

<b>Charleston County Coroner's Office Policy #10</b>	
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### 10.1 POLICY

By law, a cremation permit is required when the body of a dead person is to be cremated. Whoever requires the cremation shall secure a permit for such cremation from the county Coroner in the county where the death occurred. There are some circumstances in which the Coroner's Office will take responsibility for the cremation of unclaimed or unidentified remains.

### 10.2 SC CODE OF LAWS SECTION 17-5-600

"Permit required for cremation.

When the body of any dead person who died in the county is to be cremated, the person who has requested the cremation must secure a permit for the cremation from the coroner, deputy coroner, medical examiner, or deputy medical examiner. A person who willfully fails to secure a permit for cremation is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty dollars and not more than five hundred dollars. A permit for cremation promptly must be acted upon by the coroner or medical examiner."

### 10.3 PROCEDURES

1. Per South Carolina Code of Laws 32-8-325, any funeral home or crematorium requesting a cremation permit shall provide the Charleston County Coroner's Office with a copy of the completed, signed death certificate or a filed VRSIIS abstract.

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Facilities may also provide a copy of the Burial-Removal-Transit Permit and/or Next of Kin Cremation Authorization, although these documents are not requirements for issuing a cremation permit.

2. The cremation authorization assistant, or other designee, will enter the information into the coroner's electronic records management system. If the cremation permit request is not related to an existing investigation case, the cremation assistant will generate a new case file, enter pertinent information from the death certificate, and generate a cremation permit. In the event the death certificate indicates a non-natural death that was not reported to the Coroner's Office, the Coroner, Chief Deputy, and/or a Deputy Coroner will assume investigation responsibilities after which a cremation permit may be issued.
3. If the cremation permit request is for an existing investigation case, the cremation authorization assistant, or other designee, will verify information from the death certificate against details in the electronic case file. The investigating Deputy Coroner shall be notified of any discrepancies prior to generating the cremation permit.
4. For every cremation permit request, the death certificate shall be reviewed by a deputized employee prior to the cremation permit being signed. The permit will either be faxed, emailed or a copy given by hand to the requesting funeral home or crematorium. The signed cremation permit and all accompanying documentation will be uploaded into the electronic case file and the original hardcopy of the permit will be retained.

### 10.4 VERBAL PERMISSION

After hours when the office is unmanned (i.e. weekends and holidays) the on-shift Deputy Coroner may provide the funeral home with verbal permission to proceed with cremation. In order to provide verbal permission, the funeral home must provide the on-shift Deputy Coroner with all pertinent information from the death

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certificate to include the name of the certifying physician or Coroner and the cause and manner of death listed on the death certificate. The funeral home shall fax or email the required documents to the Coroner's Office. The next business day, or whenever the Deputy reports to the office, the cremation permit will be generated, backdated to the date of verbal permission, signed and faxed back to the requesting facility.

### 10.5 FETAL DEATH CREMATION REQUESTS

According to the South Carolina Code of Laws Section 32-8-325, coroners may only issue cremation permits after reviewing a certificate of death. In cases of fetal death/demise in which there is no birth certificate and consequently no death certificate, the Coroner is not authorized to issue a cremation permit. Funeral homes, however, occasionally request documented permission to cremate fetal remains in accordance with their own policies. When a fetal cremation request is received, this office will issue a letter identifying the fetus' surname and date of fetal demise along with the following verbiage:

“This document addresses the request for permission to cremate fetal remains. It is not intended to serve as cremation authorization as it does not meet the requirements set forth in SECTION 32-8-325 of the South Carolina Code of Laws.

A fetal death does not require a birth certificate and as a consequence does not require a death certificate. Additionally, the normal cremation authorization involves documentation of the cause and manner of death, and this may or may not be possible in fetal deaths. As a result of this, it is possible that the fetus may have died as a result of non-natural causes, and potentially as a result of violence. It should be duly noted that cremation of the fetus would destroy any evidence of the same.

The Charleston County Coroner's Office has no grounds to object to the cremation as agreed to by the crematory authority and the decedent's agent.”

### 10.6 AUTHORIZATION FOR CREMATION FROM PROBATE COURT

1. There are some circumstances in which the Coroner's Office will take responsibility for cremation of identified but unclaimed remains. The Charleston County Coroner's Office will make every effort to locate next-of-kin for identified decedents. While attempting to locate next-of-kin, deputies will keep a record of all

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calls made, persons spoken to, information from search engines and any other documentation as appropriate. The following steps shall be taken:

- a. After positive identification of the decedent has been made in accordance with the Decedent Identification Policy and an attempt to locate next-of-kin has failed, or if the next-of-kin has renounced their rights to handle the disposition of a decedent, the investigator handling the case will submit a formal letter of request to the Charleston County Probate Court to authorize cremation and to ask that a Special Administrator be assigned to handle the decedent's estate, if applicable.
- b. The request to the Probate Court shall include the name of the decedent, their date of birth, date of death, social security number, and a brief description of the circumstances surrounding the death. This request shall also provide a brief description of the steps taken to identify and locate next-of-kin and ask for recoupment of cremation costs from any estate assets should they be available now or in the future.
- c. The original signed request letter and a copy of the death certificate will be mailed via interoffice mail to the law clerk at the Probate Court assigned to handle these cases.
- d. If authorization has not been received within 30 days, the requesting Deputy Coroner will follow up with the Probate Court to check on the status of the request.
- e. Once written permission from the Probate Court has been received, the investigating Deputy Coroner will release the body to the cremation facility and will fax or scan and email the following documents to the cremation facility: a copy of the Probate Order of Cremation, a copy of the death certificate, a completed and signed cremation authorization form, and a signed cremation permit.
- f. If jaws, finger(s), or any other body part(s) were removed for identification purposes, the removed body parts will be returned to the body prior to being released to a funeral home or crematorium.

