



BEREAVEMENT REFERENCE GUIDE

by
Lehman D. Bates, II
Assistant to the Pastor
First Baptist Church of Marshall Heights
4934 "B" Street, SE
Washington, DC 20019

TABLE OF CONTENTS

INTRODUCTION	3
FUNERAL PLANNING TIPS	5
REASONS PEOPLE SPEND “TOO MUCH” FOR A FUNERAL	7
“CASKETS” AND “VAULTS”	9
THE TRUTH ABOUT “PROTECTIVE SEAL CASKETS”	11
EMBALMING	13
CREMATION	15
WHAT IS A “TRUST”	17
THE “WILL” - FREQUENTLY ASKED QUESTIONS	19
WHEN A LOVED ONE DIES	21
THE “TRADITIONAL” FUNERAL	23
APPENDIX A - GLOSSARY OF TERMS	
APPENDIX B - FUNERAL CHECKLIST	
APPENDIX C - BEREAVEMENT WORKSHEET	
APPENDIX D - BEREAVEMENT INFORMATION FORM	
APPENDIX E - SAMPLE MORTICIAN CONTRACT	
APPENDIX F - SAMPLE CEMETERY GENERAL PRICE LIST	
APPENDIX G - SAMPLE CEMETERY CONTRACT	
APPENDIX H - INFORMATION FOR VETERANS	
APPENDIX I - FTC FUNERAL INDUSTRY PRACTICES (RULE 453)	

INTRODUCTION

The business of bereavement is a telling example of what can happen to consumers who are uninformed and vulnerable. As one of the most lucrative businesses in the United States, this industry has long operated under a 'veil of secrecy'. Laws and regulations enacted within the past several decades have raised the 'veil'. However, there still remains an element of unscrupulous companies whose business is to 'fleece' the vulnerable, uninformed, and unprepared consumer.

This purpose of this guide is to equip the reader with vital information regarding the business of bereavement. General terms will be defined, and information provided that will serve to enlighten the reader as to the dynamics associated with planning and preparing for a funeral. The information provided has been researched and compiled from various sources. As a result, the reader should verify the accuracy of the information presented before making decisions regarding their specific funeral needs.

Many funeral providers and service organizations provide web site information on funeral related topics. Some information is not easily searchable. Look for '*other links*' in some of the web sites. These usually uncover a wealth of additional and detailed information on any and all funeral related topics.

The **US Federal Trade Commission (FTC)** has extensive online information on Funeral Rules Compliance. All funeral providers operating in the United States must comply with these guidelines. The current FTC Funeral Industry Practices regulation (*Part 453- Revised Rules*) is provided in Appendix I of this guide.

Their web address is <http://www.ftc.gov/bcp/online/pubs/buspubs/funeral/index.htm>

The **FUNERAL AND MEMORIAL SERVICES ASSOCIATION (FAMSA)** is an excellent website for obtaining funeral related information. Some FAMSA information has been cited in this guide. FAMSA also publishes consumer alert notices, and monitors (by state) legislation that impacts the funeral industry.

Their web address is <http://www.funerals.org/famsa>

FUNERALNET.COM is another helpful website for information on funeral related topics. A US and Canada directory of funeral providers is also available.

Their web address is <http://www.funeralnet.com>

FREELEGALFORMS.COM is a free download website for commonly used legal forms.

Their web address is <http://www.freelegalforms.com>

FUNERAL PLANNING TIPS

- ◆ **“Funerals are for the Living”**. Therefore, you should plan your funeral in a manner that demonstrates financial care and consideration for your surviving family.
- ◆ **Contact your Pastor** or neighborhood Church Administrative Office and ask for information on the funeral establishments and cemeteries commonly served by them. Some funeral establishments and cemeteries have special discounts and/or services for members of certain denominations or congregational groups.
- ◆ **Contact the funeral establishments** in your area. Also consider establishments in rural and semi-rural areas (*within a 50-mile radius*). Request information on pre-arrangement packages, available services, types and features of caskets, and an itemized price list of services. Compare prices and services. You will find a difference of \$1000s for the same (*or similar*) services. (NOTE: Federal law requires mortuaries to give their prices over the phone.)
- ◆ **Contact the cemeteries** in your area. Request information on select and non-select burial plots, costs for gravesite preparation (*commonly known as "opening/closing" costs*), and other required costs.
- ◆ **Create and maintain a notification list** (*name, address, phone number*) of family, relatives, and close friends. Do not assume that anyone will read the newspaper obituary, or know that you (*or a loved one*) have passed, when that time arises.
- ◆ **Annually review and update** existing life insurance, burial policies, wills, contracts, agreements, and other relevant documents. Verify all primary beneficiaries. Include a secondary beneficiary, if possible.
- ◆ **Designate an individual** who will be responsible for your affairs upon your death. Document how you would prefer your funeral to be handled. Include type of burial, location, ceremony, and other matters of specific importance to you.
- ◆ **Review all documents with “key” family members** to insure understanding. Store documents in a safe deposit box or other secure area. Make sure that key family members are aware that this information exists, where its located, and how it can be accessed.
- ◆ **Review pre-arrangement plans thoroughly**. Shop around. Some establishments will try to sell you more than what you need. Additionally, most plans contain stringent clauses regarding limitation of coverage and cancellation policies, and require the use of their services in order to obtain promised benefits. Consider the option of setting up a special bank savings account called a “pay-on-death”, or “Totten” trust account. Totten accounts can be easily started at any bank, without the need for an attorney. The Totten trust account automatically skips probate, so funds can easily be withdrawn by the designated survivor and used for funeral expenses.
- ◆ **Instead of a traditional ‘open casket’ funeral**, consider one of the following options

REASONS PEOPLE SPEND "TOO MUCH" FOR A FUNERAL

1. **Fulfilling the role of grieving "helplessness."** Many people feel so devastated and overwhelmed at a time of death that they assume they should leave all funeral planning to the funeral director. Said one mortician, "That's like giving the funeral director a blank check."
2. **Guilt or proof of love.** People often think that how much they spend is a demonstration of how much they love someone. Excessive spending also is used to minimize guilt, especially when there exists perceived neglect and abandonment of the deceased.
3. **Poor family planning.** Most people will pattern their funeral after a previous funeral that they have witnessed or participated, not knowing the actual cost.
4. **Status in the community.** Some feel obligated to put on a big "show" 1) when the deceased has been prominent during his or her lifetime; 2) to enhance their perceived "social standing" or 3) avoid any mention of being "cheap".
5. **Didn't shop around.** Many assume a funeral will cost just about the same anywhere. Comparable packages by funeral homes in your area may differ by hundreds, even thousands of dollars! The FTC protects your right to choose only those funeral goods and services you want, and requires all funeral providers to provide you with an itemized price list or GPL.
6. **Legal misinformation.** Most people don't know what the laws are. Embalming is not routinely required, for example. Some cemeteries may require a grave liner or vault, but not all. There is **no** state law that does. Most people also don't know that in 42 states a family or group may handle a death without the use of a funeral home.
7. **Ill-informed about deceptive funeral practices.** Although the Federal Trade Commission's Funeral Rule says that morticians may not lie to consumers, many are using devious ways to suggest that some caskets are "protective" while others are not.
8. **Ill-informed about the true cost of caskets and other funeral merchandise.** Few consumers realize that caskets are usually marked up 300-500% or more. A casket that is listed for \$1,295 at the funeral home might wholesale for only \$325.
9. **Not asking enough questions.** Any service provided by the funeral director will be done so at a markup. Most funeral directors will not volunteer information on money saving options and/or alternatives. As a result, "you have not, because you ask not".
10. **Manipulative sales tactics.** The industry knows that most people pick the price in the middle. Therefore, few casket displays will have the low-cost ones included, assuring that the "middle" casket yields a good profit for the mortuary. If you have chosen cremation, you may be told you must purchase an urn or temporary container. Not true. Or maybe it's a little more subtle—"Now it's time to pick out the urn."

