REPUBLICAN
WOMEN'S CAUCUS

Bereaved Parents' Rights Act

Introduced by Rep. Kat Cammack, the ***Bereaved Parents' Rights Act*** would ensure that parents receive clear information about their options following a miscarriage or stillbirth. The legislation gives families an opportunity to make deeply personal decisions about the burial or cremation of their child's remains and requires hospitals and freestanding birth centers to respect a parent's written choice in accordance with state law.

The Problem

For parents experiencing a miscarriage or stillbirth, questions about what happens to their child's remains can arise while they are still receiving medical care and processing an immense loss. They may wish to arrange a burial or cremation but may not know whether that is possible, whom to ask, or when a decision must be made.

State laws and facility practices concerning the disposition of remains vary. Without a clear explanation of their options, parents may leave a hospital or birth center unaware that they could have made arrangements for their child. Families deserve timely information so they can make a decision that reflects their wishes, beliefs, and circumstances.

What the Bill Does

- **Requires timely notice.** When a hospital or freestanding birth center has custody of remains following a miscarriage or stillbirth, it must notify the parents of their options within six hours of the loss or before the parent is discharged, whichever comes first.
- **Clearly presents the choices.** Parents must receive a form developed by the Secretary of Health and Human Services explaining their options for a private or common burial, cremation, or disposition by the hospital or birth center.
- **Provides time to make an election.** A parent has up to 72 hours after receiving the notice to elect in writing to arrange for burial or cremation.
- **Requires facilities to honor that election.** When a parent makes a timely written election, the hospital or birth center must ensure that disposition follows the options available under state law for a fetal death.
- **Provides a remedy for violations.** An individual harmed by a facility's failure to meet these requirements may bring a civil action in federal court for appropriate relief.

Why It Matters

No policy can take away the pain of losing a child. But parents should not have to discover too late that they had choices about their child's remains. The ***Bereaved Parents' Rights Act*** would give families clear notice at a critical moment, a defined opportunity to express their wishes, and assurance that a timely written decision will be handled under applicable state law. It is a practical way to treat grieving parents with the dignity, clarity, and compassion they deserve.

*For more information about the **Bereaved Parents' Rights Act,** contact Christina Lassiter, Legislative Director for Congresswoman Kat Cammack at christina.lassiter@mail.house.gov or (202)225-5744.*