

Funeral Arrangements

- You may name an agent for body disposition if you want someone other than your next-of-kin to be in charge. The proper form is found in Indiana code 29-2-19-13.
- Indiana is one of only eight states that require you to use a funeral director for a funeral.
- The funeral home must give prices over the telephone if you call. You must be given a General Price List (GPL) if you visit in person and *before* discussing any services.
- You must be shown a Casket and Outer Burial Container Price List before selecting either.
- You must be given a Statement of Funeral Goods and Services Selected with the total cost before any services are provided.
- Funeral Consumers Alliance of Bloomington does a price survey every two years or so: www.funerals.org
- **Do not sign any contract for more than you can afford to pay.** A person on Medicaid who has insufficient funds for burial is eligible for an allowance of up to \$600 for funeral home expenses and \$400 for cemetery expenses. In addition, personal funds or funds from family and friends not to exceed \$1,750 for total funeral expense. There is no other organization that assists with funeral costs.

Autopsy

- If the death was unexpected or the cause of death uncertain, the state will probably require an autopsy.
- If you have questions about the death, you may request and pay for a private autopsy.
- If a viewing is planned, there will likely be extra charges to repair the body for embalming.
- Be sure to pick the funeral home of your choice without pressure to use the coroner's funeral home.

Organ, Body, and Tissue Donation

- If death occurs in a hospital, you are likely to be asked about organ donation. Only about 1% of the deaths are eligible for major organ donation. The organ procurement organization (OPO) will pay for any extra body preparation needed if you

plan a viewing. Decline any such charge you might find on the GPL.

- After-death donation of eyes, skin, and long bones may be considered. Ask the hospital social worker or the funeral director about this.
- While whole body donation to a medical school is one way to lower costs. After medical study, the school will pay for cremation and can return the cremated remains to the family if requested. You should have back-up funeral plans if your body cannot be accepted for any reason.
- There are also non-academic companies that accept whole bodies for research and education. Various body parts will likely be shipped around the country and possibly internationally. This state has no laws regulating these companies. Note that this is an entirely different category of body donation from the traditional cadaver donation to a medical school.
- To find the nearest body donation option, the cost if any, and the reasons for body rejection check:

www.finalrights.org

Embalming and Other Requirements

- Embalming is not required by state law under any circumstance.
- Airlines prefer to have a body embalmed, but a sealed container can usually make that optional.
- Many funeral homes have a policy that requires embalming for a public viewing. Embalming does not protect the public health. It merely delays decomposition.

Caskets, Liners, and Vaults

- Neither is required by state law for burial. A rigid combustible container is required for cremation.
- A casket will not prevent natural decomposition.
- You may build your own or purchase from a casket retailer. Vault dealers rarely sell to the public.
- The purpose of a liner or vault is to keep the ground from caving in. It facilitates maintenance for the cemetery. It has no preservative qualities regardless of how much you spend.

Burial

- Burial must be in an "established" cemetery. Cemeteries less than one acre are taxed at the rate of \$1. Cemeteries more than 10 acres must be registered with the state.
- If you purchase a lot in a town or religious cemetery, you will also have the opening and closing costs in addition to the cost of the plot.
- Some cemeteries have restrictions on the kind of monuments or plantings and adornment allowed at the grave site.
- A disinterment permit must be obtained from the Department of Health. A licensed funeral director must be in charge.

The Indiana Funeral and Cemetery Board has eleven members. Two are consumer representatives, with four funeral directors and four cemeticians.

Some coroners are funeral directors with a conflict of interest.

Cremation

- There is a 48-hour wait prior to cremation unless waived by a health officer.
- The authorizing agent must sign a statement that viewing has been arranged, which can be done at the place of death to avoid extra charges.
- A pacemaker must be removed.
- Some crematories will let the family witness the cremation.
- The cremation process takes about two-and-a-half hours for an average adult.
- The crematory will remove any metal fragments and pulverize the cremated remains to small particles, similar to white or gray coarse sand, about 5-10 pounds.
- Cremated remains may be sent only to a funeral home or cemetery by the crematory. However, they may be retained by the person with the right to control disposition. They may also be scattered or buried on private land with the landowner's permission, interred in a cemetery or memorial garden, or placed in a mausoleum niche. If scattering on public land or water, don't

ask, don't tell. Park service people are concerned that some may want to create a little shrine at the site and would prefer not to know your plans. Be discreet. The Environmental Protection Agency (EPA) says they must be scattered three miles out to sea. That's because the federal agency has no jurisdiction over the first three miles; the bordering state does. Most states (except for California and South Dakota) have no restrictions on the disposition of cremated remains, and there are no "cremains police" even in those two states. A form recording the disposition of the cremated remains must be filed with the county recorder.

