No stillbirth delivered in Wisconsin may be shipped or otherwise transported out of the state unless accompanied by a completed report for final disposition.

(c) No human corpse or stillbirth may be shipped or transported into Wisconsin from another state or territory or from a foreign country unless accompanied by an official burial document from the state or territory where the death occurred or from the federal government in connection with a death in a foreign country. In this paragraph, "official burial document" means a burial permit or equivalent official document provided for in the laws of the state or territory of origin or by the federal government, which identifies the body, indicates the date and place of death and provides information on the cause of death.

(2) Donation of bodies for research and teaching. (a) A human corpse may be donated to a medical or dental school anatomy department under s. 157.06, Stats., or to a medical school or school of mortuary science under s. 157.02 (3), Stats.

(b) Because all or part of a donated body will eventually be cremated, the corpse of a person who died in Wisconsin which is being donated for research or training may not be transported out of the county in which the death occurred until the coroner or medical examiner having jurisdiction under s. 979.10 (1) (a), Stats., has been notified for the purpose of issuing a cremation permit.

(c) A human corpse donated to a school identified in par. (a) shall be transported to arrive at the school within 24 hours after death unless prior arrangements have been made with the receiving school or unless, pursuant to s. 157.06

(8) (a), Stats., a funeral service or other last rites are conducted in which case embalming techniques specified by the school shall be used to preserve the body and the corpse shall be transported to arrive at the school as soon as possible after the rites have been concluded.

(3) Cremation. (a) No person may cremate a human corpse unless the person has received a cremation permit from the appropriate county coroner or medical examiner under s. 979.10 (1) (a), Stats.

(b) Cremation of a human corpse shall be considered final disposition of that body. No additional permit covering transportation of the ashes of a cremated body or interment or other disposal of the ashes of a cremated body is required.

(c) No cremation permit is required for cremation of a stillbirth.

### **Inquiry 7: Personal Preference Statute**

Wis. Stat. Ann. § 154.30

(8) Authorization for final disposition. (a) An individual who is of sound mind and has attained age 18 may voluntarily execute an authorization for final disposition, which shall take effect on the date of execution. An individual for whom an adjudication of incompetence and appointment of a guardian of the person is in effect under ch. 54 or ch. 880, 2003 stats., is presumed not to be of sound mind for purposes of this subsection.

(b) An authorization for final disposition may express the declarant's special directions, instructions concerning religious observances, and suggestions concerning any of the following:

1. Arrangements for a viewing.
2. Funeral ceremony, memorial service, graveside service, or other last rite.
3. Burial, cremation and burial, or other disposition, or donation of the declarant's body after death.

(c) An authorization for final disposition requires a representative and one or more named successor representatives to carry out the directions, instructions, and suggestions of the declarant, as expressed in the declarant's authorization for final disposition, unless the directions, instructions, and suggestions exceed available resources from the decedent's estate or are unlawful or unless there is no realistic possibility of compliance.

(d) Except as provided in par. (dm), an authorization for final disposition shall meet all of the following requirements:

1. List the name and last-known address, as of the date of execution of the authorization for final disposition, of each representative and each successor representative named, and be signed by each representative and each successor representative named.
2. Be signed and dated by the declarant, with the signature witnessed by 2 witnesses who each have attained age 18 and who are not related by blood, marriage, or adoption to the declarant, or acknowledged before a notary public. If the declarant is physically unable to sign an authorization for final disposition, the authorization shall be signed in the declarant's name by an individual 18 years of age or older at the declarant's express direction and in his or her physical presence; such a proxy signing shall take place or be acknowledged by the declarant in the presence of 2 witnesses or a notary public.

### **Inquiry 8: Designated Agent Statute**

Wis. Stat. Ann. § 154.30

(8) Authorization for final disposition. (a) An individual who is of sound mind and has attained age 18 may voluntarily execute an authorization for final disposition, which shall take effect on the date of execution. An individual for whom an adjudication of incompetence and appointment of a guardian of the person is in effect under ch. 54 or ch. 880, 2003 stats., is presumed not to be of sound mind for purposes of this subsection.

(b) An authorization for final disposition may express the declarant's special directions, instructions concerning religious observances, and suggestions concerning any of the following:

1. Arrangements for a viewing.
2. Funeral ceremony, memorial service, graveside service, or other last rite.
3. Burial, cremation and burial, or other disposition, or donation of the declarant's body after death.

(c) An authorization for final disposition requires a representative and one or more named successor representatives to carry out the directions, instructions, and suggestions of the declarant, as expressed in the declarant's authorization for final disposition, unless the directions, instructions, and suggestions exceed available resources from the decedent's estate or are unlawful or unless there is no realistic possibility of compliance.

(d) Except as provided in par. (dm), an authorization for final disposition shall meet all of the following requirements:

1. List the name and last-known address, as of the date of execution of the authorization for final disposition, of each representative and each successor representative named, and be signed by each representative and each successor representative named.
2. Be signed and dated by the declarant, with the signature witnessed by 2 witnesses who each have attained age 18 and who are not related by blood, marriage, or adoption to the declarant, or acknowledged before a notary public. If the declarant is physically unable to sign an authorization for final disposition, the authorization shall be signed in the declarant's name by an individual 18 years of age or older at the declarant's express direction and in his or her physical presence; such a proxy signing shall take place or be acknowledged by the declarant in the presence of 2 witnesses or a notary public.

### **Inquiry 9: Right of Sepulcher Statute**

Wis. Stat. Ann. § 154.30

(2) Individuals with control of final disposition; order. (a) Notwithstanding s. 445.14 and except as provided in par. (b) and sub. (3), any of the following, as prioritized in the following order, who is at least 18 years old and has not been adjudicated incompetent under ch. 54 or ch. 880, 2003 stats., may control final disposition, including the location, manner, and conditions of final disposition:

1. Subject to sub. (8)(e), a representative of the decedent acting under the decedent's authorization for final disposition that conveys to the representative the control of final disposition, or a successor representative.
2. The surviving spouse of the decedent.
3. The surviving child of the decedent, unless more than one child of the decedent survives. In such an instance, the majority of the surviving children has control of the final disposition, except that fewer than the majority of the surviving children may control the final disposition if that minority has used reasonable efforts to notify all other surviving children and is not aware of opposition by the majority to the minority's intended final disposition.
4. The surviving parent or parents of the decedent or a surviving parent who is available if the other surviving parent is unavailable after the available surviving parent has made reasonable efforts to locate him or her.
5. The surviving sibling of the decedent, unless more than one sibling of the decedent survives. In such an instance, the majority of the surviving siblings has control of the final disposition, except that fewer than the majority of the surviving siblings may control the final disposition if that minority has used reasonable efforts to notify all other surviving siblings and is not aware of opposition by the majority to the minority's intended final disposition.

6. In descending order, an individual in the class of the next degree of kinship specified in s. 990.001(16).
7. The guardian of the person, if any, of the decedent.
8. Any individual other than an individual specified under subds. 1. to 7. who is willing to control the final disposition and who attests in writing that he or she has made a good-faith effort, to no avail, to contact the individuals under subds. 1. to 7.