

Caring for the Dead in

Arizona

Persons in Arizona may care for their own dead. The legal authority to do so is found in:

Title 36-831-A.: . . . The duty of burying the body of or providing other funeral and disposition arrangements for a dead person devolves in the following order:

1. If the dead person was married, upon the surviving spouse . . . [goes on to designated agent and other next-of-kin]

Title 36-326 Disposition transit permits: H. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit to a funeral establishment or other responsible person if the information provided pursuant to subsection B complies with this chapter and rules adopted pursuant to this chapter.

There are no other statutes that would require you to use a funeral director when no embalming is desired.

Death Certificate

The family doctor or a local medical examiner will supply and sign the death certificate within 72 hours, stating the cause of death. The remaining information must be supplied, typewritten or in black ink. The death certificate must be filed with the local registrar within three days and prior to cremation or removal.

If death has occurred without medical attendance on an Indian reservation and if no medical examiner is available, tribal law enforcement authority may certify the cause of death.

If death occurs in a hospital or nursing home, the institution will supply a Human Remains Release Form if the death certificate has not yet been completed.

Arizona is nearly ready to move to electronic death registration. When that is up and running, a family will have to go to the county health department to register the death. (There is someone on-call for evenings, weekends, and holidays.) The

family member will fill out a worksheet with the family information. Once that has been entered into the system, it will be faxed to the doctor for a cause of death, unless the doctor will accompany you to the health department. Typically, this all needs to be done before a burial-transit permit can be issued.

Fetal Death

A fetal death certificate is required if death occurs after 20 weeks of gestation or when the weight is 350 grams or more (about 12 ounces). If there is no family physician involved, the local medical examiner must sign the fetal death certificate.

Transporting and Disposition Permit

The local Health Department registrar will issue a burial-transit permit. If the death has occurred after usual business hours, a funeral director may be asked to supply the permit. The death certificate must be obtained first. If cremation is planned, the medical examiner's permit must also be obtained first.

The "state copy" must be mailed immediately to the state registrar as a notification of death. After disposition, the original page of the burial-transit permit must be signed and returned to the clerk of the county where it was issued or to the state registrar within ten days of disposition.

Burial

There are no state statutes that specifically permit or prohibit home burial. It is also unlikely that there are local zoning regulations regarding home burial, but you may want to review zoning before planning a family cemetery. If your land is in a rural area, draw a map of the property showing where the burial ground will be and have it filed with the deed *before* burial is planned.

Title 36-326 Disposition transit permits states: *I. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit for interment of human remains in a cemetery only if the location of the cemetery has*

been recorded in the office of the county recorder in the county where the cemetery is located or the cemetery is located on federal or tribal land.

There are no state burial statutes or regulations with regard to depth. A sensible guideline is 150 feet from a water supply, 25 feet from a power line, with two or three feet of earth on top. Plan your family cemetery away from boundaries with neighbors, too.

Only cemetery personnel may open and close a grave in an established cemetery. How too bad, given the religious traditions of some which can be very therapeutic as well. Given the high cremation rate in Arizona, families should certainly be allowed to help with the interment of cremated remains. Unnecessary restrictions may make the idea of home burial more appealing.

Cremation

When cremation is chosen, the signature of the local medical examiner must be obtained before the burial-transit permit can be issued. If no medical examiner is available, the county sheriff shall secure a licensed physician for this purpose. A fee may be charged. Most crematories insist that a pacemaker be removed, and authorization by next-of-kin is required if the deceased did not authorize cremation prior to death.

Crematories may not contract directly with the public. One must use a funeral director to arrange for cremation. This statute is undoubtedly to protect full-service funeral homes from competition by low-cost providers and may ultimately be grounds for a restraint of trade lawsuit. Carlson was told that many of these crematories are on the wrong side of the tracks, so to speak, and that the law is needed to protect consumers. But one has to wonder what reputable funeral homes would use such facilities. Why doesn't the Funeral Board have the backbone to do its job? To regulate crematories and make sure the people who run them are knowledgeable and responsible? There is a growing interest by some families to witness a cremation. The Funeral Board should make sure that all crematories can accommodate family needs, either for witnessing or by assisting those families choosing home funerals with simple disposition.

