

# ***A Consumer's Guide To Arranging a Funeral***



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George E. Pataki, Governor***

If you are planning a funeral, you have many decisions to make. You may feel overwhelmed or confused. You may have questions. Read this brochure to learn more before you make any commitments or decisions.

Choose a funeral home with which you feel comfortable. You and the funeral director will have an arrangement conference. This could be done at the funeral home, your home or, in some instances, over the telephone. If you meet in person, you will be given a General

Price List and shown the merchandise available. When you have made your selections, you will be given an Itemized Statement, which, for most funeral arrangements, will include contractual language, which legally obligates you to pay the cost of the funeral. If the arrangements have been made by telephone, you will be given the General Price List when you receive an Itemized Statement.

Following are some [definitions](#), regulations, and [commonly asked questions](#) which should help you through this process. As the person paying for the arrangements, you are the customer. You have rights. Don't be afraid to shop around or ask questions!

## **IMPORTANT TERMS**

**Arrangement conference:** the meeting between you and the funeral director during which you choose the services and merchandise you would like.

**Basic arrangements fee:** the charge made by the funeral home for making all the arrangements for final disposition of the body. It covers the availability of a funeral director, staff and equipment to respond to a death or inquiry. The fee also includes the arrangement conference and securing necessary authorizations such as filing the death certificate and getting permits. You cannot decline this charge. Note: If you select direct burial or direct cremation, the arrangements fee cannot be added since it is already figured into the prices for these services.

**Burial:** the most commonly chosen final disposition. Costs associated with burial include such services as grave opening and closing and/or perpetual care (maintenance) of the grave site. You will also be charged by the funeral home for the purchase of a grave site, if you buy it through the home.

**Cash advance items:** items of service or merchandise for which the funeral home pays directly to a third party, such as fees for the cemetery or crematory, death certificates and clergy. The funeral home cannot profit on these items. Some funeral homes require you to pay for these items before the funeral service. You may be able to pay some of these fees directly, if you choose. (Don't forget to get receipts for any money you spend, whether it's to the funeral home or to third parties.)

**Casket price list:** a printed or typewritten list which the funeral home presents to you before you discuss or are shown a casket. This list will provide a brief description of each casket and alternative container (such as a cardboard or pressed wood box) regularly offered by the funeral home. It must state the retail price of each item offered.

**Cemetery deed:** the document from the cemetery, which establishes your right to bury the deceased in the plot. If the funeral director has the deed, he or she must return it to you within 7 days of the funeral, unless you have made a different agreement. Put it in a safe place - it is difficult to replace.

**Columbarium:** a type of vault with spaces for storing urns containing ashes or cremains (see "cremation" below).

**Cremation:** a process which reduces the body to ashes (cremains). The ashes may be buried, placed in a columbarium, or kept in your home. Some people choose to purchase an urn for the cremains rather than use the container provided by the crematory. There will be charges for the cremation and, if you choose, for an urn and, space in a columbarium. You may also dispose of the cremains in any manner that complies with local health department or other regulations.

**Custodial care:** a fee the funeral home may charge for days that the body is being held and, no other services are being provided. This fee must be disclosed and identified as a daily, weekly or one-time fee.

**Customer:** the person making funeral arrangements. The customer may be a member, legal representative or a friend legally designated, by the decedent. The Customer will be legally responsible for the payment of the funeral bill.

**Customer's Designation of Intentions:** a specific form that the funeral director will complete if you select cremation. It includes a space for "disposal of cremains" (what you plan to do with them). You should be aware that 120 days after the cremation, the funeral home has the right to dispose of the cremains if you do not claim them. This fact, and the manner of disposition, must be clearly stated on the form. You must be given a copy of this form when arrangements are made.

**Direct burial:** the disposition of human remains by burial without a formal viewing, visitation, or ceremony, except for a graveside service.

**Direct cremation:** the disposition of human remains by cremation without a formal viewing, visitation, or ceremony.

**Entombment:** burial in an above ground crypt in a mausoleum or in a lawn crypt. There will be a charge for the use of the crypt.