(contents provided courtesy of FAMSA © 1996 - revised and reformatted by author)

"CASKETS" AND "VAULTS"

THE CASKET

The "casket" is the box (*or receptacle*) which contains the bodily remains. The **ONLY** purpose of a casket is to provide dignity (*and convenience*) when moving a body prior to burial or cremation. Regrettably, the purchase of a casket is viewed as a "status symbol" by most customers. Casket manufacturers and funeral directors know this very well!

There are generally two types of caskets, **METAL** and **WOOD**.

Of the **METAL** caskets, a *bronze* casket is the normally most expensive, followed by *copper*, then *steel*. All metal caskets are further classified as **non-protective** and **protective** caskets.

Protective metal caskets are designed by the manufacturer to **resist (not prevent!)** the entrance of air, water and other outside elements (*see the chapter on 'The Truth about Protective Caskets' for more information*). They may be constructed of varying gauges of steel, copper or bronze. These caskets are identified by the rubber sealer gasket surrounding the lower lid of the casket, the two metal prongs protruding from the upper lid of the casket, and the sealer bolt located on the side of the casket by the casket's lid.

Non-protective metal caskets are designed by the manufacturer **not to resist** the entrance of air, water or other outside elements. They may be constructed of metal, hardwood, or wood products covered with fabric.

Of the **WOOD** caskets, *mahogany* and *walnut* caskets are normally the most expensive. *Cherry*, *maple* and *oak* caskets are next in general cost. *Poplar* and *pine* are the least expensive. The unique natural graining pattern of the wood assures that each casket is one of a kind. The type of wood selected will affect both the appearance and cost of the casket.

\$\$\$ NOTE: *when (or if) selecting a casket, think "function" instead of "fashion".*

THE "VAULT"

A "vault" is another name for a "**protective**" **outer burial container**, which the casket is placed into at the cemetery site. It is the "box" for the casket. They range in price from several hundreds to thousands of dollars. It may be made of concrete, with a polystyrene liner that seals, coated with asphalt, then painted for appearance. It may also be lined on the inside and on the lid with Stainless Steel, Copper or Bronze. The more decorative the "vault" the higher the price.

Non-protective outer burial containers (*sometimes called "grave liners"*) are NOT required by law, but are usually required by many cemeteries. These containers are usually made of concrete, they may have a flat or domed lid, but no lining. These "grave liners" are less expensive than the lined, protective vaults.

THE TRUTH ABOUT "PROTECTIVE SEAL CASKETS"

All morticians know that "**Protective Seal**" (or "**Sealer**") metal caskets are **NOT PROTECTIVE, but DESTRUCTIVE** -- starting severe damage to every body IMMEDIATELY after the casket is closed. Morticians know that these caskets destroy your relatives' bodies within a month or two -- by liquefying the soft parts of the bodies and causing high pressure which rapidly bloats completely out of shape. In addition, the high pressure in many caskets bursts many seals, blowing the liquefied body parts out of the caskets (especially in mausoleums). Morticians know from their embalming textbooks and from mausoleums of the severe damage caused within a month or two by the neoprene rubber seals/gaskets, which activate the highly-destructive anaerobic bacteria in the body.

DECAY is decomposition of protein in an aerobic (oxygen) environment, resulting in compounds with no foul odor.

PUTREFACTION occurs in anaerobic (non-oxygen) conditions and results in foul-smelling compounds. It is accelerated in moist air. It is caused by anaerobic bacteria in the cells and tissues which rapidly produce enormous amounts of foul-smelling gas, causing bloating of cells and tissues.

Books about embalming and forensic medicine help you to understand the problem with "sealer" caskets. Every mortician in the country knows about the deterioration and the effect of "sealer" caskets -- and so knowingly misleads NEARLY EVERY family in order to sell the higher-priced, fraudulent "sealer" caskets. In the presence of circulating, warm, dry air (that many mausoleums use), bodies deteriorate by dehydration and retain more of the shape they had while alive. Seals prevent this from happening.

The chart below* shows the normal decay of tissues open to air and not touched by embalming fluid. (Sealed caskets change this -- by activating **anaerobic bacteria**, whose putrefaction produces enormous amounts of gas, rapid bloating and destruction of the body, and bursts some seals, causing additional harm to bodies. Seals cause this damage by keeping out oxygen (oxygen impedes anaerobic bacteria) and dry air (air causes dehydration), and by keeping moisture in (moisture speeds anaerobic destruction). Normal dehydration would allow bodies to retain a more normal shape.)

1-3 days	Putrefactive odor from gas produced by anaerobic bacteria.
2-3 days	Green staining of flanks; noticeable bloating of abdomen.
5-6 days	Gaseous swelling and disruption internally.
8-10 days	Fatty tissue beneath the skin fills with gas ; abdomen bloats.
2 weeks	Abdomen and all organs swelled and disrupted by gas. Marked swelling of body. Face and neck bloated.
14-20 days	Blisters on body surface; body greatly swollen, especially loose tissues. Eyes bulge;swelled tongue fills the mouth.
3 weeks	Organs and cavities burst from gas pressure.

EMBALMING

To “embalm” means to ***inject a deceased's body with chemical preservatives which retard the decay of organic tissue; slowing rigormortis***. Embalming is not a modern method of mummification to preserve a body from decomposing; the deceased's body is still going to decompose, regardless of embalming. Embalming preserves a body for several days and allows time for funeral arrangements to be made, and also permits time for family, relatives, or friends to gather.

Facts to know about embalming

- ◆ **Routine embalming is not required by law in any state.** Embalming is usually required; 1) If death resulted from a communicable disease ; 2) if the body must be transported to a distant location; or 3) if there will be a public viewing of the body
- ◆ Embalming is rarely practiced outside of the United States
- ◆ Refrigeration is a possible alternative to embalming
- ◆ Embalming costs range from \$150.00 to \$550.00

The chemicals that are injected into the arteries and body cavities help restore a natural appearing color to the body. Blood can be drained out simultaneously as the embalming fluid is pumped into the body. Cosmetic features of the deceased are usually restored with makeup creams, wax, or plaster of Paris. Additionally, the jaws are wired shut and plastic cusps keep the eyelids together.

Many people choose an open casket ceremony so that those who attend the funeral service can have one last chance to see the deceased. Although the hope is to show the deceased as he/she appeared in real life, sometimes the embalming does not do rightful justice for the deceased's appearance. Some people appear life-like, while others look like nothing more than a statue, or worse, a corpse. Seeing someone for the last time (deceased) usually helps people to accept the reality that the individual really is dead. On the other hand, some may not want to remember the deceased as a "mummy" or a "corpse."

(Information provided courtesy of FAMSA © 1996)

NOTES

CREMATION

Cremation is burning a deceased's body into calcium minerals and ash. Actually, what remains after cremation (cremains) are bone fragments, which are composed mainly of the mineral calcium. Ash after a cremation mainly results from burning of the wooden body container (casket). The heat inside of cremation ovens raises up to between 1,800 to 2,400 degrees F, and it takes approximately one to two hours to cremate a human body. Since all of the body except the bones and teeth are composed of primarily easily combustible organic material, the majority of the body gets burned into vaporised ash and smoke which readily raises up with the heat to escape through the oven's smoke stack.

