

Caring for the Dead in

Minnesota

Families and church groups in Minnesota may care for their own dead. The legal authority to do so is found in:

Chapter 149A [re disposition of bodies and funeral directing] Subd. 3 Exceptions to licensure . . .(b) This chapter does not apply to or interfere with the recognized customs or rites of any culture or recognized religion in the ceremonial washing, dressing, and casketing of their dead, to the extent that all other provisions of this chapter are complied with.

(c) Noncompensated persons with the right to control the dead human body may remove a body from the place of death; transport the body; prepare the body for disposition, except embalming; or arrange for final disposition of the body, provided that all actions are in compliance with this chapter.

There is one paragraph in this statute that might require you to use a funeral director:

(e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit an institution or entity from establishing, implementing, or enforcing a policy that permits only persons licensed by the commissioner to remove or cause to be removed a dead body or body part from the institution or entity.

If hospitals don't have a problem letting you take home a live patient, why would they not let you take the body of someone you love? The hospital certainly has a lot less liability when releasing a body to the person with the right to control disposition compared to someone who may be a complete stranger.

Death Certificate

Minnesota has been using electronic death registration since 2002. Physicians and medical examiners have access to the system to enter the cause of death as do most morticians. For those not on the system, a "Documentation of Death Worksheet" must be

completed for the demographic information and with the cause of death verified by a physician, coroner or medical examiner.

www.health.state.mn.us/divs/chs/osr/deathreg/04deathworksheet.pdf

Once completely filled out, the documentation of death worksheet is filed with the State Registrar to the attention of the supervisor of Death Record Processing using fax number 651-201-5750.

Fetal Death

A fetal death report is required when death occurs after 20 weeks of gestation or more and must be filed as above.

Transporting and Disposition Permit

When a body is to be moved from one location to another, a certificate of removal must be filled out with one copy retained at the place of death and the other kept by the person doing the removal. The form can be downloaded on-line:

www.health.state.mn.us/divs/hpsc/mortsci/certrem.pdf

The body must be wrapped in a nonporous or plastic sheet and placed on a rigid carrier. The vehicle used to move the body must be enclosed.

Once the death certificate information is complete, the state system will generate a burial transit permit.

Burial

Any private person and any religious corporation may establish a cemetery on their own land. The land must be surveyed and a plat recorded with the county recorder. Family graveyards so dedicated are exempt from taxation. Check with the county or town registrar for local zoning laws regarding home burial. There are no state burial statutes or regulations with regard to depth. A sensible guideline is 150 feet from a water supply and at least two feet of earth on top.

The original copy of the burial-transit permit is to be filed with the place of disposition. In the case of home burial, the original should be retained with your deed unless the clerk of the court requires it to be recorded with official land records. The second copy of the

burial-transit permit must be filed with the Department of Health.

Cremation

A permit for cremation must be obtained from the coroner or medical examiner. There is no fee for this. Authorization by next-of-kin is usually required, and a pacemaker must be removed. There are no laws regarding the disposition of cremated remains. You may do as you wish.

Other Requirements

Disposition must be within a “reasonable time.” The body must be embalmed or refrigerated if disposition will not be accomplished within 72 hours. Refrigeration is limited to six days; use of dry ice is limited to four days. Embalming can be required by the Commissioner of Health in the case of infectious diseases, the worst possible circumstances under which to require embalming. Embalmers have a 13% higher death rate. To their credit, Delaware, Hawaii, North Carolina, and Ontario forbid embalming under these circumstances. Montana and Ohio require immediate disposition.

A body must be embalmed prior to shipping via public transportation, even though most airlines are willing to make exceptions for religious reasons if the casket is tightly closed. Embalming is required for public viewing. When using dry ice in lieu of embalming, viewing is limited to private property, a silly limitation.

Oh, yes, the right of a family or designated agent to be in the preparation room was deleted in 2007. What on earth are they trying to hide? Why can't the family dress Granny and do her hair there? The 2010 change to the laws does say that funeral directors can work out ways to let the family dress the body elsewhere but not in the prep room.

Medical Schools for Body Donation

Body donation to a medical school is another option for disposition. Find the information for Minnesota at <www.finalrights.org>.

State Governance

Minnesota no longer has an Advisory Council in Mortuary Science. All regulation goes through a Mortuary Section of the Health Department. That office licenses morticians, funeral homes, and crematories. One does not need to be a mortician to run a crematory.

<<http://www.health.state.mn.us/divs/hpsc/mortsci/mortsci.htm>>

The Mortuary Science Section has published a bulky,

21-page consumer guide, “A Time for Choices: Making Decisions About Death Arrangements,” that one can download from its website. The most glaring omission from this wordy “pamphlet” is the failure to tell families that they may care for their own dead, unlike the excellent and detailed website put up by the Vermont Department of Health. It also reports, erroneously, that a funeral director may charge a fee for writing your preneed contract, or that price lists must be given “**when requested**” [emphasis added.]. Yes, they must give prices if someone is merely funeral shopping or doing a price survey, but the FTC requires a funeral director to give the price lists prior to any discussion of funeral arrangements or the showing of caskets and vaults, *without* the consumer having to “request” them. It states that earth burials “are the most common type of disposition.” While technically correct, nearly 45% of Minnesota residents opt for cremation, at a growing rate, clearly reversing the trend of earth burial.

