



NEW JERSEY DEPARTMENT
OF CHILDREN AND FAMILIES

New Jersey Department of Children and Families Policy Manual

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Law 3-27-92

N.J.S.A. 30:4C-32 states: “Whenever a child receiving care, custody, or guardianship as provided by this act has died, and an investigation by the Division of Child Protection and Permanency discloses that there are insufficient funds from any other source to provide proper burial, such division shall authorize the expenditure of an amount reasonably necessary to provide proper burial for such child, and such amount shall be a proper charge against State and county funds, within the limits of available appropriations, in the same manner and extent as expenditures for maintenance. The amount reasonably necessary to provide proper burial shall be determined by the average cost for a proper burial and funeral charged by funeral directors in the locality in which the child is buried.”

Definition 3-27-92

For purposes of this policy, “proper burial and funeral” shall be defined as including the following components:

- expenses associated with funeral home and funeral services, including but not limited to such things as:
 - professional services, including preparing the body/embalming;
 - funeral home charges, including use of the facility (limited to one day) for viewing/wake/visitation with family, and funeral services;
 - transportation fees associated with transfer of the body;
 - casket (wooden or steel, with handles and cloth lining) or urn;
 - vault or grave liner (if required by the cemetery);

- gratuities to clergy and/or church/temple, pallbearers;
- documentation/permits, such as newspaper notice, copies of death certificate, permit fee;
- prayer/acknowledgement cards, guest registration book;
- cemetery expenses, including:
 - interment space (plot); and
 - grave opening/closing; and
 - monument foundation (implanting a cement base upon which the gravestone is subsequently placed); or
 - cremation;
- grave marker;
- burial clothes, if necessary (see Special Clothing Checks, [CP&P-IX-F-1-300](#)); and
- other expenses, as deemed necessary/appropriate.

Note: Cremation is an acceptable alternative to traditional ground burial. The decision as to whether to cremate rather than bury a child is made by the birth parent, guardian, adoptive parent, or other party who has authority to and is responsible for making the funeral arrangements (see sections entitled Placement Authorized by Parental Consent or Court Order, Parents Signed Surrender of Custody, Guardianship, and Adoption, below). When a child dies and CP&P has been awarded guardianship, the Division may make that decision.

Parental Rights and Obligations Based on Child's Placement and Legal Status 2-6-2006

For purposes of this policy, children shall be recognized as being in placement under one of the following conditions:

- by a court order giving CP&P custody, whether or not contested by the parent (parent maintains legal rights and obligations toward his or her child in placement, until such time, if ever, that a court acts to sever such rights);
- by parental consent to residential placement or independent living, authorized by the parent signing a residential placement agreement (CP&P Form [25-59](#) or a Consent to Independent Living (CP&P Form [10-8](#));

- by Surrender of Custody and Consent to Adoption (parent voluntarily relinquishes all rights to his or her child, but the parent may be held responsible to contribute toward the child's needs until adoption of the child is finalized);
- by guardianship, awarded to CP&P by a court of law (parental rights terminated, parent has no rights toward the child);
- by adoption, in which responsibility for the child is transferred to another adult party(s).

The birth parent's involvement in the funeral and burial arrangement process is generally governed by the parent's continued contact with, ties to, and interest in the welfare of the child just prior to his death.

CP&P is sensitive to the emotional needs of the parent whose child dies in out-of-home placement, particularly to the need for a positive sense of closure with the child. The parent's wishes -- whether or not backed by legal rights -- may be taken into account when arrangements are made for the child's funeral and burial, depending on the parent's ties to the child, and the circumstances of the given situation.

Questions regarding the legal status of the child who dies in placement and the rights and obligations of the birth parent(s) should be directed to the Litigation Specialist, and, if necessary, the DAG.

See [CP&P-V-A-6-200](#).