Actually, cremators (retorts) have after-burners in their smoke stacks which completely burns all organic material before it reaches the outside air. Thus, what remains after cremation is about three to seven pounds of white bone fragments (cremains), and little ash. After cremation, any remaining bone pieces are put into a blender machine which grinds (pulverizes) the cremains into particles as small as the size of sugar granules. Cremation is an expedient method of decomposing a body with intense heat (oxidation), rather than allowing decomposition (oxidation) to occur in a casket buried under the earth or in a tomb. Thus, the big difference between burial and cremation is the period of time it takes for each method to decompose a body and, what the bones look like afterwards.

Currently, the total cost for cremation ranges anywhere from \$600 to over \$1,500. Most crematories require only that the body be placed in a combustible container; which means a casket is not really required. A cardboard box with a wooden base is suitable. The base allows the body to be transported on a firm surface. Why burn an expensive oak casket? A casket can be rented for the funeral ceremony prior to cremation. A permit signed by the next of kin has to be purchased from the local coroners office before cremation.

Besides cremating the body, many other costs for additional services can be added to the total cost of cremation. These costs include...

- ◆ moving the body from one location to another,
- ◆ placement of the body into a combustible container,
- ◆ pulverizing the cremains and their placement in an urn,
- ◆ postage for shipping the cremains to a distant location,
- ◆ placement of the cremains in a columbarium niche (*mausoleum type crypt*) with an engraved plate to identify the deceased
- ◆ funeral ceremony charges

All in all, the costs for cremation is quite affordable in comparison to burial services, which is on average four times more expensive than cremation. Cremation in the United States is gaining widespread popularity; probably due to it's affordability and moral acceptance.

The overall rate of cremations in the United States is approximately 19%. In some locations in the United States cremation accounts for 50 to 60% of funeral services, while in others it is only 2%. Cremation conserves use of limited land space. Usually, a 48 hour period must elapse before cremation in order to allow time for the cause of death to be ascertained. The body can be refrigerated or embalmed if held beyond 24 hours.

WHAT IS A "TRUST"

A *trust* is a vehicle used in financial planning whereby the legal and equitable title of property is transferred to named Trustees. The person setting up the Trust is called the *Settlor* or *Grantor*. The Trust is created in the form of a legal document called a *Deed of Trust* or *Trust Deed*.

The Trustees are required to hold the property in accordance with the obligations imposed by the terms of the Trust Deed, and in particular, to administer the property of such persons (the beneficiaries) as are named in the Trust Deed. The beneficiaries can be named specifically by name, or generally as members of a class of beneficiaries.

Beneficiaries have recourse in Law to compel the Trustees to act in accordance with the terms set forth in the Trust Deed.

The Protector

A Protector is a person appointed under the Trust Deed with whom the Trustees can consult when administering the Trust and, in particular cases, from whom the Trustees must seek consent before carrying out certain transactions. The Protector can also be authorized to remove the Trustees and appoint new ones.

Letter of Wishes

In many jurisdictions, a Settlor will normally provide the Trustees with an informal and confidential letter of wishes which will provide guidance as to how the Trustees might exercise their discretion. The letter of wishes does not form part of the Trust Deed and can, therefore, be amended at any time.

Reasons for Trusts

The most common reasons for establishing a Trust are:

- ◆ **Protection of assets**, which is accomplished by severing ownership so that a trust can avoid assets being repatriated or being made accessible to subsequent creditors;
- ◆ **Reducing, avoiding, or deferring taxation**, especially wealth and inheritance taxes;
- ◆ **Ensuring property passes in the desired order**, as a trust deed can name the line of succession of the trust property over the life of the trust; and
- ◆ **To prevent family property from being dissipated by potential spendthrifts**, by enabling them to benefit from income from the property under the Trustees' supervision.

THE "WILL" - FREQUENTLY ASKED QUESTIONS

What is a will?

A will is a ***legal expression or declaration of a person's mind or wishes as to the disposition of his property, to be performed and to take effect after his death.*** It is not a sheet of paper nor a number of sheets of paper but the written words thereon. It must be executed with the formalities required by statute only after the death of the maker.

Who may make a will?

Anyone who is of legal age and sound mind can make a valid will. You must be able to understand the nature of your estate and the consequences of making a will. You must be able to arrange an orderly scheme of distribution of your assets, and you must be acting voluntarily.

Do I really need a will?

Yes. If you die without a will, then you are said to have died "intestate." This means you died without leaving anything to testify as to what your wishes were regarding the disposal of your property.

Do most people make a will?

No. Only one out of four people leave a will when they die.

What happens if I don't leave a will?

If you died intestate, the state or court will appoint an executor for your estate. The Executor's responsibility will be to pay any just debts you may have outstanding and then distribute your remaining assets.

Does my estate automatically go to my spouse?

No. In most states, the surviving spouse receives one-third of the estate. The balance of the assets are equally divided among the surviving children.

What happens if I am not survived by a spouse or children?

The court will then assume that you wanted your estate to go to a family member. They will try to determine who should get your assets.

Can I leave my estate to someone who is not related to me?

Yes. You may choose a friend, your church, a charity, or even the state.

Can I choose an Executor for my estate?

Yes. Generally this is a person appointed by the testator (one who dies with will) to carry out the requests in the will. The person nominated as executor becomes "Executor" only when he takes oath and the will is admitted to Probate court.

Do I need an attorney to make my will?

It is an excellent idea to have an attorney write your wishes and desires in the form of a will because he can help and advise you as to the particulars of your estate.

WHEN A LOVED ONE DIES

- ◆ Have the family designate someone to act as the **official representative for the deceased**. This person will be the official contact person for the Church, Funeral Establishment, Cemetery, and all other bereavement service providers. This person should be level-headed, compassionate, and decisive. They should also be given formal authority (*even legal, via power -of-attorney, if necessary*) by the family to insure that all of the deceased's affairs are carried out.
- ◆ If you have been designated as the official representative for the deceased, it is extremely helpful if you can request the **support of a close and confidential friend** as you deal with the anticipated (*and challenging*) demands of your role.
- ◆ **Be prepared!** Death has a way of uncovering deep seeded guilt, resentment, unforgiveness, bitterness, jealousy, and greed amongst family members. And your mental, physical, emotional and spiritual fortitude *will be challenged!*
- ◆ Consider contracting the police (*or private escort firm*) to **lead the funeral procession to the cemetery**. It is a small but valuable service, especially when there is some distance between the church and cemetery, or when the funeral procession is more than ten (10) vehicles long. "Line breaking", collisions, and other vehicular incidents caused by impatient and disrespectful drivers are on the rise, and can potentially ruin an already mournful occasion.
- ◆ **Exercise extreme kindness**, consideration, and forbearance to all family members during and after the bereavement period. Each affected family member will deal with their grief differently.
- ◆ Remember, the primary objective during bereavement is to **provide a proper burial for the deceased** (*Ecclesiastes 6:3*). Regrettably, it is common to have the primary functional and financial burden fall on one or two family members. Therefore, be willing to undergo great personal endurance and sacrifice to insure that the objective is reached.

THE "TRADITIONAL" FUNERAL

The funeral ceremony is the **formal public observance of the deceased**. As a result, you may witness unusual behavior coming from family, friends, and attendees. Some family members will attend the service, some will not. Most will view the body, others will touch, kiss, or even hug the remains. Still others will refuse to view the body. Some will exhibit public displays of emotion before, during, and after the ceremony. While bereavement is a vulnerable and mournful state for all 'loved ones', some will seek special attention by behaving in an excessively distraught and helpless state. Should you experience any of these occurrences, maintain your focus, and do not allow the behavior of others to distract you from your purpose and objective.