There are no laws regarding the disposition of cremated remains. You may do as you wish.

Other Requirements

If the person died of a contagious or communicable disease, the doctor in attendance should be consulted.

If disposition does not occur within 24 hours, the body must be embalmed or refrigerated. According to a 1983 legislative audit of the Funeral Board: "Public Health Risks Are Minimal — . . . Embalming is not essential to protect public health. An official of the U.S. Public Health Service, Centers for Disease Control (CDC) told us that his experience provided no evidence that embalming serves a public health function. . . . He described embalming as a cosmetic procedure."

Medical Schools for Body Donation

Body donation to a medical school or bio tech company is another option for disposition. Find the information for Arizona at <www.finalrights.org>.

State Governance

The Arizona State Board of Funeral Directors and Embalmers has seven members. Three are consumer representatives. It has an excellent website with a downloadable consumer rights brochure.

<www.azfuneralboard.us/>

Cemeteries are supposed to be regulated by the Real Estate Commission. A two-inch thick report that documents the failure of the Real Estate Commission to deal with cemetery regulation and cemetery complaints was issued July 1, 1998 by the then Executive Director of the Funeral Board. Almost nothing has been done in the intervening ten years. Cemetery information isn't evident anywhere on the Department of Real Estate's website, nor does the chart of organization assign "cemeteries" to any staffer. When Carlson asked the auditors in that division how often they audited cemetery perpetual care funds, she was told, "Our audits are primarily random and not predictable. We usually try to audit every four years, but there are many factors involved." That staffer refused to give out a list of cemeteries regulated by the Commission. Do they even know which they are?

The one curious cemetery reference on the DRE website is for an "Application for Temporary Cemetery Salesperson License Or Membership Camping Certificate of Convenience." Does this department think a trip to the cemetery is convenient, a little like camping, and only temporary?

Crematory authority is no longer issued by the Real Estate Commission; a crematory must be licensed by the Funeral Board. One does not need to be a funeral director to run a crematory.

The Department of Banking shares regulation of preneed trusts with the Funeral Board. The Insurance Department regulates funeral insurance.

Prepaid Cemetery and Funeral Funds

The Real Estate Recovery Fund is supposed to cover claims stemming from the sale of cemetery lots, but it's not at all clear what that might be unless perhaps someone was selling lots that didn't exist. It doesn't cover mischief done by a corporation, only individual licensees. Even if one could prove that it was an individual who raided the perpetual care funds, for example (as has happened in Indiana, Michigan, and Tennessee, to name some recent cemetery disasters), restitution is limited to \$90,000 per licensee. If the cemetery is now unkempt and in disrepair, it is unlikely that a consumer will see much if any relief from this fund, as each lot owner—dead or alive—would have to mow the lawn and then submit a receipt for the “actual and direct out-of-pocket loss” . . . every month, every year.

Cemeteries are required to prove financial responsibility for continued maintenance, but there is no annual or biennial audit of cemetery trust funds. There are **no trusting** requirements for prepaid cemetery goods and services and apparently no procedures for dealing with cemetery complaints.

Responsibility for monitoring prepaid funeral funds is shared between the funeral board and the state Banking Department. Safe investment in a federally insured trust, inspections, and clear disclosures on the funeral agreement are well-defined. The agreement names the institution and account number into which monies will be deposited. (How do they know ahead of time? Is that often left blank?) The Department of Insurance is responsible for regulation of funeral insurance.

A funeral establishment may pocket 15% as an initial service fee, although that would be refunded if the consumer cancelled the arrangement within three days. The balance must go into **trust**. If you are making **installment** payments, the seller may keep up to half of each payment until the 15% commission has been claimed. The mortuary may also withdraw up to 10% of the **interest** each year for administering the funds. Consumers may ask to withdraw funds to reimburse themselves for taxes on the interest, once the taxes have been paid.

Someone **cancelling** a prepaid account will lose the 15% service fee and at least some of the interest.

If a prepaid plan is a “fixed price” plan, all interest goes to the seller, with the agreement stipulating that the purchaser has agreed to this. If it is not a fixed-price plan, the excess is distributed to the estate. Let's hope survivors know enough to check the account balance listed on the prepay agreement before making the actual arrangements.

