

January 2026: Changes and additions highlighted in blue

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

Ind. Cod. Ann. §16-37-3-11

The person in charge of interment shall secure a permit for the disposition of the body before any of the following occur:

- (1) Disposition of the body.
- (2) Removing the body from the county in which the death occurred.

Ind. Cod. Ann. §16-37-3-2

As used in this chapter, “person in charge of interment” means a person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes of the body or ashes.

Ind. Cod. Ann. §23-14-54-1

Subject to the rights of transportation and removal of dead human bodies or other disposition of dead human bodies, as provided by law, the remains of all individuals who die in Indiana or are shipped into Indiana shall be deposited:

- (1) in the earth in an established cemetery;
- (2) in a mausoleum;
- (3) in a garden crypt; or
- (4) in a columbarium;

within a reasonable time after death, except as ordered by the Indiana department of health.

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

There are no statutes or regulations that address this question.

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

Ind. Cod. Ann. §23-14-54-1

Subject to the rights of transportation and removal of dead human bodies or other disposition of dead human bodies, as provided by law, the remains of all individuals who die in Indiana or are shipped into Indiana shall be deposited:

- (1) in the earth in an established cemetery;
- (2) in a mausoleum;
- (3) in a garden crypt; or
- (4) in a columbarium;

within a reasonable time after death, except as ordered by the Indiana department of health.

Ind. Cod. Ann. §23-14-54-4

The remains of dead human bodies that have been cremated may be deposited in mausoleums, garden crypts, or columbaria or deposited in or on the earth.

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

There are no statutes or regulations that address this question.

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

Indiana has an electronic death registration system.

Ind. Cod. Ann. 16-37-3-5

Except as provided in IC 16-37-1-3.1(f), if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased. The physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, **using the Indiana death registration system.**

Ind. Cod. Ann. 16-37-1-3.1

(b) The state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

- (1) **funeral directors;**
- (2) physicians;
- (3) coroners;
- (4) medical examiners;
- (5) persons in attendance at birth;
- (6) local health departments; and
- (7) for purposes of records on death:
 - (A) physician assistants; or
 - (B) advanced practice registered nurses;

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Except as provided in subsection (f), death records shall be submitted as follows, using the Indiana death

registration system:

(1) The:

- (A) physician last in attendance upon the deceased;
- (B) physician assistant last in attendance upon the deceased;
- (C) advanced practice registered nurse last in attendance upon the deceased; or
- (D) person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician, the physician assistant, or the advanced practice registered nurse last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

- (A) initiating the document process; or
- (B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician, the physician assistant, or the advanced practice registered nurse last in attendance.

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?

Ind. Cod. Ann. 23-14-31-5.

As used in this chapter, “burial transit permit” means a permit for the transportation and disposition of a dead human body required under [IC 16-37-3-10](#) or [IC 16-37-3-12](#).

Ind. Cod. Ann. 16-37-3-12.

If the body is to be transported by common carrier, **the person in charge of interment** shall secure a burial transit permit in duplicate.

Ind. Cod. Ann. 16-37-3-10.

Upon receipt of a properly executed certificate of death or stillbirth or, when authorized by rule of the state department, a provisional certificate of death, **a local health officer** in the county in which the death occurred shall issue a permit for the disposal of the body.

Inquiry 7: Personal Preference Statute

Ind. Code Ann. § 29-2-19-9

A declaration may specify the declarant's preferences concerning any of the following:

- (1) The disposition of the declarant's remains after the declarant's death.
- (2) Who may direct the disposition of the declarant's remains.
- (3) Who may provide funeral services after the declarant's death.
- (4) The ceremonial arrangements to be performed after the declarant's death.
- (5) The merchandise that the declarant prefers for the disposition of the declarant's remains and any ceremonial arrangements.
- (6) Who may direct the ceremonial arrangements to be performed after the declarant's death.
- (7) A grave memorial.

Ind. Code Ann. § 29-2-19-8

Sec. 8. (a) A person who is of sound mind and is at least eighteen (18) years of age may execute a funeral planning declaration substantially in the form set forth in section 13 of this chapter. A declaration may not be included in a will, a power of attorney, or a similar document.

(b) A declaration must meet the following conditions:

- (1) Be voluntary.
- (2) Be in writing.
- (3) Direct an individual to serve as the declarant's designee.
- (4) Be signed by the person making the declaration or by another person in the declarant's presence and at the direction of the declarant.
- (5) Be dated.
- (6) Be signed in the presence of at least two (2) competent witnesses who are at least eighteen (18) years of age.