- If flying with cremated remains, be sure they are in a non-metal container to pass through the scanner.
- Cremated remains may be sent only by U.S. Postal Service. Use Priority Mail Express and ask for delivery confirmation. FedEx and UPS will not knowingly accept cremated remains.

Veterans and Their Dependents

- You will need a copy of the DD214 discharge papers for gaining benefits.
- There are two state-run veterans cemeteries: one in West Lafayette and one in Madison. Families pay for the funeral and cost of interment at the veterans home in West Lafayette. The VA cemetery in Indianapolis is closed to new interments. The one in New Albany has space for cremated remains only. Marion National Cemetery can accept both casketed and cremated remains. Interment and marker are free of charge for the veteran, spouse, and certain dependents.
- The U.S. Department of Veterans Affairs (VA) provides markers for veterans no matter where they are interred. Markers can be upright or flat, and they come in bronze, marble, and granite: (800) 697-6947.
- A free flag can be ordered through the U.S. Postal Service.
- A comprehensive list of veterans benefits can be found here:

<http://www.funerals.org/faq/60-veterans-funeral-and-burial-benefits>

Prepaying for a Funeral

- All contracts become irrevocable after 30 days. You may transfer if you move, but there is no refund if you simply change your mind.
- The contract guarantees the price, and the interest is supposed to cover funeral inflation. But many investments do not appreciate as fast as prices climb. You have a right to insist on no extra charges if it is clearly identified in the contract as "price guaranteed." Any substitutions should be of equal *quality* to that described in the contract.
- Warehousing cemetery merchandise can bypass the trusting requirements making it impossible to get a refund.
- Prices for third-party items such as the crematory fee or obituary cannot be guaranteed.

- Finance charges are permitted if paying by installments, even though you have not yet used any services or merchandise such as buying a car or house. Your own savings would avoid that.
- Setting aside assets for Medicaid eligibility is the one time it makes sense to prepay for a funeral. There is no limit to the amount that can be in an irrevocable preneed trust. Be sure to ask if you will be getting an annual report of your pre-paid funds and let those who will be handling your affairs know where you have prepaid.

Social Security Death Benefit

- There is a \$255 death benefit for a surviving spouse. There is no similar benefit when that spouse dies.
- Dependent children are entitled to survivor benefits when a parent dies.

Complaints

- Valid complaints include dishonesty, misrepresentation, unprofessional conduct, negligence, breach of contract, violation of state or federal laws. For how to file a complaint, see: www.funerals.org/your-legal-rights/complaint
- Complaint form here: www.in.gov/pla/funeral.htm

Much of the information for this brochure was taken from *Final Rights: Reclaiming the American Way of Death* (Upper Access, 2011) www.finalrights.org
Additional information can be found at www.funerals.org

Your Funeral Consumer Rights in Indiana

Prepaying the Funeral Home

Pros

Cons

Pay on Death Savings Account or Bank CD

- ❖ You have total control of the funds.
- ❖ Can easily change plans or use for emergencies.
- ❖ Can make time payments easily.

- ❖ Asset for Medicaid purposes.
- ❖ You must declare interest on your tax return.
- ❖ Penalty to cash CD prior to death.

Qualified Funeral Trust

- ❖ If irrevocable, it won't be an asset for Medicaid.
- ❖ The trust pays taxes on the interest.
- ❖ There is a guarantee fund to protect against embezzlement.

- ❖ The funeral home may keep 10% if you move.
- ❖ Taxes may be paid on interest that otherwise wouldn't be taxed if you are low-income.

Master or Simple Trust

- ❖ If irrevocable, it won't be an asset for Medicaid.
- ❖ You are supposed to receive an annual report of the interest earned which will serve as reassurance your funeral funds are safe.
- ❖ There is a guarantee fund to protect against embezzlement.

- ❖ The funeral home may keep 10% if you move.
- ❖ You will have to declare the interest on your tax return.

Funeral or Life Insurance

- ❖ Easily portable.
- ❖ If the funeral home is the beneficiary, it won't be considered an asset for Medicaid eligibility.
- ❖ The insurance company pays the taxes.

- ❖ If you need to cancel, you may not get back more than half you paid.
- ❖ If paying over time, you may pay twice the face value.
- ❖ There may be a 30-day delay in receiving funds for which the funeral home may charge an extra fee.

Funeral Ethics Organization
87 Upper Access Rd.
Hinesburg, VT 05461
<http://www.funeraethics.org>