The seller of prepaid funeral plans must **report** on such funds annually to the state.

The seller must provide for a **substitution** of “substantially equivalent” funeral merchandise if the item selected—such as a casket—is no longer available. A description of the construction material and lining must be included in the preneed contract.

The difference between cemetery sales and funeral sales is easily demonstrated by the practices at Sunland Memorial Park and Mortuary. One Arizona man and his wife arranged for immediate cremations preneed. Each received a “Preneed Funeral Arrangement Agreement” indicating a total cost of \$806—\$1,612 for the two of them; that covered the funeral director, refrigeration, body pick-up, body container, and miscellaneous items such as memorial cards and a guest book. 85% of that money was, presumably, placed in trust. On another sheet marked “Cemetery Arrangement Agreement,” the total was \$1,280.28; this covered the cost of two urns (\$846), two cremation chamber fees (\$300), with the balance for engraving and tax. None of this money was required to be placed in trust. Four years later—after receiving a hand-made wooden urn from a friend—the husband asked to cancel the urn purchase and get his money back. The Sunland manager—with calculating indifference but “most sincerely”—replied that the purchase of the urn was a cemetery contract and was binding. No refund, not even 85%, even though the items were sold by a salesman making the funeral arrangements. In fact, this slick cemetery-mortuary combo operation had pocketed more than half of what the couple paid by writing up a portion of the purchase as a cemetery agreement.

Consumer Concerns

- The death rate in Arizona can support approximately 180 full-time mortuaries; there are, in fact, only 161. This is one of the very few states where there is not a significant glut of funeral homes. Prices are competitive based on consumer surveys.

- Trusting requirements for preneed payments for cemetery goods and services are inadequate and should be increased to 100%.
- There is no apparent cemetery regulation and oversight or a procedure for dealing with cemetery complaints.
- There are statutory provisions for vacating a cemetery. While they are thoughtful provisions, it seems a little disconcerting that a cemetery isn't necessarily a permanent easement on the land.
- There is no statutory provision for transferring an irrevocable preneed contract.
- There is no annual reporting requirement to the purchaser of prepaid funeral goods and services, paperwork that might be useful to the family of a deceased to indicate prepayment and that would help to "enforce" trusting requirements.
- While there is a cemetery recovery fund for lot purchases, there is no state protection in case of defaulting funeral providers.
- Until the Arizona laws are changed to require 100% trusting of all money and interest for prepaid funeral and cemetery goods and services and better provisions for transfer, it is probably a terrible idea to prepay for these arrangements. Your own trust account in a bank will be safer.
- The standards for professional conduct are inadequate and could be strengthened. That would make it easier for a consumer to prevail when filing a complaint. (See Ethical Standards in Appendix.)
- Identification and tagging of the body at the place of death before removal is not required, which may contribute to body mix-ups at large facilities..
- There is no requirement that low-cost caskets be included in any display.
- Although a mortuary must mail a price list on request (a postage and handling fee not to exceed two dollars may be charged), it is not required to supply a price list when making arrangements with someone who is out-of-state. With e-mail and fax machines in wide use, this exemption should be eliminated.
- To restrict crematories from dealing with the public appears to be a blatant restraint of trade, resulting in higher prices for consumers. Indeed, families may be more trustworthy in caring for the dead than at least a few in the industry. Crematories and cremationists should be sufficiently licensed and regulated that they can do business directly with the public if they

choose. They should be checking the paperwork even for bodies delivered by funeral directors. The scandal in Noble, Georgia happened under the "watch" of funeral directors who didn't. That should be the state's job. There is nothing on the study guide for the national funeral directors' exam regarding cremation and little if any in mortuary school curricula on cremation.

- Although there is a statutory obligation to comply with the written wishes of the decedent as well as for naming an agent for body disposition, a spouse is named in another statute with the primary right of disposition unless legally separated at the time of death. Estrangement is not taken into account. Until this conflict in the laws is corrected, there is a possibility that a cranky soon-to-be-ex-spouse can muck up your funeral plans.
- This state has no laws regulating the body parts business.