FUNERAL SERVICE SUGGESTIONS

- ◆ **A lengthy ceremony** can potentially exacerbate an already mournful occasion. Consider limiting the length of the ceremony to sixty (*and no more than ninety*) minutes.
- ◆ Have someone determine what **Card, Telegrams, and Acknowledgments** are read during the ceremony. Keep the number of acknowledgment readings to three (3) and no more than five (5).
- ◆ If you plan for family members, friends, or groups to **provide tributes to the deceased**, encourage them limit their remarks to three (3) and no more than (5) minutes. Persons giving 'impromptu' tributes can be especially susceptible to emotional breakdowns, making unusually long tributes (*10+ minutes*), or making inappropriate remarks. Encourage all participating family members to prepare their tributes beforehand. A poem, family letter, song, or other prepared personal tribute is usually appropriate.
- ◆ If the **family processional line** is extremely long, ask the officiating clergy to allow the family procession and viewing to begin prior to the start of the official service.
- ◆ When **determining the time for the memorial service**, it is a good idea to check with the cemetery to determine the volume of business they must handle for that day. Most funeral services begin at 11:00, and funeral processions often converge at an area cemetery at the same time (*around 12:30pm-1:00pm*). Consider an earlier funeral start, especially if the planned service will be on a Friday or Saturday, or if the cemetery (or interment site) is a long distance from the church (or chapel). One cemetery recently reported that they had to serve seventeen (17) funerals in one day, resulting in interment waits of up to several hours.

APPENDIX A - GLOSSARY OF TERMS

ALGOR MORTIS	The cooling of the body immediately after death to room temperature and temporary stiffening of the muscles.
ASPIRATE	Process of withdrawing fluids and gases from the abdominal cavity
BEREAVED	The immediate family of the deceased suffering from grief upon the death of a loved one.
CASKET	A receptacle of wood, metal or plastic into which the dead human body is placed for burial. Sometimes referred to as "coffin" or "burial case"
CATAFALQUE	A stand upon which the casketed remains rest while instate and during the funeral service
CENOTAPH	An empty tomb or monument erected in memory of a person buried elsewhere
COLUMBARIUM	A structure of vaults lined with recesses for urns containing cremated remains
COMMITTAL SERVICE	The final portion of the funeral service at which time the deceased is interred or entombed
CORONER	A public official and in some cases a constitutional officer whose duty it is to investigate the case of death if it appears to be from other than natural causes, or if there was no physician in attendance for a long time prior to death
CORTEGE	The funeral procession
DISINTER	To remove the remains from the burial place; to dig up
EXHUME	To dig up the remains; to remove from the place of burial
GRAVE MARKER	A method of identifying the occupant of a particular grave. Permanent grave markers are usually of metal or stone which gives such data as the name of the individual, date and place of birth, date and place of death
INQUEST	An official inquiry or examination usually before a jury to determine the cause of death
IN STATE	The custom of availing the deceased for viewing by relatives and friends prior to or after the funeral service
INTER	To bury a dead body in the earth in a grave or tomb
MAUSOLEUM	A public or private building especially designed to receive entombments. A permanent above ground resting place for the dead
MORGUE	A place to where bodies found dead are removed and exposed pending identification by relatives
MORTICIAN	Synonym for funeral director
MORTUARY	A synonym for funeral home a building specifically designed and constructed for caring for the dead
MORTUARY SCIENCE	That part of the funeral service profession dealing with the proper preparation of the body for final disposition
OBITUARY	A notice of the death of a person, particularly a newspaper notice, containing a biographical sketch
PALLBEARERS	Individuals whose duty is to carry the casket when necessary during funeral service. Pallbearers in some sections of the country are hired and in other sections are close friends and relatives of the deceased

PLOT	A specific area of ground in a cemetery owned by a family or individual. A plot usually contains two or more graves
PROCESSION	The vehicular movement of the funeral from the place where the funeral service was conducted to the cemetery. May also apply to a church funeral where the mourners follow the casket as it is brought into and taken out of the church
PURGE	A discharge from the deceased through the mouth, nose and ears of matter from the stomach and intestine caused by improper or ineffectual embalming, due to putrefaction
PUTREFACTION	The decomposition of the body upon death which causes discoloration and the formation of a foul smelling product
REGISTER	A book made available by the funeral director for recording the names of people visiting the funeral home to pay their respects to the deceased. Also has space for entering other data such as name, dates of birth and death of the deceased, name of the officiating clergyman, place of interment, time and date of service, list of floral tributes, etc.
REPOSING ROOM	A room of the funeral home where a body lies in state from the time it is casketed until the time of the funeral service
RESTORATIVE ART	Derma surgery - The process of restoring mutilated and distorted features by employing wax, creams, plaster, etc.
RIGOR MORTIS	Rigidity of the muscles which occurs at death
SERVICE CAR	Usually a utility vehicle to which tasteful ornamentation may be added in the form of a metal firm name plate, post lamps, etc. It is utilized to transport chairs, church trucks, flower stands, shipping cases, etc.
SLUMBER ROOM	A room equipped with, besides the usual furniture, a bed upon which the deceased is placed prior to casketing on the day of the funeral. The body, appropriately dressed, lies in state on the bed
SURVIVOR	The person(s) outliving the deceased, particularly the immediate family
TRADE EMBALMER	A licensed embalmer who is not employed by one specific funeral home, but does the embalming for several firms either on a salary or per case basis
TRANSIT PERMIT	A legal paper issued by the local government authorizing removal of a body to a cemetery for interment. Some cities also require an additional permit if the deceased is to be cremated
URN	A container into which cremated remains are placed, made of metal, wood or stone
VIGIL	A Roman Catholic religious service held on the eve of the funeral service
VISITATION	An opportunity for survivors and friends to view the deceased in private usually in a special room within the funeral home
WAKE	Traditionally - A watch kept over the deceased, sometimes lasting the entire night preceding the funeral. Its modern usage is synonymous with the term 'visitation'.

APPENDIX B - FUNERAL CHECKLIST

(Use the following checklist in preparing for final funeral arrangements)

Have you.....

- Decided on a **ceiling cost** for all funeral and associated expenses?
- Obtained and reviewed all **burial policies, savings and trust accounts, and other assets** (*insurance plans, safety deposit boxes, employment benefits, etc.*) that will be used to pay for the cost of the funeral?
- Obtained the **will, power-of-attorney, and/or official document** of the deceased (if any) for the specific handling of their funeral, estate, and/or distribution of assets?
- Decided on whether to have a **burial or cremation**?
- Decided on whether to have a **funeral service, memorial service, or graveside service**? (*see chapter on "The Ceremony" for explanation*)
- Decided on a preferred date and time for the **family hour (wake)** and ceremony? (*Select at least three (3) acceptable dates/times in case of potential conflict.*)
- Determined the number of **death certificates** you will need? This certificate is required by all entities (*insurance, financial, legal, etc.*) (*Suggest 7-10 minimum*)
- (*Where applicable*) Selected and visited the **funeral establishment (mortician)** and **cemetery** that you want to use? (*NOTE: When choosing a mortician, you will need to bring grave clothes and accessories for the deceased. [i.e. dress/suit, undergarments, shirt, wig, etc.]*)
- Selected and ordered the type (*and design*) of **headstone** for the burial plot? (*NOTE: the purchasing of a headstone is NOT REQUIRED*)
- Are you planning for a **repast (or family fellowship)** after the funeral? If so, have you 1) determined the number of people that will be attending the repast? 2) estimated the cost for food, transportation, and other related expenses? 3) made arrangements with your church and/or assigned persons?
- Notified the **Pastor** and/or **Church Office** and supplied them with all necessary information? Obtained **costs for pastor's honorarium** as well as **use of the church facility**?
- Notified all **family, relatives, and friends** of the deceased?
- Visited the florist (if desired) and selected the **family flowers**?
- Prepared and submitted an **obituary** and **family poem** to your church for inclusion into the funeral program?
- Identified persons to be used as **pallbearers**? Coordinated transportation for pallbearers **to and from the cemetery**?
- Submitted the obituary to the **local newspaper**? (*You may desire to order a laminated copy of the newspaper obituary as a family keepsake.*)
- Made arrangements for **out-of-town** family, relatives, and friends?
- Reviewed and proofread the **funeral program** prior to final printing?