Placement Authorized by Parental Consent or Court Order 2-6-2006

If the child dies while in placement under a court order or parental consent:

- CP&P must immediately attempt to notify the parent;
- the parent is responsible for arranging the funeral and burial of the child; and
- the parent is obligated to meet all costs associated with the child's funeral and burial, if able to do so. If CP&P contributes toward the cost, see [CP&P-V-A-6-500](#).

The court must be advised of the child's death. The assigned Worker contacts the Child Placement Review Board or liaison, first consulting with the Litigation Specialist regarding how to proceed with the notifications.

Parents Signed Surrender of Custody 3-27-92

If the child dies while in placement, and the parent has signed a Surrender of Custody and Consent to Adoption:

- CP&P should notify the parent;
- the parent does not have the right to arrange, plan, or initiate requests concerning the conduct of the child's funeral and burial, although his wishes may be taken into account (CP&P assumes this responsibility, often with the assistance of, or as an overseer to the child's resource parent);
- the parent may be obligated to contribute toward the cost of the child's funeral and burial, in accordance with the stipulations of the Surrender of Custody and Consent for Adoption, CP&P Form [14-86](#), or [CP&P Form 14-86\(S\)](#).

Guardianship 3-27-92

If the child dies while in placement, and CP&P has been awarded guardianship:

- CP&P may notify the parent, as a courtesy;
- the parent has no rights concerning the planning of the child's funeral and burial although his wishes may be taken into account (CP&P assumes this responsibility, often with the assistance of, or as an overseer to the child's resource parent);
- the parent has no obligation to pay toward the cost of the child's funeral and burial.

Adoption 3-27-92

If CP&P learns that a child has died after being adopted:

- the parent will not be notified by CP&P of the child's death. The Division's Adoption Registry is notified of the child's death, however, by the LO Manager. Should the parent contact the Registry at any time, or for any reason -- e.g., to register a change in address -- the parent will be advised at that time that the child has died. In open adoptions, the adoptive parent, in all likelihood, will advise the birth parent of the child's death;
- the adoptive parent is responsible for arranging the child's burial and funeral. CP&P is not involved. (In open adoption situations, the adoptive parent may, at his own discretion, seek input from the birth parent when making the arrangements);

- under N.J.S.A. 30:4C-32 the adoptive parent is responsible for costs associated with the child's funeral and burial. CP&P is not financially obligated to contribute;
- CP&P payment toward burial and bereavement services - as a payment for a special service in a subsidized adoption - may be negotiated at the time that the written Adoption Assistance Agreement is drawn up between the Division and the adoptive parents.

Note: If the child dies before the adoption is finalized, the adoptive parent is not responsible for the costs of the child's funeral and burial.

General Policy 11-10-97

Services the Division provides or arranges for when a child under CP&P supervision dies, or is diagnosed with terminal illness, include but are not limited to:

- pre-planning services, e.g., counseling around issues of death and dying for the terminally ill child, his birth family and foster/adoptive family (see Services to Prepare the Terminally Ill Child and His Caregivers for the Child's Death, below);
- referral to community services, group supports, individual vendors, religious ministries (consult with RDS for resource list);
- exploring funds available from other sources, e.g., WFNJ TANF, to address funeral and burial expenses if parents cannot afford to pay;
- contributing toward the cost of the funeral and burial of the child, when the birth parents/family are not available or cannot afford to meet such expenses, and in the absence of funding from other sources (see [CP&P-V-A-6-500](#) regarding conditions for and the amount of payment available from CP&P);
- arranging or overseeing the arrangement of the child's funeral and burial/cremation, if CP&P funds are used (see CP&P involvement, below);
- arbitrating disagreements/conflicts between the birth and foster/adoptive families about the funeral and burial arrangements (see Conflict Between Birth Parents and Substitute Care Providers, below);
- arranging for transportation for the birth family and/or foster/adoptive family to the funeral home, funeral services, and cemetery, if necessary;