**General Price List:** a form which lists the price (or range of prices) for all of the services and merchandise regularly offered by the funeral home. This form must be given to you to keep, at the beginning of the arrangement conference. You may request a copy from a funeral home when a personal visit is made. You do not need to complete funeral arrangements to receive this form.

**Itemized Statement of Services and Merchandise:** a detailed outline of the specific goods and services you have chosen, the price of each item, and a total cost. Also included will be an estimate of the cash advance fees to be paid on your behalf to third parties. The Itemized Statement will serve as your contract.

**Outer interment receptacle:** a container in the ground, in which the casket is placed. Vaults and grave liners are some examples. Some cemeteries require outer interment receptacles to prevent collapse or sinking of the grave. If you do not want to buy one, choose a cemetery that does not require outer interment receptacles.

**Outer Interment Receptacle Price List:** a printed or typewritten list which the funeral home presents to you before you discuss or are shown an outer interment receptacle. This list will provide a brief description of each outer interment receptacle regularly offered by the funeral home. It must contain the retail price of each item offered.

**Refrigeration fee:** a fee charged by some funeral homes for cooling the body when embalming is not selected. If such a fee is charged, it must be stated up front, on both the General Price List and the Itemized Statement. This charge can be declined by the customer.

**Topical disinfection:** external cleansing of the body for which you will be charged. There cannot be an additional charge for this service when embalming is selected, since topical disinfection is part of the embalming process.

**Transfer of remains fee:** a fee for transportation of the body from the place where death occurred (or from the airport or morgue) to the funeral home.

## **SOME COMMONLY ASKED QUESTIONS**

### ***Who can make funeral arrangements?***

The "customer." It's very important for family members to agree about the type of services and merchandise to be purchased. Ideally, the family should designate one person to make the arrangements and to convey the family decisions to the funeral director. The customer will be responsible for the payment of the bill.

### ***Do I need a funeral director?***

Yes. In New York State, only a licensed and registered funeral director may make funeral arrangements for the care, moving, preparation and burial or cremation of a deceased person. At the least, the funeral director will file the death certificate, transfer the body, coordinate with cemetery or crematory representatives, make the necessary preparations, and move the body to the cemetery or crematory.

### ***Does New York State require the use of a casket or outer interment receptacle?***

No, but many cemeteries do require the use of a "suitable container." New York State law allows for the use of an unfinished wooden box or an "alternative container" made of cardboard, pressed wood, composition materials, or canvas or other material. Even though burial vaults or grave liners are not required by law, some cemeteries require them to prevent collapse or sinking of the grave. If you do not want to buy a burial vault, choose a cemetery that does not require vaults.

### ***Is embalming required by State law?***

No. In fact, a funeral director must obtain specific approval to embalm from the customer. A funeral home may, however, require embalming if certain services, such as a viewing with an open casket, are chosen. Embalming fees must be clearly stated on both the firm's General Price List and on the Itemized Statement of Services and Merchandise provided.

***Can the funeral director refuse to embalm the body?***

No. The funeral home may not refuse to embalm or otherwise handle the body, regardless of the cause of death of the deceased. The home also may not charge extra for preparing or handling the body of a person who has died of an infectious disease, such as AIDS, hepatitis B or tuberculosis.

***Can the funeral director refuse to allow me to view the body when visitation has been selected?***

No. While the funeral director may advise against a viewing due to the cause of death or condition of the body, the final decision is left to the customer.

***Can I see the body for the purposes of identification?***

Yes. No matter what the funeral arrangements are, the customer has the right to see the body briefly. If this process is prolonged, the funeral director may consider it a viewing or visitation and a fee will be required.

***What will the funeral arrangements cost?***

The costs of funeral arrangements vary greatly, depending on the funeral home and on the type of service and merchandise you choose. For example, if the service you select involves viewing the remains, the funeral home may require embalming and preparation of the body, which can be expensive. Also, there is a tremendous range in the price of caskets, depending on style, type of wood, lining, etc. The least expensive type of funeral service is direct burial or direct cremation.