(c) The following may not be a witness to a declaration under subsection (b)(6):

- (1) The person who signed the declaration on behalf of and at the direction of the declarant.
- (2) A parent, spouse, or child of the declarant.
- (3) An individual who is entitled to any part of the declarant's estate whether the declarant dies testate or intestate, including an individual who could take from the declarant's estate if the declarant's will is declared invalid.

For purposes of subdivision (3), a person is not considered to be entitled to any part of the declarant's estate solely by virtue of being nominated as a personal representative or as the attorney for the estate in the declarant's will.

(d) A declaration is not binding upon a funeral home, a cemetery, any other person engaged in the business of providing funeral services, any other person selling merchandise or grave markers, or any other person providing a service or other property subject to the declaration until the person receives consideration for the service, merchandise, or other property. If any provision of a declaration conflicts with:

- (1) IC 23-14-31;
- (2) IC 23-14-33; or

(3) IC 25-15;

the provision contained in the declaration controls.

(e) Except as provided in subsection (f), a declarant may not direct an individual who is:

(1) a provider of funeral services;

(2) responsible for any aspect of the disposition of the declarant's remains; or

(3) associated with any entity that is responsible for providing funeral services or disposing of the declarant's remains;

to be the declarant's designee in a declaration executed under this chapter.

(f) Subsection (e) does not apply to an individual who is related to the declarant by birth, marriage, or adoption.

Ind. Code Ann. § 29-2-19-13

The following is the funeral planning declaration form:

FUNERAL PLANNING DECLARATION

Declaration made this ____ day of ____ (month, year). I, _____, being at least eighteen (18) years of age and of sound mind, willfully and voluntarily make known my instructions concerning funeral services, ceremonies, and the disposition of my remains after my death.

I hereby declare and direct that after my death _____ (name of designee) shall, as my designee, carry out the instructions that are set forth in this declaration. If my designee is unwilling or unable to act, I nominate _____ as an alternate designee.

I hereby declare and direct that after my death the following actions be taken (indicate your choice by initialing or making your mark before signing this declaration):

(1) My body shall be:

(A) _____ Buried. I direct that my body be buried at _____.

(B) _____ Cremated. I direct that my cremated remains be disposed of as follows:

(C) _____ Entombed. I direct that my body be entombed at _____.

(D) _____ I intentionally make no decision concerning the disposition of my body, leaving the decision to my designee (as named above).

(2) My arrangements shall be made as follows:

(A) I direct that funeral services be obtained from:

(B) I direct that the following ceremonial arrangements be made:

(C) I direct the selection of a grave memorial that:

(D) I direct that the following merchandise and other property be selected for the disposition of my remains, my funeral or other ceremonial arrangements:

(E) _____ I direct that my designee (as named above) make all arrangements concerning ceremonies and other funeral services.

(3) In addition to the instructions listed above, I request the following:

(4) If it is impossible to make an arrangement specified in subdivisions (1) through (3) because:
(A) a funeral home or other service provider is out of business, impossible to locate, or otherwise unable to provide the specified service; or
(B) the specified arrangement is impossible, impractical, or illegal;

I direct my designee to make alternate arrangements to the best of the designee's ability.

It is my intention that this declaration be honored by my family and others as the final expression of my intentions concerning my funeral and the disposition of my body after my death. I understand the full import of this declaration.

Signed _____

City, County, and State of Residence _____

The declarant is personally known to me, and I believe the declarant to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant. I am not a parent, spouse, or child of the declarant. I am not entitled to any part of the declarant's estate. I am competent and at least eighteen (18) years of age.

Witness _____ Date _____

Witness _____ Date _____

Inquiry 8: Designated Agent Statute

Ind. Code Ann. § 29-2-19-8

Sec. 8. (a) A person who is of sound mind and is at least eighteen (18) years of age may execute a funeral planning declaration substantially in the form set forth in section 13 of this chapter. A declaration may not be included in a will, a power of attorney, or a similar document.

(b) A declaration must meet the following conditions:

(1) Be voluntary.

(2) Be in writing.

(3) Direct an individual to serve as the declarant's designee.

(4) Be signed by the person making the declaration or by another person in the declarant's presence and at the direction of the declarant.

(5) Be dated.

(6) Be signed in the presence of at least two (2) competent witnesses who are at least eighteen (18) years of age.

