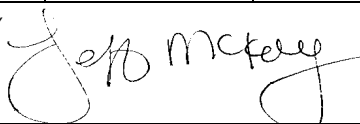
 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE Notification of Death or Grave Illness of Incarcerated Individual Family Members		NO. 4206
			DATE 3/24/2023
SUPERSEDES DIR #4206 Dtd. 08/01/19	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) Correction Law §113; ACA Expected Practices 5-ACI-7D-18; Directives #4901, #7001	APPROVING AUTHORITY 		

- I. **PURPOSE:** To establish policy and procedure for the timely notification to an incarcerated individual of grave illness or death of a family member.
- II. **TELEPHONE RECEPTION:** During business hours the facility Switchboard Operator or Watch Commander shall refer calls regarding grave illness or death of an incarcerated individual's relative to an on-duty Chaplain. If a Chaplain is unavailable, a Supervising Offender Rehabilitation Coordinator (SORC) should receive the call. [Form #4206A](#), "Report of Grave Illness/Death in Incarcerated Individual's Family," should be used to record all relevant information.

As authorized by Correction Law, Section 113 and consistent with Department policy, the following is a list of relatives/family members for whom an incarcerated individual may be allowed to attend a funeral or death bed visit: father, mother, legal guardian or former legal guardian, child, brother, half-brother, sister, half-sister, spouse, grandparent, grandchild, ancestral uncle, or ancestral aunt. There must be confirmation of a pre-existing familial type relationship for adopted, step, great relationships, etc. Discretion should be utilized to allow for an incarcerated individual's participation whenever appropriate.

In addition, for purposes of this directive the term "spouse" shall also include a person who is the same sex as the incarcerated individual if the same-sex marriage was performed in New York State or if a same-sex marriage or civil union was performed in any other jurisdiction that authorizes such marriage and union. Counsel's Office may be consulted to determine whether the outside jurisdiction does authorize same-sex marriages or civil unions.

During non-business hours, the Watch Commander is to obtain the pertinent information, including the caller's telephone number, and immediately contact a Chaplain or SORC.

III. DEFINITION OF A DEATHBED VISIT OR FUNERAL ATTENDANCE

A funeral visit is defined as a visit during the wake (viewing) and/or funeral service held for a deceased person. This may occur after the deceased has been buried or cremated. The presence of the body is not required. Funeral visits may only take place in licensed funeral homes or at clearly designated places of worship and will not be permitted in private homes.

A deathbed visit is defined as a visit to the bedside of a person for whom death appears imminent. Deathbed visits may only take place at recognized health care facilities and will not be permitted in private homes.

The Chaplain or SORC is to be familiar with Directives #4901, "Transporting Prisoners," and #7001, "Temporary Release Programs," and know and advise the caller that the trip is contingent upon verification of relationship and the Superintendent's, or designee's, approval.

IV. VERIFICATION/NOTIFICATION

It shall be the duty of the Chaplain or SORC to verify the death or illness with a funeral parlor/hospital. They are to obtain all information needed to complete [Form #4206A](#), "Report of Grave Illness/Death in Incarcerated Individual's Family."

The Chaplain or SORC shall access the incarcerated individual's folders and FPMS System. **All of the incarcerated individual's records, including past DIN numbers, reported phone numbers, addresses, and visiting should be used in an effort to help establish the relationship. The Chaplain and/or SORC should always try to work with the family to verify a relationship.** Lack of evidence of a recent active relationship should not be the sole basis for a denial.

Only after the relationship is verified shall the Chaplain or SORC meet with the incarcerated individual as quickly as possible to give them the notification. If the incarcerated individual does not desire to make the trip, the Chaplain or SORC is to so notify the caller. A record of the refusal ([Form #4206B](#)), signed by staff and the incarcerated individual, must be entered into the incarcerated individual's file.

In all cases where funeral and/or death bed visit is denied, the Superintendent is to review and make the final decision.

- V. REQUEST FOR DEATHBED VISIT OR FUNERAL ATTENDANCE:** The Chaplain or SORC forwards the completed [Form #4206A](#) to the Superintendent, or designee, along with a summary in writing of all relevant information, including document copies when necessary, for review and possible trip approval.

If there is cause for concern with regard to the circumstances surrounding the family member's grave illness or death, the Superintendent, or designee, is to immediately contact the Office of Special Investigations for advice, as deemed necessary. Other issues of concern are Orders of Protection and other incarcerated individuals attending the service.

Whenever a trip is denied, the Chaplain or SORC shall meet with the incarcerated individual to inform them that the trip has been denied and place a return call to the family informing them that the trip has been denied.

- VI. VIRTUAL DEATHBED OR FUNERAL VISIT:** Virtual Deathbed and Funeral Visits should only be utilized when all attempts to effectuate the incarcerated individual's in-person attendance have been exhausted, as in-person attendance remains the paramount course of action. In such circumstances, the SORC or Chaplain when notifying the incarcerated individual of the sickness or death of their family member should present the option of a virtual WebEx Funeral visit.

Virtual funeral visits may only take place in licensed funeral homes, or at clearly designated places of worship and will not be permitted in private homes. Virtual deathbed visits may only take place at recognized health care facilities and will not be permitted in private homes. Out-of-state Virtual Deathbed and Funeral Visits must also be considered.

Family can use a personal cell phone, laptop, or tablet to connect to the WebEx Funeral Visit, which will be hosted by the facility on existing video teleconferencing (VTC) equipment. Security staff must be present in the room, but should not be visible on the camera, unless the placement of the equipment will not allow for their presence out of the camera.

The incarcerated individual should be allowed to visit with their immediate family members for 15 minutes prior to the start of the virtual service, and then an hour to attend the virtual service. Additional time may be authorized, at the discretion of the Superintendent to attend the service in its entirety.