APPENDIX C - BEREAVEMENT WORKSHEET

✓ ITEM	TASK(S)/CONSIDERATIONS	NEEDED (HELPFUL) ITEMS
<input type="checkbox"/> The COST of this funeral will be <i>(where applicable)</i> Mortician \$ _____ <i>(avg \$3,000-\$5,000)</i> Cemetery \$ _____ <i>(avg \$2,000-\$3,000)</i> Florist \$ _____ <i>(avg \$150-\$350)</i> Church \$ _____ <i>(avg 150-\$300)</i> Food \$ _____ <i>(avg \$25-50 per day)</i> Gas \$ _____ <i>(avg \$5-10 per day)</i> Lodging \$ _____ <i>(\$70-125 per night)</i> TOTAL \$ _____	<ul style="list-style-type: none"> ◆ Contact your Pastor IMMEDIATELY upon death of loved one. He can provide needed spiritual support, not to mention valuable information on funeral preparation and cost considerations ◆ Establish the residence and phone number that will be used as central convening place for family and central notification for friends, associates, and service providers ◆ Begin notification of all family, friends, employer(s), and associates of the deceased. Enlist help from other family and friends. ◆ Obtain and review all financial and personal documents of the deceased ◆ Determine type and manner of formal observance <ul style="list-style-type: none"> ▶ burial, cremation, or body donation ▶ traditional service, memorial service, or graveside service ▶ Church, funeral chapel, or gravesite ▶ two-day observance, or one-day observance ▶ purchase of burial headstone (optional) ◆ Estimate amount of funds needed for food, gas, parking, and/or tolls during funeral preparation activities ◆ Determine lodging and accommodations for out-of-town family, friends and associates planning to attend funeral 	<ul style="list-style-type: none"> ◆ Life insurance policies ◆ Burial insurance policies ◆ Savings and checking accounts ◆ Stocks, bonds, and mutual funds ◆ Safety Deposit Boxes ◆ Employment Benefit Information ◆ Veteran's Benefit Information <i>(if deceased is veteran)</i> ◆ Federal Trade Commission (USGovt) Rules on Funeral Industries <i>(Rule 453 - available on US Government website)</i> ◆ Cemetery Price List ◆ Sample Mortician Price List ◆ Deceased's Will and/or last wishes ◆ FBCMH Bereavement Form ◆ FBCMH Bereavement Checklist ◆ FBCMH Bereavement Reference Guide
<input type="checkbox"/> The official family representative for our loved one will be _____ The date of the formal observance of our loved one will be _____ _____	<ul style="list-style-type: none"> ◆ Designate a family member to function as the official representative for the deceased. This person will be the official contact person for the Church, Mortician, Cemetery, and all other bereavement service providers. This person should be level-headed, compassionate, and decisive. They should also be given formal <i>(even legal)</i> authority by the family to insure that all of the deceased's affairs are administered ◆ Have the above family representative enlist the support of a close and confidential friend as they face the <i>and challenging</i> demands of their role 	<ul style="list-style-type: none"> ◆ reliable transportation ◆ a trusted and reliable friend ◆ a large envelope, folder, or carrying case for transporting documents ◆ a compassionate, level-headed, yet decisive disposition
<input type="checkbox"/> The following providers have been selected to assist us in the celebration of our loved one <i>(where applicable)</i> Pastor/Clergy _____ Church/Chapel _____ Mortician _____ Cemetery _____ Florist _____	<p>The following is the recommended order and schedule of when making normal funeral arrangements <i>(when and where applicable)</i></p> <ol style="list-style-type: none"> 1. Notify Pastor/Clergy <i>(IMMEDIATELY upon notification of death)</i> 2. Visit Mortician <i>(1-2 days after death)</i> 3. Visit Cemetery <i>(preferably same day as, and after, Mortician)</i> 4. Visit Church <i>(preferably same day as, and after, Mortician and Cemetery)</i> 5. Visit Florist <i>(optional)</i> 6. Prepare obituary for insertion into local paper <i>(immediately after confirmation of date and arrangements)</i> 7. Contract the local police <i>(or private escort service)</i> to lead the funeral procession from church/chapel to cemetery <i>(optional, but recommended)</i> 	<p>You will need to bring the following documents, information, and items of the deceased</p> <ul style="list-style-type: none"> ◆ Birth Certificate ◆ Social Security Number (SSN) ◆ All burial and insurance policies ◆ Military discharge papers <i>(if veteran)</i> ◆ Mother's maiden name ◆ FBCMH Bereavement Form ◆ burial clothing (inc. undergarments, hosiery) for deceased <p>Death certificates can be obtained either through the mortician or through the attending hospital</p>

APPENDIX D - BEREAVEMENT INFORMATION FORM

NAME OF DECEASED	(LAST)	(FIRST)	(MI)
DATE OF BIRTH	DATE	LOCATION	
DATE OF DEATH	DATE	LOCATION	
PARENT'S NAMES	FATHER		
	MOTHER (INCLUDE MAIDEN NAME)		
MARITAL INFO	DATE	LOCATION	
	SPOUSE <input type="checkbox"/> LIVING <input type="checkbox"/> DECEASED (IF SO, WHAT YEAR?)		
NAME(S) OF CHILDREN	(1)	(2)	
	(3)	(4)	
	(5)	(6)	
EDUCATION	PUBLIC		YEARS
	COLLEGE		YEARS
	OTHER		YEARS
PLACE OF BAPTISM	CHURCH	LOCATION	YEAR
EMPLOYMENT INFO	OCCUPATION	EMPLOYER	YEARS
	OCCUPATION	EMPLOYER	YEARS
	OCCUPATION	EMPLOYER	YEARS
DISABILITY/ RETIREMENT	DATE	LOCATION	
VETERAN INFO	BRANCH OF SERVICE		DATE DISCHARGED
COMMUNITY SERVICE / AFFILIATIONS	(1)	(2)	
	(3)	(4)	
CHURCH MEMBERSHIP	<input type="checkbox"/> NONE <input type="checkbox"/> FBCMH <input type="checkbox"/> OTHER (NAME)		

CONTINUED ON BACK 

APPENDIX E - SAMPLE MORTICIAN CONTRACT

A. CHARGE FOR SERVICES SELECTED	
1. Professional Services:	
Basic Services of Funeral Director and Staff	895.00
Embalming	325.00
Other preparation of body	175.00
Hair Dresser	
	<u>1,395.00</u>
2. Facilities, Equipment & Staff:	
Use of Facilities & Staff for Viewing/Visitation	
Use of Facilities & Staff for Funeral Ceremony	N/C
Use of Facilities & Staff for Memorial Service	
Use of Equipment & Staff for Graveside Service	
Use of Equipment & Staff for Church Service	
3. Transportation	
Transfer of Remains to Funeral Home	155.00
Hearse	195.00
Limousine	225.00
Sedan	
Service/Utility Vehicle	
	<u>575.00</u>
4. Other	
TOTAL OF SERVICES SELECTED \$	
B. CHARGE FOR MERCHANDISE SELECTED	
Casket (or other receptacle)	Johnson 1,092.00
Name/No.	Carter
Material	Metal
Color	BURGUNDY
Outer Burial Container	
Name/No.	20-GA
Material	
Acknowledgement Cards	N/C
Register Book	N/C
Memory Folders/Prayer Cards	
Clothing	
Flowers	
Cremation Urn	
Programs	
TOTAL OF MERCHANDISE SELECTED \$ 1,092.00	
C. SPECIAL CHARGES	
<input type="checkbox"/> Forwarding remains to: <input type="checkbox"/> Receiving remains from:	
Immediate Burial	
Direct Cremation	
Other	
TOTAL OF SPECIAL CHARGES \$	
TOTAL FUNERAL HOME CHARGES \$ 3,062.00	
(This total does not include Cash Advances)	