(c) The following may not be a witness to a declaration under subsection (b)(6):

(1) The person who signed the declaration on behalf of and at the direction of the declarant.

(2) A parent, spouse, or child of the declarant.

(3) An individual who is entitled to any part of the declarant's estate whether the declarant dies testate or intestate, including an individual who could take from the declarant's estate if the declarant's will is declared invalid.

For purposes of subdivision (3), a person is not considered to be entitled to any part of the declarant's estate solely by virtue of being nominated as a personal representative or as the attorney for the estate in the declarant's will.

(d) A declaration is not binding upon a funeral home, a cemetery, any other person engaged in the business of providing funeral services, any other person selling merchandise or grave markers, or any other person providing a service or other property subject to the declaration until the person receives consideration for the service, merchandise, or other property. If any provision of a declaration conflicts with:

(1) IC 23-14-31;

(2) IC 23-14-33; or

(3) IC 25-15;

the provision contained in the declaration controls.

(e) Except as provided in subsection (f), a declarant may not direct an individual who is:

(1) a provider of funeral services;

(2) responsible for any aspect of the disposition of the declarant's remains; or

(3) associated with any entity that is responsible for providing funeral services or disposing of the declarant's remains;

to be the declarant's designee in a declaration executed under this chapter.

(f) Subsection (e) does not apply to an individual who is related to the declarant by birth, marriage, or adoption.

Ind. Code Ann. § 29-2-19-13

The following is the funeral planning declaration form:

FUNERAL PLANNING DECLARATION

Declaration made this ____ day of ____ (month, year). I, _____, being at least eighteen (18) years of age and of sound mind, willfully and voluntarily make known my instructions concerning funeral services, ceremonies, and the disposition of my remains after my death.

I hereby declare and direct that after my death _____ (name of designee) shall, as my designee, carry out the instructions that are set forth in this declaration. If my designee is unwilling or unable to act, I nominate _____ as an alternate designee.

I hereby declare and direct that after my death the following actions be taken (indicate your choice by initialing or making your mark before signing this declaration):

(1) My body shall be:

(A) _____ Buried. I direct that my body be buried at _____.

(B) _____ Cremated. I direct that my cremated remains be disposed of as follows:

(C) _____ Entombed. I direct that my body be entombed at _____.

(D) _____ I intentionally make no decision concerning the disposition of my body, leaving the decision to my designee (as named above).

(2) My arrangements shall be made as follows:

(A) I direct that funeral services be obtained from:

(B) I direct that the following ceremonial arrangements be made:

(C) I direct the selection of a grave memorial that:

(D) I direct that the following merchandise and other property be selected for the disposition of my remains, my funeral or other ceremonial arrangements:

(E) _____ I direct that my designee (as named above) make all arrangements concerning ceremonies and other funeral services.

(3) In addition to the instructions listed above, I request the following:

(4) If it is impossible to make an arrangement specified in subdivisions (1) through (3) because:

(A) a funeral home or other service provider is out of business, impossible to locate, or otherwise unable to provide the specified service; or

(B) the specified arrangement is impossible, impractical, or illegal;

I direct my designee to make alternate arrangements to the best of the designee's ability.

It is my intention that this declaration be honored by my family and others as the final expression of my intentions concerning my funeral and the disposition of my body after my death. I understand the full import of this declaration.

Signed _____

City, County, and State of Residence

The declarant is personally known to me, and I believe the declarant to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant. I am not a parent, spouse, or child of the declarant. I am not entitled to any part of the declarant's estate. I am competent and at least eighteen (18) years of age.

Witness _____ Date _____

Witness _____ Date _____

Inquiry 9: Right of Sepulcher Statute

Ind. Code Ann. § 25-15-9-18

(a) Except as provided in subsection (b), the following persons, in the order of priority indicated, have the authority to designate the manner, type, and selection of the final disposition of human remains, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual's death:

(1) A person:

(A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or

(B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.

(2) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16 or a health care representative under IC 16-36-7.

(3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:

(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or

(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has the rights under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) A guardian appointed by a court under IC 29-3-5-3.

(8) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(9) If none of the persons described in subdivisions (1) through (8) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(10) The person appointed to administer the decedent's estate under IC 29-1.

(11) If none of the persons identified in subdivisions (1) through (10) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through (10).

(12) In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following:

(A) If none of the persons identified in subdivisions (1) through (11) is available:

(i) a public administrator, including a responsible township trustee or the trustee's designee; or

(ii) the coroner.

(B) A state appointed guardian.