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# **Memorandum of Understanding**

Expressing Washington State's  
Commitment to Provide

*Military Funeral Honors  
for  
Unclaimed Veterans' Cremated Remains*

**Between**

*Washington State Department of Veterans Affairs  
Tahoma National Veterans Cemetery*

*Washington Military Department*

*Washington State Funeral Directors Association*

*Washington Cemetery & Funeral Association*

*Washington State Cemetery Board*

*Washington State Board of Funeral Directors and Embalmers*

*Missing in America Project, Veteran Recovery Program*

# DRAFT

## Procedures and Protocols for the Identification and Burial of Unclaimed Veterans' Cremated Remains

*The following procedures and protocols are voluntarily agreed to by the partnering organizations and are effective December 1, 2008. Each partnering organization may submit updates and modifications to this document at any time which must be agreed to by all partnering agencies. Each organization may also withdraw from this voluntary agreement at any time by simple written 30-day notification to each partner. This is a living document and any agency or organization desiring to partner to this agreement can apply for acceptance.*

*The Washington State Department of Veterans Affairs will serve as the coordinator of these protocols.*

### A. **FOR EXISTING UNCLAIMED CREMATED REMAINS**

1. Washington funeral directors will make every effort to determine if any existing, unclaimed cremated remains (cremated remains) in their possession may be veterans using all available, on-hand existing records **and/or utilize the Missing in America Project volunteers to assist in this effort.**
2. If on-hand existing records are incomplete or inaccessible, funeral directors will submit a research request to the Washington State Department of Veterans Affairs (WDVA) Veteran Service Division containing all available personally identifying information (full name, date of birth, date of death, social security number, and if available city and State of birth, etc.) **or allow the Missing in America Project volunteers to conduct research using all military and non-military resources available to them.**
3. The WDVA Veteran Service Division will research all available databases and report any findings to the submitting funeral director.
4. If unclaimed cremated remains are positively identified as a veteran, the funeral director will complete all required notification to the person designated to take custody and control of the remains in accordance with RCW 68.50.160, RCW 68.50.300, WAC 308-47-070 and WAC 98-80-070. (RCW & WAC available in '[Attachment A](#)') The funeral director will then notify the WDVA Burial Services Coordinator to request the pick-up of the cremated remains.
5. Upon receipt of the request from the funeral director, including all supporting documentation, the WDVA Burial Services Coordinator will schedule the pick-up and transfer of the cremated remains to the Tahoma National Cemetery, Eastern WA State Veterans Cemetery (once constructed) or the custody of WDVA's partner repository funeral home in Eastern WA, currently Cheney Funeral Chapel, 1632 W 1st St, Cheney, WA 99004, (509) 235-2992.

(The Washington State Funeral Directors Association, working with WDVA and Cheney Funeral Chapel, will establish the required documentation to facilitate these transfers and

## **DRAFT**

release the originating funeral home from official custody of the unclaimed cremated remains.)

6. Upon the completion of the transfer WDVA will become the official custodian of the cremated remains.
7. The WDVA Burial Services Records Coordinator will coordinate with the Tahoma National Veterans Cemetery or the Eastern Washington State Veterans Cemetery, to provide a burial plot and schedule a date/time for inurnment.
8. Upon confirmation of the date/time of the burial, the WDVA Burial Services Coordinator will insure the completion of the following actions:
  - Process a request for military honors through the Washington Military Department or an approved Veterans' Service Organization honors provider;
  - Place the order for a government-furnished veterans' headstone/marker or niche cover through the National Cemetery Administration;
  - Schedule an officiating clergy or chaplain;
  - Notify the State MIAP coordinator of the scheduled burial who will then organize available, fellow veterans to escort the cremated remains and attend the burial service.
  - Schedule once a year an honors service to recognize and honor those inurned that year.

### **B. FOR FUTURE UNCLAIMED CREMATED REMAINS (CREMATED REMAINS)**

1. At the time that cremation services are ordered, Washington funeral directors and their related facilities will make every effort to pre-identify deceased who are veterans and will request appropriate documentation from family members/remains custodians (e.g. DD-214, Certificate of Honorable Discharge, marriage license etc.).
2. If the deceased is identified by family members/custodians as a veteran but no documentation is available, funeral directors will contact Tahoma National Cemetery to initiate a records check, 425-4134-9614 or FAX 425-413-9618. The Washington Department of Veterans Affairs (WDVA) will provide technical assistance to funeral home staff, if requested (1-800-562-2308).
3. Upon receipt of official documentation identifying an individual who has been cremated as a veteran, funeral directors will ensure that those cremated remains are appropriately labeled / recorded as having veteran status.
4. In the event that the cremated remains of an identified veteran are not accepted by the designated remains custodian, funeral directors will continue to store the remains and

# DRAFT

make the necessary certified notifications in accordance with RCW 68.50.160, RCW 68.50.300, WAC 308-47-070 and WAC 98-80-070.

5. If after a 90-day waiting period these remains are not accepted by the designated custodian, funeral directors will contact the WDVA Burial Services Records Coordinator to schedule the transfer of custody to the WDVA via the agency's contracted repository funeral home within the next subsequent 90 days. (If a funeral home or cemetery operates under internal policies or practices that specify a waiting period of longer than 90 days, they will contact the WDVA Burial Services Records Coordinator after their time period has passed.)
6. Upon the completion of the transfer WDVA will become the official custodian of the cremated remains.
7. WDVA will coordinate and provide the final burial support services as outlined in Section A, numbers 7 and 8.