APPENDIX F - SAMPLE CEMETERY GENERAL PRICE LIST

GENERAL PRICE LIST

INTERMENT & ENTOMBMENT OPTIONS (ADULT)

Single Grave Sites range	from	\$ 795.00	to	\$ 1,495.00
Second Right of Interment (where available)			is	\$ 300.00
Second Right of Interment for Cremated Remains (where available)			is	\$ 150.00
Bench Rights (where available) range	from	\$ 400.00	to	\$ 600.00
Single Depth Lawn Crypts			are	\$ 2,525.00
Double Depth Lawn Crypts			are	\$ 2,995.00
Single Mausoleum Crypts range	from	\$ 6,785.00	to	\$ 7,845.00
Companion Mausoleum Crypts			are	\$ 10,845.00

OUTSIDE BURIAL CONTAINER (ADULT)

Vaults and Liners range	from	\$ 795.00	to	\$ 4,995.00
Caskets range	from	\$ 1,750.00	to	\$ 25,000.00

OPTIONS FOR CREMATED REMAINS

Columbarium Niches			are	\$ 1,295.00
Cremation Garden			is	\$ 395.00
Vaults and Liners (for ground inurnment)			are	\$ 395.00

INFANT / CHILD INTERMENT OPTIONS

Single Grave Sites range	from	\$ 395.00	to	\$ 1,495.00
Liners			are	\$ 295.00

PROFESSIONAL SERVICE FEES & CHARGES

Adult Interment Service (Monday - Saturday)			is	\$ 650.00
Entombment Service (Monday - Saturday)			is	\$ 650.00
Infant / Child Interment Service (Monday - Saturday)			is	\$ 350.00
Inurnment Service (Monday - Saturday)			is	\$ 575.00
Late (after 3:00 PM) Charge			is	\$ 250.00 / hour
Holiday / Sunday Service Charge			is	\$ 400.00
Extra-Depth Service Charge (where available)			is	\$ 300.00
Disinterment Charge (adult) ranges (Monday - Friday only)	from	\$ 950.00	to	\$ 1,925.00
Disinterment Charge (infant / child) ranges (Monday - Friday only)	from	\$ 950.00	to	\$ 1,925.00
Vault and Liner (adult) Service Charge			is	\$ 105.00
Vault and Liner (urn / infant / child) Service Charge			is	\$ 40.00

MEMORIAL & MONUMENT OPTIONS

Bronze Memorials* range	from	\$ 675.00	to	\$ 5,300.00
Infant / Child Bronze* Memorials range	from	\$ 413.00	to	\$ 1,342.00
Fiat Stone Tier Memorials* range	from	\$ 600.00	to	\$ 1,620.00
Upright Monuments* (where available) range	from	\$ 1,200.00	to	\$13,500.00
Granite Benches* (where available) range	from	\$ 1,508.00	to	\$ 3,175.00
*Price does not include installation				
Bench Installation / Foundation ranges	from	\$ 183.00	to	\$ 575.00
Memorial / Monument Installation is \$ 0.60 per square inch				
Foundation Charge ranges	from	\$ 280.00	to	\$ 683.00
Affixing of Bronze or Granite Plaque Charge			is	\$ 30.00
Setting Fee			is	\$ 50.00
Inspection Fee			is	\$ 60.00

APPENDIX G - SAMPLE CEMETERY CONTRACT

SERVICE AGREEMENT	
Burial Rights _____	\$ <u>895.00</u>
Professional Service Fee _____	\$ <u>650.00</u>
Memorialization - Type _____	
Size _____ Design _____	
Memorial Base - Type _____	
Size _____ Color _____	
Memorial Installation/Inspection Fee _____	\$ <u>795.00</u>
Outer Burial Container - Material _____	
Model <u>Standard</u> Supplier _____	
Urn _____	
Type _____ Size _____	
Flower Vase - Type _____	
Nameplate _____	
Lettering _____	
Other _____	\$ <u>105.00</u>
Administrative Allocation _____	\$ <u>3.00</u>
Sales Tax _____	
TOTAL CASH PRICE	\$ <u>2448.00</u>
LESS:	
Down Payment Cash \$ <u>0.00</u>	
Other Credit \$ _____	
Total Down Payments \$ _____	
UNPAID BALANCE OF CASH PRICE	\$ <u>2448.00</u>

APPENDIX H - INFORMATION FOR VETERANS

All veterans are entitled to **burial in a national cemetery, a grave marker (regardless of the cemetery), and a flag**. Spouses and dependent children are also entitled to a lot and marker but only in a national cemetery. There will be no charges for opening or closing the grave, a vault or liner, or setting the marker in a national cemetery. Depending on the circumstances, a family will be responsible for all other expenses including transportation to the cemetery.

- ◆ **Death during active duty.** All funeral expenses will be paid by the military—body preparation, casket, transportation to the place of disposition, interment (if in a national cemetery), and marker. In addition, next-of-kin are entitled to a "death gratuity" of \$6,000.
- ◆ **Death due to a service related injury.** There is a \$1,500 burial allowance for these veterans which may be used to cover some of the funeral director's expenses, the casket, and transportation to the cemetery. IF death occurred in a VA facility, transport of the body to the cemetery will be paid, provided it is no farther than the last place of residence.
 - If burial is not in a national cemetery, there is a \$150 interment allowance, but it is unlikely that will cover opening and closing or vault charges, let alone the cost of the lot. Although a marker is available at no charge, the private cemetery will probably have a setting fee.

Nonservice-related death in a VA facility OR while collecting a VA pension or disability compensation. There is a \$300 burial allowance which may be used to defray some of the usual funeral expenses. Although burial in a national cemetery is free to these veterans, all other mortuary expenses are the responsibility of the family. Transportation to a national cemetery (not farther than the residence of the deceased) will be provided only if the death occurs in a VA facility. The \$150 interment allowance applies when burial is in other than a national cemetery.

Death of a veteran outside a VA facility, not receiving military pension or compensation. The \$1,500, \$300, and \$150 benefits do not apply, nor is there reimbursement for transportation to the cemetery. The lot in a national cemetery, any required vault, interment, a marker, and flag are the only burial benefits. If interment is in other than a national cemetery, the family is responsible for the cost of the lot, opening and closing charges, the vault, and any fee charged for setting the government marker if that is selected. The family must also bear all other funeral costs.

Spouse and Dependents

- **A spouse and dependents of an eligible veteran** are entitled to burial in a national cemetery even if the veteran is not buried there.

A spouse who remarries a nonveteran and whose marriage ends in death or divorce may claim burial rights from the prior marriage.

Spouses receiving military pay and who die in a military medical facility are eligible for military transport to the nearest national cemetery or no farther than the last permanent residence.

Adult children of veterans are entitled to burial benefits only if disabled and dependent.

Others Who May be Eligible

- **There are a number of others eligible for veterans' burial benefits** if the person has provided military-related service. The list is quite long and includes civilians who were involved with military efforts during war-time. Members of the National Guard and Reserves with 20 years of service are eligible. Some Public Health Service personnel are also eligible. You should inquire if you believe you might be entitled to such benefits.