Miscellaneous Information

- Educational requirements for becoming a funeral director/ embalmer: mortuary college (2 years), pass a state equivalent or national exam, and one year of apprenticeship. Alas, the national exam is a total embarrassment, deemed "irrelevant" and "useless" by consumer advocates and industry practitioners alike.
- Cash advance items may not be marked up with a commission for the mortuary. They must be billed to the consumer in the same amount the funeral home is billed.
- A statement that a casket is not required must appear on the funeral purchase agreement.
- Reference is made to the FTC Funeral Rule which allows those provisions to be enforced by the state.
- Prices must be disclosed in a standardized format that makes it easy for consumers to shop and compare.
- Medical examiners are appointed and must be licensed physicians.
- Casket retailers may not sell caskets preneed. The casket must be delivered at the time of sale. (Some casket stores have gone out of business in other states, having spent the prepaid casket money, with no provision for future delivery.)
- A next-of-kin or legal representative may request a disinterment permit from the state registrar. No permit is required for reinterment in the same cemetery.

- In compliance with the statutes, Arizona funeral directors must give out a pamphlet describing a funeral consumer's rights, and it is quite good. It is on the Internet or may be obtained by writing or calling the office:

Arizona State Board of Funeral Directors and
Embalmers
1400 Washington, Room 230
Phoenix, AZ 85007
602-542-3095
<www.azfuneralboard.us/>

This chapter was sent for fact-checking and review to the Arizona Board of Funeral Directors and Embalmers, the Department of Health Services—Vital Records, and the Department of Real Estate. No response was received from the Department of Real Estate. The Executive Director for the Funeral Board felt some of the editorial comments were a little harsh, especially with regard to crematories.

Necessary Information

Many people over the years have asked for a checklist for performing a family-directed funeral. Would that were so easy! While the process is not excessively complicated, there are many things families need to contemplate and many differences in state laws, so it is impossible to distill the process into a sound-byte-style checklist.

There are, however, some basic components common every family-directed disposition:

1. A doctor, medical examiner, or nurse practitioner must certify the death by completing the medical information on the death certificate.
2. The death certificate must be completed and filed before the body is buried or cremated.
3. Most states require you to get a permit for transportation or disposition before moving the body and before final disposition.
4. You will need to do a walk-through ahead of time with all parties involved, from the local registrar of vital statistics to the cemetery, crematory, or medical school where the body will end up. Some of these parties may need to be shown in advance that what you're doing is legal if they haven't experienced a family-directed funeral before.

Avoiding Careless Errors

Those who choose to handle death privately must take great care to follow all state and local regulations. The requirements are not complex, but failure to meet

them can lead to unpleasant situations and create a climate in which professionals become less willing to work with families.

One crematory, for example, was sued for rejecting a body sent by a family. The case was thrown out of court, and rightly so, because the family had merely hired someone to deliver the body without a death certificate, transit permit, or authorization from next-of-kin for cremation. Another crematory will no longer accept bodies directly from families because in one case, the family had assumed that medical personnel would fill out the forms properly. While that seems like a reasonable assumption, in this case the cause of death as stated by the medical examiner on the permit to cremate was not written exactly as it had been on the death certificate, and the state later made an issue of it. In short, the procedures are quite simple and straightforward, but it is necessary to pay close attention to the details and to be vigilant about errors that may be made by others.

Death Certificate

Great care must be taken in completing the death certificate. Whiteout or other corrections are not usually permitted. If an error is made, you may have to start over again with a new certificate. Most states have implemented an Electronic Death Registration (EDR) system, which doctors and funeral directors can log into rather than writing on a piece of paper. Private individuals will not be allowed to use the on-line system, but vital statistics departments should have a paper alternative for families who perform their own funerals. Check your state chapter and your local vital

statistics office ahead of time for the proper procedure.

For all deaths, a death certificate signed by a doctor stating the cause of death must be filed— usually in the county or district where death occurs, or where a body is found, or where a body is removed from a public conveyance or vehicle.

If complicated laboratory work is needed to accurately determine the exact cause of death, the physician or medical examiner may write “pending” or a similar phrase for the cause of death and release the body for disposition. In those few cases, a delayed or corrected death certificate will be sent to the state registrar by the physician when the cause of death is known.

