

Planning

■ **Appointment of agent**. If you are concerned that your next of kin might not follow your wishes about the disposition of your body, in most states you can designate another person as your agent to carry out your wishes. To find your state's laws and links to appropriate forms, see "State by State: Assigning an Agent" on FCA's website, funerals.org.

■ **Price lists.** To plan arrangements within your budget and find an affordable funeral provider, you can request a price list in advance from one or more funeral homes. The funeral director is required by law to give you a General Price List if you come and ask in person, or give you prices over the phone. He or she cannot require you to disclose any personal information before giving out prices. Some funeral providers may be willing to mail or email their price lists, others may post them online, but they are not required to do so.

Making arrangements

■ **Do-it-yourself**. In the majority of states, a family, community or religious group can handle a death without a funeral director. You can do everything on your own or hire a home funeral consultant or death midwife to assist. You can prepare the body, acquire the necessary paperwork, hold a vigil or service, and transport the body. The National Home Funeral Alliance, www.homefuneralalliance.org, offers advice and a directory of providers. You can also find state-specific information on FCA's website, funerals.org.

■ **Using a funeral home.** The Federal Trade Commission's Funeral Rule guarantees your right to buy only the funeral services and goods that you want. You are not required to purchase a package with items you don't want or need, such as embalming, funeral service, hearse, etc. All items must be listed and priced separately on the funeral home's General Price List. A Basic Services fee will be included in all arrangements and cannot be declined. This fee covers funeral planning, getting necessary permits and the death certificate, preparing the death notice, holding the remains, coordinating arrangements with the cemetery, crematory or others, and overhead. It is already included in the prices shown for direct cremation and immediate burial—a simple cremation or burial without embalming, viewing or service.

Embalming

The funeral director must inform you that embalming is ***NOT*** required except in certain special cases. Direct cremation and immediate burial do not require any preservation whatsoever, and in other cases, refrigeration may be a viable alternative. Though it is never a legal requirement for viewing a body, most funeral homes will insist on embalming if an open casket viewing or funeral is planned. The funeral home must get your express permission to embalm, and some states require your written authorization. Embalming is mandated by a few states when a body crosses state lines or when the body is shipped by common carrier. Others may require either embalming ***or*** a sealed casket in those situations. However, this is rarely enforced and funeral homes in those states will routinely ship unembalmed bodies (for Jewish clients, for example).

Cremation

■ **Alternative container.** No law requires the use of a casket for cremation. Instead, you may specify a less expensive alternative container, a box of unfinished wood, pressed wood, fiberboard or cardboard. It can be one provided by the funeral home, bought elsewhere, or made at home, as long as it meets the size, rigidity and combustibility requirements of the crematory.

■ **Urn.** You cannot be required to purchase an urn from the funeral home. You may supply your own, or use the plain container in which the ashes are returned from the crematory. This cardboard or plastic container is perfectly adequate for burial, transporting, storing, or placing in a columbarium.

■ **Scattering.** You may disperse the remains on your own property, or almost anywhere as long as you are discreet. Remains can also be scattered at sea. While federal regulations technically require cremated remains to be scattered at least three miles out from shore, the EPA does not enforce this regulation with private individuals.

■ **Transporting.** You can legally ship cremated remains, but only through the US Postal Service. For mailing, the remains must be placed in their special "Cremated Remains" box and packed according to the written instructions. For plane travel, they must be in a non-metallic container to pass through the X-ray machines. You should bring along a copy of the death certificate and certificate of cremation.

Burial

■ **Casket.** This can be one of the most expensive parts of a funeral. The funeral home must give you the complete listing of caskets, with descriptions and prices, before showing you any, and you can ask to see lower-priced ones not on display. You have the right to buy a casket from a third party; the funeral director is required by law to accept it, and not charge an illegal "handling fee." In addition, you



cannot be required to be present when the casket is delivered.

■ **Vault.** State and federal laws do not require the use of an outer burial container to enclose the casket. However most cemeteries will require one for a casket burial, and some will insist on a vault for an urn. The vault prevents the ground from subsiding and facilitates mowing with heavy equipment. You may specify a less expensive concrete grave liner instead of a vault. The funeral provider must give you a full listing of outer burial containers, with descriptions and prices, before showing you any.

■ **Cemetery.** Unlike funeral homes, cemeteries are not required by law to give you a printed price list before you buy, and no federal regulations give cemetery customers the right to buy only the services and merchandise they want. Only a few states require cemeteries to give you a copy of the rules pertaining to allowable markers, grave decorations, and visiting hours before the sale. In addition to the cost of the grave, the cemetery can charge an opening and closing fee at the time of burial, and a maintenance fee to cover upkeep of the grounds and graves.

■ **Home burial.** Although most states permit burial on private property outside city limits, be sure to check for any local zoning restrictions and permit requirements. Home burial is prohibited in California, Indiana, and Washington, and a few other states require the involvement of a funeral director. Keep in mind that unless you have established a family cemetery on your property, the land may be sold and the remains disturbed or rendered inaccessible.

■ **Marker.** The marker or headstone for a grave can be purchased from the cemetery, monument company, or even online, depending on the cemetery's restrictions. Because regulation is so lax, cemeteries frequently insist that the customer buy the headstone from them, or impose a ludicrous "inspection fee" for markers purchased elsewhere.

■ **Veterans.** All veterans are entitled to burial in a national cemetery at no charge; this includes the plot, opening and closing the grave, perpetual care, a headstone and flag. The family must pay for all funeral home expenses, such as casket, service, and transportation to the cemetery. The spouse and dependent children of an eligible veteran are entitled to burial and a marker in a national cemetery as well. State-run veterans cemeteries offer similar benefits, with some restrictions. See www.cem.va.gov for more information.

Payment

You have the right to receive a written, itemized statement after you make arrangements, but before you pay. It must show exactly what you are buying, the cost of each item, and total price. The statement must also spell out any legal, crematory or cemetery rules that require you to buy merchandise or services from the funeral home. The funeral home can demand full payment in advance.

Complaints

To report a violation of your rights or other unfair business practices, you can file a complaint with your state's Funeral Board, state Attorney General, or the Federal Trade Commission (877-FTC-HELP or reportfraud.ftc.gov). For more information, see "Filing a Complaint" on FCA's website, funerals.org. Please send FCA a courtesy copy of any complaint you file.

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FUNERAL CONSUMERS ALLIANCE



Your Funeral Rights

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Dedicated to protecting a consumer's right to choose a meaningful, dignified, and affordable funeral

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