Persons Not Eligible

- **Remarried spouses wedded to a nonvet**

- **Divorced spouses**
- **Adult children**
- **Parents, siblings and others—even if they are dependents**
- **Those with a dishonorable discharge**
- **Those convicted of subversive activities**

Markers

- **Memorials are available to all veterans, spouses, and dependent children buried in a national cemetery** and will be set without charge. Markers are available for veterans only—not spouse or dependents—for use in other cemeteries unless the grave has already been marked by a private memorial. The installation cost must be borne by the family when in a non-government cemetery. Several styles of markers are available and must be consistent with existing monuments. Niche markers for cremains are also available.

Inscription must include name, branch of service, year of birth, year of death—in this order—and may include emblem of belief, rank, and decorations earned. At private expense, additional items—such as nick-names and terms of endearment—may be added but must be approved by the VA.

Miscellaneous Benefits & Other Information

- You may not reserve space in a national cemetery ahead of time; arrangements are made only at the time of death. Therefore, there is no guarantee that spouses will be interred side-by-side.
- Burials in a national cemetery are not usually conducted on weekends.
- National cemeteries provide space for both body burial and cremated remains.
- Check with the cemetery regarding gravesite adornments other than natural cut flowers.
- Military honors or a funeral honor guard **may** be available from nearby military installations or veterans groups. Fly-overs are reserved for those on active duty at the time of death.
- A flag is provided on request for the burial of any veteran. Apply through the VA and pick up at a U.S. Post Office. Family members may wish to purchase a flag case for later display, available through private sources.
- Next-of-kin, other relatives or friends may request a "Presidential Memorial Certificate." More than one may be requested.
- A family may apply directly to the VA for all benefits. Although it may be convenient to let the undertaker do so, you may wish to ask if the mortician charges for submitting claims.
- When the body of a veteran without next-of-kin is unclaimed from a VA facility and the estate is without sufficient assets, the VA will assume responsibility for burial.
- Other than for sea burial, there are **NO** casket requirements for routine body burial. An undertaker handling the unclaimed body of a vet must supply something more durable than cardboard, unless the body is to be cremated.
- "No-fee" passports are available for family visiting overseas grave-sites or memorials.
- The National Cemetery System may be asked to do a search to locate anyone interred in a national cemetery. In addition to general vital statistics, you will need to know the state from which the veteran entered military service.

Caution!

The VA has gotten complaints from vets who were approached by commercial funeral outfits offering free cemetery lots or other so-called veterans benefits. They **DO NOT** represent the U.S. government! Be

sure to ask:

- Must you also purchase another lot?
- Where is it located? How much will it cost?
- Is "perpetual care" additional?
- What are the costs for opening and closing **each** grave?
- Must certain memorials be purchased through the cemetery?
- What are the costs for setting memorials?
- Is a vault required? Even for cremated remains? May it be purchased elsewhere?
- Are there marker or planting restrictions?
- What are the "administrative" charges?
- Who owns the cemetery? Are there nearby municipal or religious cemeteries which charge less for the same services?

Burial At Sea

Burial (or the scattering of cremains) at sea is available to all veterans and dependents, and is provided by the Navy or US Coast Guard. A flag is required, and—if supplied by the family—can be returned. If supplied by the Navy, it will not be.

Because sea burials are done at the convenience of the military, the family may not witness sea burial.

Bodies waiting for sea burial must be embalmed to a state of preservation that will last for at least 60 days. (This is accomplished with undiluted embalming fluid; "stiff.")

A nonsealing metal casket must be used, bound with six bands of nylon. The casket must carry 150 lbs. of extra weight.

(Content provided courtesy of FAMSA © 1996)

APPENDIX I - FTC FUNERAL INDUSTRY PRACTICES (RULE 453)

The following are guidelines established by the US Federal Trade Commission regarding acceptable and unacceptable Funeral Industry Practices - Part 453 Revised Rules.

Section:

453.1 Definitions.

453.2 Price disclosures.

453.3 Misrepresentations.

453.4 Required purchase of funeral goods or funeral services.

453.5 Services provided without prior approval.

453.6 Retention of documents.

453.7 Comprehension of disclosures.

453.8 Declaration of intent.

453.9 State exemptions.

Authority: 15 U.S.C. 57a(a); 15 U.S.C. 46(g); 5 U.S.C. 552.

§ 453.1 Definitions

- (a) Alternative container An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials.
- (b) Cash advance item A "cash advance item" is any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchasers behalf. Cash advance items may include, but are not limited to: cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.
- (c) Casket A "casket" is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.
- (d) Commission "Commission" refers to the Federal Trade Commission.
- (e) Cremation "Cremation" is a heating process which incinerates human remains.
- (f) Crematory A "crematory" is any person, partnership or corporation that performs cremation and sells funeral goods.
- (g) Direct cremation A "direct cremation" is a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.
- (h) Funeral goods "Funeral goods" are the goods which are sold or offered for sale directly to the public for use in connection with funeral services.
- (i) Funeral provider A "funeral provider" is any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public.
- (j) Funeral services "Funeral services" are any services which may be used to: (1) care for and prepare deceased human bodies for burial, cremation or other final disposition; and (2) arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies.
- (k) Immediate burial An "immediate burial" is a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a grave side service.
- (l) Memorial service A "memorial service" is a ceremony commemorating the deceased without the body present.
- (m) Funeral ceremony A "funeral ceremony" is a service commemorating the deceased with the body present.
- (n) Outer burial container An "outer burial container" is any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.
- (o) Person A "person" is any individual, partnership, corporation, association, government or governmental subdivision or agency, or other entity.
- (p) Services of funeral director and staff The "services of funeral director and staff" are the basic services, not to be included in prices of other categories in § 453.2(b)(4), that are furnished by a funeral provider in arranging any funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits, and placing obituary notices.

§ 453.2 Price Disclosures

(a) Unfair or Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals.

Any funeral provider who complies with the preventive requirements in paragraph (b) of this section is not engaged in the unfair or deceptive acts or practices defined here.

(b) Preventive Requirements

To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(b)(1), funeral providers must:

(1) Telephone Price Disclosure

Tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (b)(2) through (4) of this section and any other readily available information that reasonably answers the question.

(2) Casket Price List

(i) Give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider must offer the list upon beginning discussion of, but in any event before showing caskets. The list must contain at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make a casket price list available if the funeral providers place on the general price list, specified in paragraph (b)(4) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as a "casket price list."

(3) Outer Burial Container Price List

(i) Give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event before showing the containers. The list must contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in paragraph (b)(4) of this section, the information required by this paragraph.

(ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as an "outer burial container price list."

(4) General Price List

(i)

Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following:

- (1) the prices of funeral goods or funeral services;
- (2) the overall type of funeral service or disposition; or
- (3) specific funeral goods or funeral services offered by the funeral provider.

The requirement in paragraph (b)(4)(i)(A) of this section applies whether the discussion takes place in the funeral home or elsewhere. Provided, however, that when the deceased is removed for transportation to the funeral home, an in-person request at that time for authorization to embalm, required by § 453.5(a)(2), does not, by itself, trigger the requirement to offer the general price list if the provider in seeking prior embalming approval discloses that embalming is not required by law except in certain special cases, if any. Any other discussion during that time about prices or the selection of funeral goods or services triggers the requirement under paragraph (b)(4)(i)(A) of this section to give consumers a general price list.

The list required by paragraph (b)(4)(i)(A) of this section must contain at least the following information:

- (1) The name, address, and telephone number of the funeral provider's place of business;
- (2) A caption describing the list as a "general price list"; and
- (3) The effective date for the price list;

(ii) Include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale:

Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price;

Receiving remains from another funeral home, together with a list of the services provided for any quoted price;

The price range for the direct cremations offered by the funeral provider, together with:

- (1) a separate price for a direct cremation where the purchaser provides the container;
- (2) separate prices for each direct cremation offered including an alternative container; and
- (3) a description of the services and container (where applicable), included in each price;

The price range for the immediate burials offered by the funeral provider, together with:

- (1) a separate price for an immediate burial where the purchaser provides the casket;
- (2) separate prices for each immediate burial offered including a casket or alternative container; and
- (3) a description of the services and container (where applicable) included in that price;

Transfer of remains to funeral home;

Embalming;

Other preparation of the body;

Use of facilities and staff for viewing;

Use of facilities and staff for funeral ceremony;

Use of facilities and staff for memorial service;

Use of equipment and staff for grave side service;

Hearse; and

Limousine.