## C. ELIGIBILITY OF UNCLAIMED CREMATED REMAINS (CREMATED REMAINS) FOR TRANSFER AND BURIAL

1. Only the unclaimed cremated remains of veterans who were citizens of the United States at the time of death and who meet the statutory definition of veteran contained in Title 38, U.S.C. are eligible for transfer to the WDVA and burial in the Washington State or National Veterans Cemetery.
2. The unclaimed cremated remains of the following persons are **ineligible** for burial by the WDVA:
  - A person who does not possess an *honorable discharge* from the U.S. Armed Forces or a discharge *under honorable conditions*.
  - A person who is convicted of a Federal capital crime and sentenced to death or life imprisonment, or is convicted of a State capital crime and sentenced to death or life imprisonment without parole.
  - A person whose only military service is active duty for training or inactive duty training in the National Guard or Reserve Components, unless the individual meets the burial eligibility criteria outlined in Title 38, U.S.C.
  - More information on VA eligibility requirements is available in VA Directive 3210, which is available at [http://www.dva.wa.gov/eastern\\_wa\\_vet\\_cemetery.html](http://www.dva.wa.gov/eastern_wa_vet_cemetery.html) under 'Links'.

## D. ORGANIZATION COORDINATORS/SERVICE PROVIDERS

<u>Organization</u>	<u>Name/Title</u>	<u>Contact Information</u>
Washington State Department of Veterans Affairs	John E. Lee, Director	360-725-2152
	Rich Cesler, Eastern WA Cemetery Director	(509) 565-5040 or (509) 496-0796

## **DRAFT**

	WDVA Burial Services Records Coordinator	1-800-562-2308
Tahoma National Veterans Cemetery	James Trimbo, Director	425-413-9614
Washington Military Department	William Graham, Military Funeral Honors Coordinator	253-512-8786
Washington State Funeral Directors Association	Jewell Steffensen, Executive Secretary	253-588-7111
Washington Cemetery & Funeral Association	Judy Faaberg, Executive Director	360-668-2120
Washington State Cemetery Board	Dennis McPhee, Program Manager	360-664-1555
Washington State Board of Funeral Directors and Embalmers	Dennis McPhee, Program Manager	360-664-1555
Missing in America Project	Chris Dulas, Washington State Coordinator	360-427-5871

# DRAFT

## ATTACHMENT A

### RCW 68.50.160

#### **Right to control disposition of remains — Liability of funeral establishment or cemetery authority — Liability for cost.**

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW [18.39.280](#) through [18.39.345](#) and chapter [68.46](#) RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

- (a) The surviving spouse or state registered domestic partner.
- (b) The surviving adult children of the decedent.
- (c) The surviving parents of the decedent.
- (d) The surviving siblings of the decedent.
- (e) A person acting as a representative of the decedent under the signed authorization of the decedent.

(4) If a cemetery authority as defined in RCW [68.04.190](#) or a funeral establishment licensed under chapter [18.39](#) RCW has made a good faith effort to locate the person cited in subsection (3)(a) through (e) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency provides the funds for the disposition of any human remains and the government agency elects to provide funds for cremation only, the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.

(5) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent.

[2007 c 156 § 24; 2005 c 365 § 141; 1993 c 297 § 1; 1992 c 108 § 1; 1943 c 247 § 29; Rem. Supp. 1943 § 3778-29. Formerly RCW [68.08.160](#).]

#### **Notes:**

Disposal of remains of indigent persons: RCW [36.39.030](#).

Order of payment of debts of estate: RCW [11.76.110](#).

### RCW 68.50.300

# DRAFT

## Release of information concerning a death.

(1) The county coroner, medical examiner, or prosecuting attorney having jurisdiction may in such official's discretion release information concerning a person's death to the media and general public, in order to aid in identifying the deceased, when the identity of the deceased is unknown to the official and when he does not know the information to be readily available through other sources.

(2) The county coroner, medical examiner, or prosecuting attorney may withhold any information which directly or indirectly identifies a decedent until either:

- (a) A notification period of forty-eight hours has elapsed after identification of the decedent by such official; or
- (b) The next of kin of the decedent has been notified.

During the forty-eight hour notification period, such official shall make a good faith attempt to locate and notify the next of kin of the decedent.

[1981 c 176 § 2. Formerly RCW [68.08.320](#).]

**WAC 308-47-070**

[Washington State Register filings since 2003](#)

## Disposition of cremated human remains.

(1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release of the cremated human remains and the name of the individual(s) to whom the cremated human remains were released; or
- Date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of ninety days or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
- Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.
- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

# DRAFT

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

[Statutory Authority: RCW [18.39.175](#) and chapter [34.05](#) RCW. 07-03-027, § 308-47-070, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW [18.39.175](#)(4). 02-19-019, § 308-47-070, filed 9/9/02, effective 10/10/02.]

## WAC 98-80-070

[Washington State Register filings since 2003](#)

### Disposition of cremated human remains.

(1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains. The record must include the following information:

- Date of death.
- Date burial transit permit was issued.
- Date of delivery of human remains to the crematory.
- Date of cremation.
- Name of crematory operator performing the cremation.
- Name of person performing packaging, and date of packaging.
- Date of release of the cremated human remains and the name of the individual(s) to whom the cremated human remains were released; or
- Date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of ninety days or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

- Attempts to contact the authorizing agent for disposition instructions by registered mail.
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- Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
- Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
- Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

[Statutory Authority: RCW [68.05.105](#) and chapter [34.05](#) RCW. 07-11-088, § 98-80-070, filed 5/15/07, effective 6/15/07. Statutory Authority: RCW [68.05.100](#). 02-19-018, § 98-80-070, filed 9/9/02, effective 10/10/02.]