



RICE COUNTY CORONER'S OFFICR

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RELIGIOUS OBJECTION TO AUTOPSY POLICY

POLICY DESCRIPTION:

Effective July 1, 2015 the Minnesota State Coroner/Medical Examiner statutes (Chapter 390) officially recognizes a decedent's right to object to an autopsy on religious grounds. The Coroner's Office will recognize any objection to autopsy, but only those with religious grounds are subject to statutory review. A religious objection must be made to the Coroner by the representative with the right to control the disposition defined in Minn. Stat. §149A.80.

Compelling State Interest

A compelling state interest is the circumstances under which the Coroner is allowed to order and complete an autopsy without delay in spite of a religious objection.

Those circumstances include:

- to investigate a suspicious death or suspected crime;
- to prevent or protect a public health threat and to ascertain the cause or manner of death;
- to obtain proper toxicologic or other specimens that may represent evidence of a crime or may deteriorate over time;
- when the death is an unexpected and unexplained death of a child;
- when the death is associated with police action;
- when the death is caused by apparent electrocution, fire, or explosion;
- when the death is caused by unwitnessed or suspected drowning; or
- when the body is unidentified or skeletonized.

If a compelling state interest exists, and is not defined above (e.g. motor vehicle accident or medical opinion of the pathologist) then the Coroner has the right to seek a court order to complete the autopsy.

Notification of Autopsy

The Coroner shall make notification to the representative of the decedent, within 24 hours of the discovery of the death, of the intent to perform an autopsy. If no representative is located and notified within 24 hours, the autopsy may proceed without delay.

Documentation

The Coroner's Office must provide verbal or written materials to the representative explaining the death investigation process and the web site address to locate this material. If the family is

present, written information shall be provided to them. If notification is made verbally, the Coroner's website address shall also be provided so that the written materials can be located online.

Written materials include:

- Information for Families Brochure

Website

- www.co.rice.mn.us/departments/county-coroner
- The website will contain additional information for families and links to current statutes

Coroner personnel are required to document and maintain indefinitely a record of communication with the representative. This documentation shall contain at a minimum the following information:

- Name and relation of the representative
- Date and time of notification of the intent to perform an autopsy
- Objections or lack thereof
- Confirmation that written or verbal information on the death investigation process was provided

Example 1 "05.18.15 at 0900 hrs, spoke with Joe Smith, father of Sam Smith. He was advised of the need for autopsy and offered no objections. A brochure for families was provided."

Example 2 "05.18.15 at 0900 hrs, spoke with Joe Smith, father of Sam Smith. He was advised of the need for autopsy and objected based on the decedent's religious beliefs. Mr. Smith was provided the website address for additional information."

Custody of the Body

If it is determined that an autopsy is necessary, the Coroner will direct that the body of the decedent be brought to the designated medical examiner's office, despite any religious objection to the examination. In cases of religious objection, the body shall NOT be released to the funeral home and placed on hold.

Affidavit of Religious Beliefs

If a religious objection to autopsy is made, the Coroner will require, pursuant to statute, that the legal representative provide an affidavit stating the following:

- Name of the legal representative
- Relation to the decedent
- Religious affiliation of the decedent
- Affirmation of the religious objection by the decedent
- Basis for the objection
- Assumption of the duty to complete the disposition of the remains

Objection Process

If the representative of the decedent does not object to an autopsy, then the autopsy can proceed without delay.

If the representative does object to an autopsy, but the objection is not on religious grounds the Coroner will review the objection and proceed without court review.

If the representative does object to an autopsy based on religious grounds, then:

- The autopsy can be performed without delay if the circumstances are defined as a compelling state interest in statute (see above) and approved by the Coroner.
- The objection can be recognized and the autopsy waived, with an affidavit from the representative. Direct the representative to seek legal counsel for the requirements of the affidavit. Upon receipt of the affidavit, the remains can be released.
- If a compelling state interest not defined in statute is present, the Coroner may bring action in District Court for an order to perform the autopsy.