(iii) Include on the price list, in any order, the following information:

Either of the following:

- (1) The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or
- (2) The prices of individual caskets, disclosed in the manner specified by paragraph (b)(2)(i) of this section; and

Either of the following:

- (1) The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or
- (2) The prices of individual outer burial containers, disclosed in the manner specified by paragraph (b)(3)(i) of this section; and

Either of the following:

- (1) The price for the basic services of funeral director and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)". If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services"; or
- (2) The following statement: "Please note that a fee of (specify dollar amount) for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (specify)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list together with the casket price range, required by paragraph (b)(4)(iii)(A)(1) of this section, or together with the prices of individual caskets, required by (b)(4)(iii)(A)(2) of this section.

(iv) The services fee permitted by § 453.2(b)(4)(iii)(C)(1) or (C)(2) is the only funeral provider fee for services, facilities or unallocated overhead permitted by this part to be non-declinable, unless otherwise required by law.

(5) Statement of Funeral Goods and Services Selected

(i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

The funeral goods and funeral services selected by that person and the prices to be paid for each of them;

Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable.

If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

The total cost of the goods and services selected.

- (ii) The information required by this paragraph (b)(5) may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(6) Other Pricing Methods

Funeral providers may give persons any other price information, in any other format, in addition to that required by § 453.2(b)(2), (3), and (4) so long as the statement required by § 453.2(b)(5) is given when required by the rule.

§ 453.3 Misrepresentations

(a) Embalming Provisions

(1) Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (i) Represent that state or local law requires that a deceased person be embalmed when such is not the case;
- (ii) Fail to disclose that embalming is not required by law except in certain special cases, if any.

(2) Preventive requirements

To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in §§ 453.4(b)(1) and 453.5(2), funeral providers must:

- (i) Not represent that a deceased person is required to be embalmed for:

direct cremation;

immediate burial; or

a closed casket funeral without viewing or visitation when refrigeration is available and when state or local law does not require embalming; and

- (ii) Place the following disclosure on the general price list, required by § 453.2(b)(4), in immediate conjunction with the price shown for embalming: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial." The phrase "except in certain special cases" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require embalming under any circumstances.

(b) Casket for Cremation Provisions

(1) Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (i) Represent that state or local law requires a casket for direct cremations;
- (ii) Represent that a casket is required for direct cremations.

(2) Preventive Requirements

To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in § 453.4(a)(1), funeral providers must place the following disclosure in immediate conjunction with the price range shown for direct cremations: "If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers)." This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations.

(c) Outer Burial Container Provisions

(1) Deceptive Acts or Practices

In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral provider to:

- (i) Represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when such is not the case;

(ii) Fail to disclose to persons arranging funerals that state law does not require the purchase of an outer burial container.

(2) Preventive Requirement

To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list, required by § 453.2(b)(3)(i), or, if the prices of outer burial containers are listed on the general price list, required by § 453.2(b)(4), in immediate conjunction with those prices: "In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements."

The phrase "in most areas of the country" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require a container to surround the casket in the grave.

(d) General Provisions on Legal and Cemetery Requirements

(1) Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case.

(2) Preventive Requirements

To prevent these deceptive acts or practices, as well as the deceptive acts or practices identified in §§ 453.3(a)(1), 453.3(b)(1), and 453.3(c)(1), funeral providers must identify and briefly describe in writing on the statement of funeral goods and services selected (required by § 453.2(b)(5)) any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging.

(e) Provisions on Preservative and Protective Value Claims

In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(1) Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time;

(2) Represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case.

(f) Cash Advance Provisions

(1) Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to:

(i) Represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when such is not the case;

(ii) Fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case.

(2) Preventive Requirements

To prevent these deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods and services selected, in immediate conjunction with the list of itemized cash advance items required by § 453.2(b)(5)(i)(B): "We charge you for our services in obtaining: (specify cash advance items)," if the funeral provider makes a charge upon, or receives and retains a rebate, commission or trade or volume discount upon a cash advance item.

§ 453.4 Required Purchase of Funeral Goods or Funeral Services.

(a) Casket for Cremation Provisions

(1) Unfair or Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket be purchased for direct cremation.

(2) Preventive Requirement

To prevent this unfair or deceptive act or practice, funeral providers must make an alternative container available for direct cremations, if they arrange direct cremations.

(b) Other Required Purchases of Funeral Goods or Funeral Services

(1) Unfair or Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to:

- (i) Condition the furnishing of any funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this part;
- (ii) Charge any fee as a condition to furnishing any funeral goods or funeral services to a person arranging a funeral, other than the fees for: (1) services of funeral director and staff, permitted by § 453.2(b)(4)(iii)(C); (2) other funeral services and funeral goods selected by the purchaser; and (3) other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with § 453.3(d)(2).

(2) Preventive Requirements

- (i) To prevent these unfair or deceptive acts or practices, funeral providers must:

Place the following disclosure in the general price list, immediately above the prices required by § 453.2(b)(4)(ii) and (iii):

"The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected." Provided, however, that if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence: "However, any funeral arrangements you select will include a charge for our basic services" between the second and third sentences of the statement specified above herein. The statement may include the phrase "and overhead" after the word "services" if the fee includes a charge for the recovery of unallocated funeral provider overhead;

Place the following disclosure in the statement of funeral goods and services selected, required by § 453.2(b)(5)(i): "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below."

- (ii) A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

§ 453.5 Services Provided Without Prior Approval

(a) Unfair or Deceptive Acts or Practices

In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless:

- (1) State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or
- (2) Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or
- (3) The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider must disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

(b) Preventive Requirement

To prevent these unfair or deceptive acts or practices, funeral providers must include on the itemized statement of funeral goods and services selected, required by § 453.2(b)(5), the statement: "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

§ 453.6 Retention of Documents

To prevent the unfair or deceptive acts or practices specified in § 453.2 and § 453.3 of this rule, funeral providers must retain and make available for inspection by Commission officials true and accurate copies of the price lists specified in §§ 453.2(b)(2) through (4), as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by § 453.2(b)(5), for at least one year from the date of the arrangements conference.

§ 453.7 Comprehension of Disclosures

To prevent the unfair or deceptive acts or practices specified in § 453.2 through § 453.5, funeral providers must make all disclosures required by those sections in a clear and conspicuous manner. Providers shall not include in the casket, outer burial container, and general price lists, required by §§ 453.2(b)(2)-(4), any statement or information that alters or contradicts

the information required by this Part to be included in those lists.

§ 453.8 Declaration of Intent

- (a) Except as otherwise provided in § 453.2(a), it is a violation of this rule to engage in any unfair or deceptive acts or practices specified in this rule, or to fail to comply with any of the preventive requirements specified in this rule;
- (b) The provisions of this rule are separate and severable from one another. If any provision is determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.
- (c) This rule shall not apply to the business of insurance or to acts in the conduct thereof.

§ 453.9 State Exemptions

If, upon application to the Commission by an appropriate state agency, the Commission determines that:

- (a) There is a state requirement in effect which applies to any transaction to which this rule applies; and
- (b) That state requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this rule;

then the Commission's rule will not be in effect in that state to the extent specified by the Commission in its determination, for as long as the State administers and enforces effectively the state requirement.

By direction of the Commission.

Donald S. Clark
Secretary