- sending a token of acknowledgement of grief/expression of sympathy to birth parents and foster/adoptive parents, and/or to the funeral home, e.g., flowers or fruit basket (see [CP&P-V-A-6-500](#));
- arranging and paying for a memorial service in exceptional circumstances (see description in Memorial Service, below, and fiscal consideration in [CP&P-V-A-6-500](#));
- arranging for and addressing bereavement counseling/service needs for the birth and foster/adoptive parents and deceased child's siblings and/or foster siblings;
- post-funeral assessment of readiness of foster/adoptive parents and their children/foster children to accept another foster child into their home and care;
- referral to a mental health practitioner for a formal assessment/evaluation of foster/adoptive parent readiness, if necessary (see [CP&P-V-A-6-700](#)).

See [CP&P-V-A-6-200](#), Death of a Child Under Supervision.

See [CP&P-IX-D-1-100](#), Critical Incident Reporting.

See [CP&P-VIII-A-1-100](#), Child Fatality and Near Fatality Reporting.

See [CP&P-IV-B-8-100](#), Health Care Services.

Services to Prepare the Terminally Ill Child and His Caregivers for the Child's Death 11-4-2013

When a child in active case status is diagnosed as having a terminal illness, the LO Worker consults with his Supervisor to determine who should, when and how to tell the child, the birth parent and/or the substitute care provider of the child's condition. If the child or family is in therapy, the provider is consulted before any decisions are made.

When a child in placement is diagnosed as having a terminal illness, the LO Worker notifies the Foster Care/Adoption Home Finding Unit. Workers who supervise other children in the resource home are also advised of the child's condition, to allow those Workers to reach out to those foster siblings. The Worker provides direct support and services to the terminally ill child, the birth parents, and siblings. A member of the Foster Care/Adoptive Home Finding Unit provides support and services to the resource parents/substitute care providers.

The Worker and Foster Care/Adoption Home Finding Unit member thus become a service intervention team, and function as such throughout the period of the

child's illness, to his death, to the funeral and burial, and into a period of post-death intervention, bereavement, and acceptance. See [CP&P-V-A-6-700](#).

All Workers involved with the birth family and/or the resource family consult periodically to ensure that their activities complement one another. The terminally ill child's Worker ensures that pertinent information is shared with the other Workers on an ongoing, as needed basis.

The child is referred to counseling services, if he is old enough to benefit from such services, and willing/ready to participate. Often the medical facility treating the child can provide appropriate free counseling services related to terminal illness. If such services/referrals are not available from the medical facility, the Worker consults with the RDS to identify a provider. Therapy may be in the form of individual counseling and/or peer group therapy for the terminally ill child, and/or family counseling for members of the birth family and/or resource family. CP&P contacts the service provider, sensitizes him to the agency's involvement, and maintains close contact with him, if possible.

One role of CP&P is to mediate between the birth parents and resource parents. When possible, the birth and resource parents should meet before the death of the child, to devise a plan to work together to help the child deal with the illness and prepare for death. Ideally the birth and resource parents will discuss arrangements for one, combined funeral and burial service which will be comfortable for and acceptable to both parties. When possible, differences should be settled before the child dies.

The terminally ill child may wish to be involved in planning his funeral (see Input from the Child, below).

CP&P provides and/or arranges for various additional support services for the terminally ill child and/or his substitute caregivers including but not limited to:

- home based health care (e.g., visiting nurse or home health aide services);
- hospice services (including services provided by the Division of Medical Assistance);
- homemaker services;
- day or respite care for other children in the resource home when the child is actively ill;
- step board rate increases;
- in-service training;
- consultation with and guidance from the CP&P Child Health Unit;

- transportation when necessary (to counseling, medical appointments, visitation with family, etc.).

Funeral and Burial Arrangements 3-27-92

a. Birth Parent Responsibilities

Although the deceased child's birth family is primarily responsible for making the funeral and burial arrangements for the child and for all associated costs and expenditures, these responsibilities may be modified based on circumstances outlined in Parental Rights and Obligations Based on Child's Placement and Legal Status, above.

