



Presents:

Private Property Burials in Virginia: A Practical Guide for Death Doulas

Introduction

In Virginia, families have the right to bury loved ones on their own land. For many, this choice creates a deeply meaningful connection to place and ancestry. As death doula, you may be asked to guide families through this process. This handout explains the legal rules, practical steps, and common considerations around private property burials in Virginia.

Burial on Private Property

- **Virginia law (Va. Code § 57-26)** allows families to bury their own dead on private land without first getting county permission. This is different from establishing a public cemetery, which does require local approval.
- Burials on private land are usually limited to **family members**. This keeps the burial site tied to the household or family lineage.
- Families often choose this option because it:
 - Keeps their loved one close.
 - Creates a permanent, personal memorial.
 - Allows for more intimate and meaningful ceremonies.

Doula tip: Help individuals plan ahead if this is something they want so that they and their family have time to think through the long-term impact. If the property is sold, access rights for descendants still exist under Virginia law, but future owners must allow “reasonable access.” (Translation: Cousin Betty may be knocking on the new owner’s door someday with flowers.)

Distance & Location Restrictions

To protect public health and the environment, Virginia requires certain setbacks:

- Graves must be at least **250 yards from any dwelling** (unless it’s the family’s own dwelling).
- Graves must be at least **300 yards from any water source**, like wells or streams.
- Depth: While not spelled out in state law, best practice is to dig to at least **3.5–4 feet of soil above the casket or shroud** to prevent disturbance by animals and to allow for proper decomposition.

Doula tip: Encourage families to mark the site clearly and keep a simple site map with property records. And yes—double-check **local zoning rules** just in case your county has added its own fine print. Nobody wants to discover mid-ceremony that the zoning office had other ideas.



Local Rules Around Richmond and Petersburg

- **City of Richmond:** Private property burials are *not allowed*. The city requires burials to occur in established cemeteries only.
- **Henrico County:** Generally follows state law. Family burials on private land are permitted, but zoning and subdivision rules may apply.
- **Chesterfield County (Midlothian area):** State law applies—family burials are allowed. However, confirm local zoning, as some neighborhoods and subdivisions may have covenants that restrict burial activity.
- **Hanover County (Mechanicsville area):** Family burials are permitted. Hanover also provides a clear process for handling abandoned graves under Virginia Code.
- **New Kent County:** No separate restrictions identified—state law governs. Always confirm with zoning and the county health department.
- **Petersburg (City):** Similar to Richmond, Petersburg generally requires burials to occur in established cemeteries rather than private property.

Recording Burials on Deeds

- Families should **record the burial location with the county land records office**. This ensures the burial is recognized officially and protects the site legally going forward.
- A simple sketch map or survey can be filed to show the grave's location on the property.
- This record is not only legally smart—it is also an act of respect for the deceased and for future generations. It prevents disputes, avoids confusion, and spares some poor future homeowner from discovering “extra residents” while planting a garden.

Doula tip: Encourage families to include burial site details in their estate planning documents or “family binder.” Bonus points for GPS coordinates: those will make future genealogists’ lives easier!

Access Rights for Descendants

- Virginia law gives **family members, plot owners, and genealogists** the right to visit cemeteries or gravesites on private property.
 - Landowners may set reasonable conditions (visiting hours, parking areas, etc.), but cannot block access completely.
 - Visitors are responsible for avoiding damage and may be liable for harm caused during their visit.
-



Death Certificates

- A **death certificate** must be filed within **3 days of death** and before burial.
- Families can file this directly with the local health department or vital records office; a funeral director is not required by law.
- Information usually needed:
 - Full legal name of the deceased.
 - Date and place of birth.
 - Date, place, and cause of death.
 - Parent and spouse information (if applicable).

Doula role: You can support families by preparing them for what paperwork and identification they'll need, and by reducing overwhelm during a stressful time.

Obtaining Death Certificates

- Where to Obtain Death Certificates (Local Offices):
 - **Richmond City Health District:** VDH Vital Records – Richmond City | 400 East Cary St, Richmond, VA.
 - **Henrico County Health Department:** Henrico Health | 8600 Dixon Powers Dr, Henrico, VA.
 - **Chesterfield County Health Department:** Chesterfield Health | 9501 Lucy Corr Circle, Chesterfield, VA.
 - **Hanover County Health Department:** Hanover Health | 12312 Washington Hwy, Ashland, VA.
 - **New Kent County Health Department:** New Kent Health | 7911 Courthouse Way, New Kent, VA.
 - **Petersburg Health Department:** Petersburg Health | 301 Halifax St, Petersburg, VA.
- Typical Costs & Fees: -
 - **Death Certificate Copies:** About \$12 per certified copy in Virginia (families usually need 5–10 for banks, insurance, etc.).
 - **Deed Recording Fees:** Vary by county; generally \$20–40 for recording a new or amended deed noting a burial.
 - **Survey/Mapping Services (optional):** \$200–500 if hiring a surveyor to mark the burial site for deed purposes.
 - **Burial Supplies:** Shrouds, caskets, or grave liners are optional but may add costs. Families choosing simple or natural burials often save here.