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- g. Upon the completion of the cremation, the employee receiving the cremains (whether delivered or picked up) must verify that the cremains belong to Charleston County and that the cremation certificate number matches the number on the seal of the cremation container. Usually, a copy of the BRT or death certificate should accompany the cremains. The crematory may require a signature on a receipt. A copy of this form shall be uploaded to the electronic case file.
- h. Once the cremains are in the custody of the Coroner's Office, they will be entered into the evidence management software system and affixed with a bar code sticker. Place the cremains in the appropriate storage location within in the evidence room until next-of-kin may be located or until a court-appointed Special Administrator provides instruction for the release of the cremains or they are interred in an appropriate cemetery/burial site. Documentation of the burial location must be included in the case file or scanned to the electronic records system. A chain of custody form from the evidence management software system will also be placed in the case file or scanned to the electronic records file.
- i. The coroner's report will be amended stating where the cremains are being stored/buried/released to the special administrator, if applicable.
- j. A copy of the cremation certificate will be placed in the decedent's file or electronic file and the original certificate stays in the box with the ashes.
- k. Prior to closing the case, all of the decedent's information shall be entered into the unclaimed remains section of NamUs (National Missing and Unidentified Persons System) by the Charleston County Coroner's Office NamUs representative.
- l. If next-of-kin is found at any later date, the case status of the individual must be changed within the NamUs unclaimed database from "Unknown" to "Known". If next-of-kin are found and they take custody of the cremains, the individual must be removed from the NamUs unclaimed database.

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2. There are some circumstances in which the Coroner's Office will take responsibility for cremation of unidentified decedents which are in accordance with state law:

"SC CODE OF LAWS SECTION 17-5-590 Disposition of remains of unidentified dead bodies. If the body of a dead person is unidentifiable, the remains may not be cremated for at least thirty days. The coroner or medical examiner must have the remains buried or interred in a cemetery in the county in which the remains were found."

The following steps shall be taken:

- a. If positive identification has failed after all methods of identifying a decedent described in the Decedent Identification Policy have been performed, and after an appropriate investigation exhausting all resources through other investigative techniques and law enforcement sources, and with permission of the Coroner or Chief Deputy, the investigating Deputy Coroner may submit a formal letter of request for permission to cremate to the Charleston County Probate Court.
- b. The request to Probate Court shall include the decedent's identifier (e.g. "John Doe"), a brief description of the circumstances surrounding the death, a brief description of steps taken to identify the decedent, and ask for recoupment of cremation costs from any existing estate assets should the decedent be successfully identified.
- c. The original signed request letter and a copy of the death certificate will be mailed via interoffice mail to the law clerk at the Probate Court assigned to handle these cases.
- d. If authorization has not been received within 30 days, the requesting deputy will follow up with the Probate Court to check on the status of the request.
- e. Once written permission from the Probate Court has been received, the investigating Deputy Coroner will release the remains to the cremation facility and will fax or scan and email the following documents to the cremation facility: a copy of the Probate Order of Cremation, a copy of the

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- death certificate, a completed and signed cremation authorization form, and a signed cremation permit.
- f. If jaws, finger(s), or any other body part(s) were removed for identification purposes, the removed body parts will be returned to the body prior to being released to a funeral home or crematorium only after all exams have been completed and reports submitted on those items i.e. dental x-ray and charting, evaluation by the forensic anthropologist, fingerprint card/file, etc
  - g. Upon the completion of the cremation, the employee receiving the cremains (whether delivered or picked up) must verify that the cremains belong to Charleston County and that the cremation certificate number matches the number on the seal of the cremation container. Usually, a copy of the BRT or death certificate should accompany the cremains. The crematory may require a signature on a receipt. A copy of this form shall be uploaded to the electronic case file.
  - h. Once the cremains are in the custody of the Coroner's Office, they will be entered into the evidence management software system and affixed with a bar code sticker. Place the cremains in the appropriate storage location within in the evidence room until identification is made and/or next-of-kin is located or until a court-appointed Special Administrator provides instruction for the release of the cremains or they are interred in an appropriate cemetery/burial site.
  - i. Documentation of the burial location must be included in the case file or scanned to the electronic records system. A chain of custody form from the evidence management software system will also be placed in the case file or scanned to the electronic records file.
  - j. The coroner's report will be amended stating where the cremains are being stored/buried/released to a special administrator.
  - k. A copy of the cremation certificate will be placed in the decedent's file or electronic file and the original certificate stays in the box with the ashes.
  - l. Prior to closing the case, all of the decedent's information shall be entered into the unidentified remains section of NamUs (National Missing and

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Unidentified Persons System) by the Charleston County Coroner's Office  
NamUs representative.

- m. Should the decedent be identified, NamUs shall be updated.

### 10.7 CREMATION PROCEDURE FOR NATURAL DEATHS WITHOUT A SCENE INVESTIGATION

Occasionally, the coroner's office will sign a death certificate for natural, non-suspicious residential or ER deaths where a scene investigation was not required and no physician was willing to sign the death certificate and a crematorium or funeral home requests a cremation permit. A coroner's office representative must inspect the body and will capture overall and close-range photographs of the body before a cremation permit is issued. The photographs shall be uploaded into the decedent's electronic case file. The Coroner, or a Deputy Coroner shall review both the images and the death certificate prior to signing the cremation permit. Should any information come to light or physical inspection of the body reveal the need for further investigation, the Coroner, the Chief Deputy, or a Deputy Coroner shall conduct further investigation into the circumstances of death prior to authorizing a cremation permit. When an investigation has been completed, or if one is not required, the cremation permit shall be generated in accordance with this policy.