CP&P may provide assistance, information and referral, and/or guidance to the parent during this difficult time. The birth parents' religious and personal preferences guide the arrangements.

CP&P will contribute toward the child's funeral and burial, based on N.J.S.A. 30:4C-32, when the child's birth family is not available or cannot meet the expenses, CP&P has been awarded guardianship, or the child has been adopted through CP&P with this special service specified in the subsidized adoption contract.

b. CP&P Involvement 3-27-92

The CP&P Worker or designated staff in the LO must be involved in making the funeral/burial arrangements whenever CP&P is contributing toward the costs, and/or if the birth family is unavailable to make the arrangements.

The LO staff member handling the funeral arrangements explains to all involved parties the circumstances under which CP&P contributes, prior to contacting a funeral director and cemetery official. The staff member must be prepared to tell the providers what finances are available from CP&P and from other identified sources (see [CP&P-V-A-6-500](#)).

The staff member handling the arrangements may consult with the RDS to identify local funeral service providers who have given CP&P clients quality service on prior occasions.

CP&P may use one vendor to handle all the necessary arrangements associated with the funeral and burial (e.g., funeral services, church and cemetery arrangements, ordering the grave marker), or separate vendors may be contacted.

c. Foster and Adoptive Parent Involvement 3-27-92

Foster parents and adoptive parents should be involved, or asked if they would like to participate, in making necessary arrangements for the child's funeral and burial, when their involvement is not precluded by the birth family. A substitute

care provider who has bonded with or provided care to the child may have a strong desire and/or a psychological need to participate in this process. Funeral preparation, though emotionally painful, has been recognized by experts in the field as a part of the grieving process.

Foster/adoptive parents may make arrangements for the child's funeral and burial when:

- the birth parents are unable, unavailable, or do not want to make the arrangements, or parental rights have been given up or taken away;
- the foster/adoptive parents have expressed an interest in making the arrangements;
- CP&P is involved in the process; and
- there are no contraindications or preclusions for such involvement.

d. Conflict Between Birth Parents and Substitute Care Providers 3-27-92

The death of a child may stir strong emotions and reactions on the part of both birth parents and foster/adoptive parents (e.g., depression, guilt, anger, withdrawal, resentment). Conflict may emerge between the two parties, with each proposing that arrangements be made in accordance with his own personal/religious beliefs and preferences. At times the birth parents and substitute care providers will not have met prior to the death of the child, despite CP&P efforts to arrange such a meeting (see Services to Prepare the Terminally Ill Child and His Caregivers for the Child's Death, above).

At such times CP&P, acting as a go-between, may resolve conflict between the birth and foster/adoptive parents through a series of phone conversations. At other times, the Worker/Foster Care/Adoptive Home Finding Unit member intervention team may need to set up a brief meeting between the birth parents and substitute care providers, to sit down with them, discuss/work through their differences, and arrive at a resolution/compromise.

e. Memorial Service 3-27-92

When conflict cannot be resolved between the birth parents and foster/adoptive parents, despite CP&P intervention, and parental rights have not been severed, the preferences of the birth family must prevail, while, at the same time, the feelings of the foster/adoptive parents must be recognized, and respected.

In such exceptional circumstances, when the child was in the placement a minimum of six months, a separate memorial service in honor of the child may be held for the foster/adoptive parents, their family and friends. Such a service is to be held within two weeks of the child's death, if at all possible. See [CP&P-V-A-6-500](#) for fiscal limitations.

f. Input from the Child 3-27-92

At times it may be therapeutic for a terminally ill child to be involved in preparing for his funeral, based on his age, maturity, and level of acceptance of the presenting circumstances. The child's therapist or other involved helping professionals may help to assess the appropriateness of the child's involvement and his readiness to participate.

The child may wish to be involved in planning the contents of the actual funeral service -- the prayers to be included, acknowledgements to be made.

The child may wish to meet with the clergyman who will preside over the funeral service.