In addition to the medical portion, facts such as “mother’s maiden name” must be provided by the family. Unless the signature of a licensed funeral director is required by state statute, the family or church member who is handling the arrangements must sign the death certificate (or paper alternative in states with EDR) in the space marked “funeral director,” followed by his or her relationship to the deceased, immediately after the signature.

States vary in the time required for filing the death certificate with the local registrar, but this must usually be accomplished before other permits are granted and before final disposition.

Fetal Deaths and Miscarriages

A special death certificate or fetal death report is required in all but two states for fetal deaths. Eleven states seem to require registration of all fetal deaths. In a majority of states, a fetal death must be registered if it occurs after 20 weeks of pregnancy. In Hawaii, the requirement goes into effect after 24 weeks. Some states gauge pregnancy duration by fetal weight, e.g., 350 grams (12½ oz.), and because any unattended death—including fetal death—could require a coroner’s investigation, a physician should be called. Even if there is uncertainty as to whether reporting requirements are applicable, reporting a fetal death may be helpful in obtaining insurance benefits in some situations.

Autopsies: Dealing with a Coroner/ Medical Examiner’s Office

Autopsies are generally required when cause of death is violent, unexpected, uncertain, or “unusual,” including suicide. For this reason, the police should be called when death occurs outside a hospital or nursing home, is “unattended,” and falls into one of the categories above. But it is not necessary to call 911 for an ambulance or police if the death is not unusual. For

example, it wouldn’t make sense to call 911 if Grandma died in her sleep at 85, and doing so would bring on unnecessary commotion.

Death from a contagious or infectious disease may also necessitate involvement with a coroner or local health officer.

When donating the body to a medical school, a family should request that no autopsy be performed. The decision will depend on circumstances surrounding the death, and the state may order an autopsy in suspicious cases.

The practices in coroners’ offices vary widely. In California, it is legal for medical examiners to amputate fingers for identification and remove tissue and organs for study. One woman discovered that her father had been buried without his heart when she arrived at a workers’ compensation hearing and saw the heart presented as evidence.

The condition in which a medical examiner or coroner returns an autopsied body varies considerably. We’ve had reports from families and home funeral guides stating the body was barely tacked back together, and work had to be done to better sew up the incisions. Some families planning a home funeral might wish to engage a funeral director for this. On the other hand, we’ve heard from several families who did this work themselves.

The term *medical examiner* is usually reserved for those with medical training, and the person in such a position is often appointed by the department of health. In a few states, the word *coroner* is used interchangeably with medical examiner. Generally, however, the term coroner implies an elected position. In California, a medical degree is required for a candidate to run for coroner. In many other states, however, anyone may run for the office, with or without medical training. A coroner may be a practicing funeral director or have a direct relationship with a funeral home. In Pennsylvania, more than half the coroners’ offices have a funeral director on the staff. To avoid any appearance of impropriety, a coroner or medical examiner may rotate pick-up calls among all funeral homes within the jurisdiction, but this is not always the case. Funeral directors from various states have complained that a local coroner-funeral director ends up getting more business when he’s on duty as the coroner. This is unethical, and consumers have no obligation to use the funeral home whose director is acting for the state as a coroner.

Home Death, Home Visitation

With hospice support, many people are able to die at home in familiar surroundings, near familiar faces. In

some states, an “expected” death can be certified by an attending nurse. A home death can allow the family time to obtain permits and make necessary arrangements. Turning off the heat in a room or turning on an air-conditioner can make it reasonable to contain a body without further action for 24 to 72 hours or more. People often ask, “Doesn’t the body smell?” No, not usually for the first two or three days, at 70 degrees or less, but each situation must be considered individually. Often in waning days a failing person stops eating and drinking, so the body will become somewhat dehydrated before death. Noxious odors are therefore unlikely during the next few days. The robust body of someone who finished a meal of corned beef and cabbage just prior to death, however, might produce telltale odors.

For some, there is therapeutic value in keeping the body at home for at least a brief period, allowing the family a chance to congregate and deal with the death, as often occurred in the front parlor two or three generations ago.