***If I choose a direct burial, can the funeral home charge for a graveside service?***

A direct burial includes a graveside ceremony if the customer wants it. The price for the ceremony, excluding cash advances, must be included in the fee for a direct burial. However, if the service requires staff in addition to the funeral director supervising the burial, an additional charge may be added. If so, this charge must be clearly listed on both the General Price List and the Itemized Statement of Services.

***Does the New York State Department of Health set the charges?***

No. While the Department of Health regulates the business and practice of funeral homes, it does not regulate prices.

***What can I do if I feel the prices are too high?***

You can call several funeral homes and compare prices. (Funeral homes are required to give price information over the telephone.) If you've shopped around and the price is still too high, you may have to reconsider your selections.

***Can I rent a casket for a viewing?***

Possibly. Casket rentals are not prohibited and some funeral homes offer this option. If a funeral home offers rental caskets, it must be stated on the General Price List. If you rent a casket for a viewing, you can then buy a suitable container for burial, if you choose burial.

***Can the funeral director criticize my selections?***

No. It is illegal for funeral home staff to state or imply that any merchandise they offer for sale is unsatisfactory in any way.

***Are there other actions that are illegal for funeral homes?***

Yes. Illegal actions include:

- \* pressuring the customer to select certain services or merchandise
- \* charging an additional fee for filing the death certificate or getting it medically certified
- \* charging a "handling fee" for paying third parties on your behalf charging a fee for handling a casket provided by the customer
- \* charging for any service or merchandise not selected by the customer
- \* charging interest on an outstanding balance unless this charge is disclosed at the time the funeral arrangements were initially made and is stated in the Itemized Statement
- \* having persons other than a licensed funeral director make funeral arrangements, prepare the body, or supervise the burial misrepresenting laws and regulations relating to funeral directing

REMEMBER:

- \* You do not have to accept services or merchandise you don't want!
- \* You must be informed of all charges in advance!
- \* Always get a receipt!

***Do I need more than one copy of the death certificate?***

Probably. You will need to give certified copies to insurance companies, banks, etc. The funeral home may obtain them for you. They cannot charge you more than the actual fee, which is up to \$15 in New York City and \$10 (or less) in the rest of New York State. Death certificates are filed by the funeral director with the registrar of Vital Records in the locality where the death occurred.

***Can I prepay my funeral?***

Yes. Prepayment can lift much of the financial burden from your survivors. It also allows you to select the type of funeral arrangements you want. Pre-need plans are regulated by the Pre-Need Funeral Consumer Protection Act. For more information, read the New York State Health Department's publication "Before Prepaying Your Funeral, Know Your Rights."

***Can the funeral home change arrangements without my permission?***

No. The Funeral director must obtain your approval before making any substitutions or changes.

***What if the deceased wanted to donate organs?***

It is important to honor the wishes of people who want to donate all or part of their bodies upon death. Those who want to be donors should carry organ donor cards, sign the donor space on the

back of their licenses, include their wishes in their wills, and inform family members. For more information on organ donation, call 1-800-24-DONOR (1-800-243-6667).

***What if I decide to change funeral homes?***

You have the right to change funeral homes at any time. You will need to pay for any services that have already been done (for which you had given approval). The funeral home must allow the transfer of the body to another funeral home, even if you haven't paid yet. It may not hold the body in exchange for payment.

***How do I complain about a cemetery or crematory?***

The New York State Department of Health does not regulate cemeteries or crematories. You can send a complaint to:

NYS Department of State  
Division of Cemeteries  
41 State Street  
Albany, NY 12231-0001

However, if the cemetery is owned by a religious organization or is municipally owned, it may not be subject to regulation.

***Can I complain about how arrangements were handled?***

If, after the funeral, you have a serious problem with how the arrangements were handled, you can file a complaint by writing:

New York State Department of Health  
Bureau of Funeral Directing  
Hedley Park Place  
433 River Street Suite 303  
Troy, New York 12180-2299



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