There is no state board governing cemeteries.

Prepaid Cemetery and Funeral Funds

Cemeteries larger than ten acres must send a report of perpetual care funds annually to the county auditor.

There are **no statutes** governing or protecting other portions of a *cemetery* purchase such as opening-and-closing charges, vaults, and markers—no trusting requirements whatsoever. That means the cemetery can spend your money the minute you pay it, and you'll have to hope they're still in business when you need what you've paid for. There is no provision for changing your mind and getting a refund, either. With the for-profit cemeteries moving into Minnesota, this should be of considerable concern.

All of the money paid preneed for a *funeral* purchase must be placed into **trust**. The purchaser must be given the name of the financial institution and the account number where the money will be deposited.

A purchaser may get a full **refund**, including interest, of a revocable plan. Although the statutes are a little vague, it would appear that one has a full right to **transfer** an irrevocable agreement, as well.

Under the disbursement of funds portion of the statute is an interesting provision: “The funds shall be distributed for the payment of the actual *at-need value* [emphasis added] of the funeral goods and/or services selected with any excess funds distributed to the estate of the decedent.” This would imply that funeral homes may not sell a guaranteed-price funeral. The general sales lure to buyers, however, is to select a casket and all other details of the funeral service now, to lock in prices. I fear that the “at-need value” clause leaves a funeral home free to imply that a family must honor a

particular casket choice, for example, even if there is not sufficient money to pay for it at today's prices. With the rate of funeral inflation, "excess funds" are unlikely, and survivors would—presumably—be billed for an additional amount if they felt such arrangements were binding. A more responsible provision would be for the **substitution** of equal quality merchandise at no extra cost (and with the approval of the survivors).

When a funeral home has been sold to a new owner—especially a funeral chain, the at-need prices are likely to increase dramatically. Because the state guarantees a full right of refund, you may want to move any prepaid account to another funeral home if what is in the account will not cover the new prices—even if the body is already at the funeral home.

The funeral home must make an annual **report** to the commissioner of all prepaid accounts.

Consumer Concerns

- The death rate in Minnesota can support approximately 152 full-time mortuaries; there are, however, 559. Funeral prices tend to be higher in areas where there are "too many" funeral homes.
- There is no provision for placing preneed cemetery services and merchandise in trust.
- 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 which would help to "enforce" trusting requirements.
- There is no state protection for consumers in case of default on prepaid funeral funds that were never put into trust.
- With no adequate provision for cemetery trusting or for substitution of funeral merchandise selected preneed, it is probably a *terrible* idea to prepay for cemetery and funeral arrangements in Minnesota until the laws are changed.
- The coroner or medical examiner's permit for cremation in the case of an *anticipated* death from natural causes is totally unnecessary and creates an additional burden for families.
- There is no requirement to identify and tag the body at the place of death before removal.
- The laws requiring embalming for any purpose are offensive to some and should be repealed.
- There is no provision either forbidding a mark-up on cash advance items or requiring disclosure of how much the mark-up would be
- There is no requirement that low-cost caskets be included in any display.

- Minnesota requires a separate price list for alternative containers, for cremation containers, and another for caskets, in violation of the FTC requirement that these be all on the same list, so consumers can readily choose among them. Unethical funeral directors have told families they have to have a casket for burial, refusing to sell the less expensive cremation caskets for burial.
- Current statutes permit hospitals and other facilities to require that only a funeral director may pick up a body, an especially troubling requirement when parents are faced with the death of a child and need to stay involved.
- This state has no laws regulating the body parts business. Legislation failed to pass in 2010.

Miscellaneous Information

- Educational requirements for becoming a funeral director or embalmer: bachelor's degree (4 years) in mortuary science or bachelor's degree plus mortuary course of study or total number of credits equivalent to a degree program plus mortuary studies, the national and state exams, and one year of internship. Alas, practitioners and consumer advocates alike deem the National Board Exam out-dated and irrelevant.
- The language of the FTC Funeral Rule has been largely adopted in the statutes. Too bad it wasn't done by reference so that if and when the Rule is modified, it would automatically be improved in Minnesota.
- Rental caskets are specifically permitted by law.
- Medical examiners are appointed physicians. Coroners are elected and may be funeral directors, but there has been, in practice, a shift of coroner's duties to medical examiners.
- It is a misdemeanor to hold a body for debt.
- You may state your funeral wishes in writing or name an agent for body disposition.
- A disinterment permit may be gotten from the Health Commissioner or a licensed mortician. The casket may not be opened without a court order.

This chapter was sent for review to the Minnesota Department of Health Mortuary Science Section and Vital Records. Vital Records did not respond to comment, but information had been verified by telephone.



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.