Nursing Home Death

When death is anticipated in a nursing home, it will be important to work out your plans with the nursing home staff ahead of time. If the deceased has had only a semi-private room, for example, the nursing home may have no other location to hold the body while paperwork and other errands are done. Staff members are accustomed to calling a funeral director, regardless of the hour, for quick removal. Out of consideration for other residents, it may not be feasible for the nursing home personnel to allow a long delay while permits, a container, and vehicle are obtained.

When Carlson’s Uncle Henry died at a care facility, she didn’t have a dignified way to move the body out. She called a friendly funeral director to pick up and bring the body to her home where it was placed in a cremation box. She and her husband drove it from there to the crematory.

Hospital Death

Disposition of a fetal or infant death can be handled entirely by the hospital as a courtesy if a family so chooses. When other deaths occur in a hospital, the relative on hand should ask the nursing staff to remove any life-support articles such as catheters, IV needles, and feeding or breathing tubes. A catheter is held in place by a “balloon” and is not as simple to remove as an IV needle. Some of the nasal tubes appear especially disfiguring after death and may be of concern to other family members who are expected later to help with the death arrangements.

Some hospitals may be reluctant to release a body

directly to a family without the use of a funeral director. If the death is expected, you should alert the hospital staff of your intentions ahead of time. If hospital personnel are confused or believe incorrectly that they can refuse to release the body to the family, a telephone call from your lawyer (or Funeral Consumers Alliance) may be in order. It is also important for families to recognize the legitimate needs of hospitals. Some hospitals may have no storage facilities for dead bodies while permits are obtained and may insist on calling a funeral director for immediate removal after death if there is to be any significant delay.

Body and Organ Donation

Donation of eyes and other organs must be done under sterile conditions and usually within a short time after death. Because organ-donor cards may not be immediately available to hospital personnel, next-of-kin should make the decision to donate known to attending staff at the earliest time possible. Hospital employees are often reluctant to approach a grieving, distressed family. Anyone who can find emotional healing in a gift of life or sight is encouraged to take the initiative in making such an offer even if the time of death is uncertain. The corneas of elderly persons can usually be used, and eyes (and sometimes skin) may be donated even if total body donation to a medical school is subsequently planned.

With the increasing success of organ transplants, consideration should be given to whether organ donation takes priority over body donation. There may develop a competition between those needing body parts and those who need whole bodies. Loss of a major organ involving a thoracic incision usually makes a body unacceptable for a teaching donation because of the difficulty in embalming a system interrupted by recent surgery. Carlson and her husband, Steve, have written in on the body donation cards they carry that organ donation is to be considered first. If organ donation is not needed, only then should their bodies be considered for body donation to a medical school. If their bodies are not accepted, they want a plain pine box send-off.

Body donation to a medical school may be an option even if the deceased has not enrolled in such a program. For up-to-date information about the needs and requirements of medical schools, as well as for-profit and nonprofit companies that accept body donations, check our website: <www.finalrights.org>

Embalming

No state requires routine embalming of all bodies. Special circumstances—such as an extended time between death and disposition—may make it necessary

under state law. Interstate transportation by a common carrier may also necessitate embalming, although most airlines will waive that requirement if there are religious objections. Refrigeration or dry ice can take the place of embalming in many instances. Check the Yellow Pages (or the on-line equivalent) for a source of dry ice. Frozen gel packs such as those used for picnic coolers can also work, though you will need enough to swap out when one set gets warm. In some states, embalming may be required by law if the person has died of a communicable disease, although this is a seriously flawed requirement.

Moving A Body

Never move a body without a permit (or without medical permission if your state allows that in lieu of a permit)! Always call ahead before moving a body even if you have a permit. A medical school, cemetery, or crematory staff member who is unprepared, or a town clerk who just isn't sure about family burial plots may need some time and help in doing his or her job. By calling first to make arrangements at the destination, you will be expected and prepared. Remember that even if your state permits families to perform their own funerals, crematories, cemeteries, and medical schools are not legally required to work directly with consumers. You will want to know in advance whether the staff will accept the body directly from you (and you may be able to persuade them to do so by explaining your plans in advance).