Cremation and Burial at Sea

- In Virginia, **cremation or burial at sea requires authorization from the Office of the Chief Medical Examiner**. This is to ensure that the death was natural and not the result of foul play.
- In other words: *the state wants to make sure you're not tossing Uncle Joe into the bay as part of an elaborate murder cover-up.*

Doula tip: Reassure families that this step is routine—it's not an accusation, just a safeguard.

What Needs to Happen in the First 3–5 Days After Death

1. **Pronouncement of Death:** A physician, hospice nurse, or medical examiner typically pronounces the death.
2. **Death Certificate Filing:** Must be filed within 3 days. This is the legal record of the death.
3. **Disposition Arrangements:** Families must choose between burial, cremation, or donation. If burial, ensure location complies with property rules; if cremation or burial at sea, get Medical Examiner authorization.
4. **Body Care & Custody:** Decide whether the family will care for the body at home, hire a funeral director, or use a hybrid approach.
5. **Notifying Social Security/Employers/Insurance:** Many institutions require prompt notice, and benefits like Social Security death benefits begin processing once notified.
6. **Planning Ceremonies or Rituals:** Funerals, memorials, vigils, or private rituals often take place within this time frame.
7. **Digging Out the Will:** As early as possible, locate the will or estate documents. These may contain burial or cremation wishes, name the executor (who has legal authority to act), and outline how expenses should be covered. If no will is found, Virginia's intestacy rules apply and next-of-kin make the decisions.

Sidebar: If There Is No Will

- **Default Decision-Makers:** Virginia law sets a priority list: spouse, then adult children, then parents, then siblings, and so on.
- **Burial Decisions:** Without a will, the legal next-of-kin typically decides on burial, cremation, or donation.
- **Estate Administration:** The court may appoint an administrator to handle assets, debts, and property if no executor is named.
- **Practical Tip:** Encourage families to document wishes in advance—otherwise, disagreements among relatives can cause delays, stress, and sometimes even court battles (nothing kills the mood at a funeral like probate litigation).



Sample Budget Breakdown

Low-Cost Natural Burial (Private Property):

- Death certificates (5 copies): ~\$60
- Deed recording: ~\$30
- Shroud or simple biodegradable container: \$200 - \$500
- Grave digging (family-provided labor): free; contracted digging: \$300 - \$600
- Optional survey for deed: \$300

Estimated total: \$600 - \$1,200

Traditional Burial (Private Property with Casket):

- Death certificates (10 copies): ~\$120
 - Deed recording: ~\$30
 - Casket: \$1,000 - \$3,000 (basic) up to \$10,000+ (premium)
 - Grave liner or vault (if chosen): \$800 - \$1,500
 - Grave digging (contracted): \$400 - \$600
 - Optional survey for deed: \$300
- Estimated total:** \$2,500 - \$5,500+ (depending on casket choice)

Quick-Reference Chart

Locality	Private Burial Allowed?	Notes / Zoning	Where to Get Death Certificates	Typical Fees
City of Richmond	<input checked="" type="checkbox"/> No	Must use established cemeteries	Richmond City Health District – 400 E Cary St	\$12 per copy DC
Henrico County	<input checked="" type="checkbox"/> Yes	Check zoning/subdivision rules	Henrico Health – 8600 Dixon Powers Dr	\$12 per copy DC; \$20–40 deed
Chesterfield County	<input checked="" type="checkbox"/> Yes	Confirm HOA/zoning restrictions	Chesterfield Health – 9501 Lucy Corr Circle	\$12 per copy DC; \$20–40 deed
Hanover County	<input checked="" type="checkbox"/> Yes	Clear process for abandoned graves	Hanover Health – 12312 Washington Hwy	\$12 per copy DC; \$20–40 deed
New Kent County	<input checked="" type="checkbox"/> Yes	State law applies; check zoning	New Kent Health – 7911 Courthouse Way	\$12 per copy DC; \$20–40 deed
Petersburg City	<input checked="" type="checkbox"/> No	Must use established cemeteries	Petersburg Health – 301 Halifax St	\$12 per copy DC