

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

N.J. Admin. Code § 8:9-1.1

(a) The person or persons responsible for the burial or cremation or other lawful disposition of a dead human body shall not allow the same to remain unburied or uncremated in the State of New Jersey for a period longer than 48 hours unless:

1. The body is embalmed by arterial and cavity injection or kept refrigerated at 45 degrees Fahrenheit or below; or
2. The Commissioner of Health authorizes an exemption to or waiver of this requirement, subject to conditions the Commissioner might prescribe, during the existence of an emergency declared by the Governor.

(b) A person shall not bring an unembalmed body into the State of New Jersey more than 48 hours after death unless the Commissioner of Health authorizes an exemption to or waiver of this requirement, subject to conditions the Commissioner might prescribe, during an emergency declared by the Governor.

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

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N.J. Stat. Ann. § 26:6-24

The State Department may make any rule prescribing the manner in which a dead body, intended to be transported by any common carrier across or within this State, shall be disinfected, embalmed, or incased. Any such rule shall be referred to in the blank form of the transit permit required for the transportation of a dead body.

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

New Jersey law mentions burial, cremation, entombment, donation to medical science, and removal from the state.

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?

N.J. Stat. Ann. § 26:6-6

a. **The funeral director** in charge of the funeral or disposition of the body of any person dying in this State shall be responsible for the proper execution of a death certificate in a legible manner, or by means of the NJ-EDRS, and filed in exchange for a burial or removal or transit permit with the local registrar of the district in which the death occurred or the body was found or with the registrar of the district in which the funeral director has his funeral home or where the burial or other disposition is to take place. In the event the death certificate is filed with the registrar of a district other than that in which the death took place or the body was found, that registrar shall, within 24 hours after issuing the permit, sign and forward the certificate of death to the registrar of the district where the death took place or the body was found, with a statement that the permit was issued. In case the death certificate is filed with the deputy registrar, alternate deputy registrar or subregistrar, he shall within 12 hours forward the certificate to his own registrar, who in turn shall forward the certificate as heretofore directed. A record created on the NJ-EDRS shall be deemed to have been transmitted to the other local registrar, or by the deputy registrar, alternate deputy registrar or subregistrar, as applicable, in accordance with the requirements of this subsection.

b. Any funeral director filing a death certificate in a registration district other than that in which the death occurred or the body was found shall immediately send the State registrar written notice by first class mail, except that a record created on the NJ-EDRS shall be deemed to have been transmitted to the State registrar in accordance with the requirements of this subsection. The notice shall contain the name of the deceased, the place and date of death, the date the certificate was filed, the name and address of the registrar with whom the certificate was filed, and the name and address of the funeral director. Failure of the State registrar to receive the notice shall be considered as failure of the funeral director to have sent it. In that case, the funeral director shall be subject to a penalty of \$25, and the State registrar shall notify the State Board of Mortuary Science of the facts in the matter.

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?

N.J. Stat. Ann. § 26:6-14

Upon receipt of a death certificate, the local registrar shall:

- a. If the certificate is properly executed and complete, issue a burial or removal permit when requested; and
- b. the certificate of death is incomplete and unsatisfactory, call attention to the defects in the return, and withhold the burial or removal permit until the defects are corrected. Any person certifying to any of the particulars in the certificate shall complete the same as directed by the local registrar in accordance with such terms as may be defined by the State registrar.

For the purposes of the NJ-EDRS, the death certificate shall be complete when the attending, covering or resident physician or the county medical examiner, and the funeral director in charge, have completed their respective portions of the death registration record.

N.J. Stat. Ann. § 26:6-16

The burial or removal permit shall be issued upon a form or through the NJ-EDRS as prescribed by the department, signed or authenticated through the NJ-EDRS by the local registrar, and shall state:

- a. The name, age, sex, cause of death, and other necessary details required by the department;
- b. That a satisfactory certificate of death has been filed as required by law; and
- c. That permission is granted to inter, remove, or otherwise dispose of the body.

Inquiry 7: Personal Preference Statute

There are no statutes or regulations that address this question.

Inquiry 8: Designated Agent Statute

N.J. Stat. Ann. § 45:27-22(a)

If a decedent, in a will as defined in N.J.S.3B:1-2, appoints a person to control the funeral and disposition of the human remains, the funeral and disposition shall be in accordance with the instructions of the person so appointed. A person so appointed shall not have to be executor of the will. The funeral and disposition may occur prior to probate of the will, in accordance with section 40 of P.L.2003, c. 261 (C.3B:10-21.1).

On or after the effective date of P.L.2019, c. 187, a decedent may appoint a person to control the funeral and disposition of the human remains in writing, and if a decedent so appoints a person it shall be in the presence of no less than two witnesses, on a form approved by the board. The written form appointing a person to control the funeral and disposition shall include the signatures of the decedent and witnesses, and shall be notarized. Nothing in this section shall be construed as prohibiting a decedent from appointing a person to control the funeral and disposition on the form approved by the board who is also named as the executor of the decedent's will.

The appointment of a person to control the funeral and disposition of the human remains made in the most recently dated and properly executed will as defined in N.J.S.3B:1-2 or board approved form as provided by P.L.2019, c. 187 shall supersede any similar appointment made in any previously executed document.

Inquiry 9: Right of Sepulcher Statute

N.J. Stat. Ann. § 45:27-22 (a)

If the decedent has not appointed a person to control the funeral and disposition of the remains, or the United States

Department of Defense Record of Emergency Data, DD Form 93, or its successor form, is not applicable, the right to control the funeral and disposition of the human remains shall be in the following order of priority class, unless other directions have been given by a court of competent jurisdiction:

- (1) The surviving spouse of the decedent or the surviving civil union or domestic partner.
- (2) A majority of the surviving adult children of the decedent.
- (3) The surviving parent or parents of the decedent.
- (4) A majority of the brothers and sisters of the decedent.
- (5) Other next of kin of the decedent according to the degree of consanguinity.
- (6) If there are no known living relatives, a cemetery may rely on the written authorization of any other person acting on behalf of the decedent.

The right to control the funeral and disposition of the remains shall be granted to the next available priority class, as enumerated in this subsection, if the decedent had a temporary or permanent restraining order issued pursuant to P.L.1991, c. 261 (C.2C:25-17 et seq.) against the person or persons in the highest priority class, or the person or persons in the highest priority class are charged with the intentional killing of the decedent.

If the decedent has not appointed a person to control the funeral and disposition of the human remains, or the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, is not applicable, the person or persons in the highest priority class of the right to control the funeral and disposition shall exercise the right to control within 72 hours after the decedent's death. If the person or persons in the highest priority class fail to exercise the right to control within 72 hours after the decedent's death, or if the person or persons in the highest priority class are unable to be notified after a reasonable attempt to notify within 72 hours after the decedent's death, the right to control the funeral and disposition shall transfer to the person or persons in the next highest priority class, as enumerated in this subsection. If the person or persons who would otherwise retain the right to control the funeral and disposition are deemed medically incapable or medically incapacitated by a licensed physician, the right to control shall transfer to the person or persons in the next highest priority class, as enumerated in this subsection.

If more than one person is deemed to have equal right to control the funeral and disposition of the human remains, a majority of the persons with the equal right to control is required to authorize the funeral and disposition. In instances where the parents of the decedent retain the right to control the funeral and disposition, both parents are required to authorize the funeral and disposition, if both parents are living and both parents are able to be notified after a reasonable attempt to notify. If only one parent is living or if only one parent is notified after a reasonable attempt to notify both parents, the authorization of one parent shall be sufficient to proceed with a funeral and disposition.