The use of a simple covered box allows some dignity for all involved in the handling and moving of a body, regardless of final disposition. If a family chooses to build the container for delivery of a body for cremation, they should consider the size. A standard cremation chamber opening is 38 inches wide and 30 inches high. A container two feet wide and 14 to 18 inches deep is usually sufficient for most bodies, however. One crematory mentioned that most home-made boxes tend to be too large. Simple cardboard containers (or caskets) can be purchased from funeral homes (though some will refuse to sell the box only). Or check the internet; the FCA site at <www.funerals.org> has a listing of casket sellers in many parts of the country, and many will ship a simple cardboard or wood casket in knockdown form, ready to assemble. Some boxes are more expensive than others because of construction. Some are paraffin-coated, others plastic-lined, and some have plywood bottoms.

You should also consider the length of the box when you choose the vehicle for transportation. Most states require a permit for transportation or

disposition. The death certificate must usually be completed first, and often a special permit-to cremate is needed prior to cremation. In many states, funeral directors serve as deputy registrars. If death occurs when local municipal offices are closed, a funeral director may be needed to furnish or sign the disposition or transit permit, especially in states using electronic death registration (EDR) widely. As a deputy of the state in this function, the funeral director should not charge for this service unless such a charge is set by the state.

Body Fluids

After death, the blood in a body settles to the lowest points, leaving the upper portions pale and waxy, with purple mottling below. Some parts of the body may swell a little. Fluids may be discharged from body orifices. It will be helpful to use absorbent material—such as towels or newspapers—underneath. A sheet can help with wrapping and moving the body. If the person has died from a communicable disease, it will be important to take all health precautions. Use a pair of latex rubber gloves. Your state may require the use of a funeral director in such a case. Consult your family doctor for instructions if the information for your state is not specific or if you are concerned.

When an autopsy has been performed or death occurs from trauma, the body may be wrapped in a vinyl body bag—available from a funeral director—to prevent additional leakage or seepage. A plastic, zippered mattress cover might work as well. However, if you plan on cremation, avoid any such materials whenever possible.

Out-of-State Disposition

All states honor properly acquired permits of other states when a body is to be moved interstate. There may be local regulations for disposition, however. Check by telephone before setting out for the destination.

Burial

In some states, when burial will be outside the county or town where death occurred, you will need an additional permit to inter (whether on private land or in a cemetery) from the local registrar in that area. The statutes and regulations of some states include depth requirements for burial; these are listed in the state chapters in this book. Standard practice in many states is to place the top of the coffin at least three feet below the natural surface of the earth. A burial location should be 150 feet or more from a water supply and outside the easement for any utility or power lines.

Cremation

When cremation is chosen, an additional permit is often required from the local coroner or medical examiner. There is a fee for this which varies by state; the highest we know of is Oklahoma's \$150 charge. If the deceased did not sign a cremation authorization prior to death, authorization from next-of-kin or a designated agent is required by most crematories. Usually this can be obtained by fax, Western Union, or overnight mail if family members live out of state.

Next-of-kin is determined in this order (although it varies slightly from state to state):

- (1) surviving spouse
- (2) adult sons and daughters
- (3) parents
- (4) adult siblings
- (5) guardian or "person in charge"

That is, if there is a surviving spouse, his or her permission is all that is required. If there is no surviving spouse but several children, all adult sons and daughters may be required to grant permission for disposition by cremation (though some states require only one adult child to consent). Adult siblings must assume responsibility if no spouse, offspring, or parents survive.

Be sure to check the chapter for your state to see if the law allows you to designate an agent to carry out your wishes for final disposition. "Designated agent" laws allow a person to choose anyone (it need not be a family member) to have the sole legal authority to direct the cremation or other form of disposition. It is extremely helpful to name an agent ahead of time so that family disputes will not hold up the arrangements or wind up in probate court. Gay, lesbian, and transgender people should take special care to designate an agent if their state has a designated-agent law. We have seen some terrible problems with blood families swooping in to take the body away from the decedent's same-sex partner. (This problem can also be averted, of course, in the increasing numbers of states with same-sex marriage.)

