WEST VIRGINIA CODE: §61-12-15

§61-12-15. Disposition of unidentified and unclaimed remains.

(a) The Office of the Chief Medical Examiner shall cremate unclaimed and unidentified human remains from its facilities.

(b) The Office of the Chief Medical Examiner, with the assistance of the city of Charleston, shall locate an appropriate cemetery.

(c) Unidentified remains shall be cremated after 30 days and after efforts to identify the person and his or her next of kin have been exhausted as determined by the Office of Chief Medical Examiner. Any data or biological sample helpful toward possible future identification of the unidentified remains including but not limited to teeth, bone, tissue, or blood samples shall be preserved within the database. In the event the death is determined to be the result of a crime, physical evidence shall be collected from the decedent's body prior to any disposition.

(d) Identified but unclaimed remains shall be cremated after 30 days and after efforts to contact the decedent's next of kin have been exhausted, as determined by the Office of the Chief Medical Examiner, and placed in a cemetery in a manner that the remains may be easily retrieved by the Office of the Chief Medical Examiner in the event the decedent's next of kin wishes to claim the remains.

(e) The chief medical examiner, or his or her designee, may enter onto the premises of the cemetery and cause to be removed from the cemetery any decedent who has been identified and claimed by his or her next of kin upon the next of kin providing proper documentation.

(f) A person may not file any cause of action against the Office of the Medical Examiner or against any medical examiner acting in his or her capacity as a medical examiner for any liability or damages relating to cremation or other disposition of a decedent's remains, consistent with the provisions of this section, prior to a person claiming a decedent.

WV Legislature