

## **ID Viewing**

Many funeral homes are now requiring "personal identification" or ID viewing prior to cremation, hoping that when you see Mom in a cardboard box, someone will ask if there isn't something a little nicer. In fact, this tactic was recommended at a funeral industry symposium—Keys to Cremation Success, "How to Add \$1,400 to Your Cremation Calls"—where the speaker admitted that such a maneuver was self-serving. Unless this occurs after a plane crash, for example, where there might be a legitimate doubt regarding the identity of the deceased, this is, indeed, a despicable and manipulative tactic. The funeral home certainly isn't going to show you the wrong body.

Not only is it a basic responsibility of the funeral home to be certain of the identity before ever taking custody of a body, it is also a reasonable expectation that the funeral home will not co-mingle bodies or "lose" the identification. Yes, occasionally there are stories about the wrong body being cremated or the wrong body in the casket for visitation, but these represent sloppy funeral home practices, not a failure to identify.

Some funeral homes have the gall to charge for this "required" viewing or for "preparation for ID viewing." According to the FTC, you may CERTAINLY decline either of these charges unless you specifically asked for private family viewing or unless there is a state law requiring personal ID viewing by next-of-kin. FAMSA knows of no such laws.

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A son went to the nursing home to sign the permit for cremation after staff from an SCI-owned funeral home arrived to pick up his mother's body there. Although the nursing home staff had most certainly already done so, he was asked to identify his mother's body. When he said he had no desire to see his mother's body, he was asked to sign the following:

### **ELECTION NOT TO IDENTIFY BY ACTUAL VIEWING**

I, \_\_\_\_\_, having declined to make identification through actual viewing of the remains of \_\_\_\_\_, my \_\_\_\_\_, hereby agree to indemnify and hold [an SCI-owned funeral home] and its officers, directors, shareholders, affiliates, agents, employees, successors, and assigns harmless from any and all claims, liabilities, damages, losses, suits or causes of action (including attorneys' fees and expenses of litigation) brought by any person, firm or corporation or the personal representative thereof, relating to or

arising out of such failure to identify.

I understand that [the named SCI-owned funeral home] will wait three (3) additional days after all papers and/or forms required by law have been completed and filed with the appropriate governmental agencies before proceeding with cremation and will charge a storage/ refrigeration fee for the same.

Stressed at his mother's death and all that he needed to do while juggling work commitments, the son signed the form thinking it was a simple release. At no time was he told how much the storage fee would be, he claims. Six days later, he got a bill for \$250 dollars more than he expected: storage for five days at \$50 per day. Paperwork indicated that the bill had to be paid by the next day, a Friday, but he put off doing so to seek legal help. By the following Tuesday, the funeral home became threatening after a FAMSA inquiry—additional storage would be charged because of the son's delay . . . because he had not signed any "contract." Even though the son had signed a permit to cremate when the funeral home picked up his mother's body at the nursing home, FAMSA was told that the body had not yet been cremated because of the lack of a "contract." At no time—until Tuesday—was the son informed, he says, that a "contract" was the pivotal piece of paperwork necessary before his mother could be cremated. Eleven days had now elapsed with his mother's body stored in a cooler. One other reason the son was unwilling to sign the contract: His signature would indicate that he had been given all price and other disclosures required by the FTC prior to making any arrangements. Such information came after-the-fact—with the bill—and he had no intention of signing a false statement.

In legal terms, the son was a victim of duress and undue influence, not to mention the FTC violations that were committed. There was no legal reason to hold the body for three days AFTER all paperwork was filed, and the funeral home may NOT impose such a charge, let alone without notifying the consumer how much the charge will be. FAMSA is filing complaints with state and federal agencies on the son's behalf, but other consumers should be forewarned about this new manipulation of cremation customers.