A pacemaker must be removed before cremation. The services of an attending physician, the medical examiner, or a funeral director can be requested for this. On the other hand, one funeral director told Carlson, "Anyone can do it." A pacemaker is about the size of a silver dollar, embedded just under the skin, usually near the neck or lower on the rib cage. A shallow incision with an X-Acto knife would make it readily accessible, and the wires to which it is attached should be snipped. If a pacemaker is not removed and explodes during the cremation process, repairing damage to the cremation chamber may be the liability of the person delivering the body.

Selecting a Crematory

There is no consistency among the states when it comes to the operation of crematories. Some states allow only cemeteries to run crematories, barring funeral homes from owning them. A few other states allow only funeral homes to operate crematories, and bar freestanding crematories from doing business directly with the public. Still other states permit crematories to operate independently and do business with consumers directly. Generally, crematories run by funeral homes are less likely to work directly with a family, as they want consumers to pay them to do everything. At Cook-Walden funeral home in Austin, Texas (owned by SCI), the staff told an FCA board member that they would accept the body and the death certificate directly from the family, but the direct cremation price was the same (\$2,400!) even though the family would be doing almost all the work.

As with all entities involved in a family-directed funeral, you may need to contact several crematories ahead of time to find one that will work with you. Carlson took Uncle Henry to a crematory an hour and a half away where the cost was \$225. The nearby crematory would not take a body from a family, and lists prices close to those in Austin.

Obituary (Death Notice)

Traditionally, an *obituary* is a news article published when a well-known person dies. A *death notice* is called in by the family or funeral director and published, usually at a price, to inform others that death has occurred. However, in current usage, the terms are generally interchangeable.

When a death occurs, it is almost impossible to personally notify everyone who knew or cared about the deceased. Close friends and relatives, of course, should be informed by phone before they read about the death in the newspaper. But a death notice may help assure that the news reaches a wider circle of acquaintances in a timely manner. It should mention any services planned, even if a memorial gathering is scheduled for a later date.

More people are learning about the deaths of friends and acquaintances on-line than ever before. As newspaper readership declines, putting a notice of death on your—or the decedent's—Facebook page (or other social media) may spread the news more quickly than relying on a newspaper obituary alone. While e-mail is considered by some to be the most impersonal form of communication, many people are grateful to be notified quickly by e-mail, especially if they spend a lot of time on-line.

If you do choose an obituary, call the paper to learn its policies and any costs. Your local paper may have a standard format for obituaries or expect certain information to be included. An obituary can generally be phoned in or e-mailed. If there is no funeral director involved, the person at the paper may ask for a copy of the death certificate just to be sure that the obit is not a practical joke (as has happened from time to time).

The cost varies a lot but can be quite high; it's not uncommon to see obituary charges of \$500 or more. Of course, most people want the obituary to tell the story of the person who died, and the longer it is, the higher the price. When Slocum's close friend died in 2010, the obituary Slocum wrote would have cost \$700 to put in the *Syracuse Post-Standard* (and it wasn't that long). The funeral director suggested putting only the necessary details about the time and place for Michael's memorial service in the paper, and publishing the longer obituary on the funeral home's website, which they offered free. Thank you, Newcomer Funeral Home. Lisa's Uncle Henry was a colorful character—a friendly, witty street person who got to know almost everybody he met. A long obit with several of his life stories was the only practical way to get the word out to everybody. It was expensive, but was the one costly item that seemed important.

Miscellaneous but Still Important

- It is not uncommon for family members to forget to remove jewelry at the time of death.
- A family using the time of a mortician for advice should find it reasonable to pay a consultant's fee.
- If a person who works in a funeral home or crematory offers to file a death certificate, you should expect to pay for the service.

When private death arrangements are made in an area of the country where the practice is still uncommon, you can expect some hesitancy on the part of involved persons such as registrars and town clerks. Some hospitals may even be reluctant to release the body to a family. We have tried to include in each state chapter relevant legal citations enabling family disposition. People in authority, accustomed to delegating their duties to funeral directors, may have to be informed of their responsibilities. That can be frustrating, particularly when you are enduring a time of loss and grief.

The majority of these people will probably be concerned with performing their duties appropriately. Few will intentionally want to hinder your choice if you have followed all required procedures and if you seem well-informed.