



# Caring for the Dead in

## Tennessee

Persons in Tennessee may care for their own dead. The legal authority to do so is found in:

*Title 68-3-502: (3b) The funeral director or person acting as such who first assumes custody of the dead body shall file the death certificate.*

*Title 62-5-102 (b): Nothing herein shall be constituted to prevent or interfere with the ceremonies, customs, religious rites, or religion of any people, denomination, or sect, or to prevent or interfere with any church or synagogue from having their own committee or committees prepare human bodies for burial or to the families, friends or neighbors of deceased persons who prepare and bury their dead without charge.*

There are no other statutes that might require you to use a funeral director.

### Death Certificate

Tennessee has not yet implemented electronic death registration (EDR), but it's in the works. Presumably a paper alternative will still be available when that happens.

The family doctor or a local medical examiner will sign the death certificate within 48 hours, stating the cause of death. The remaining information must be supplied, typewritten or in unfading black ink. The death certificate must be filed with the local registrar of vital records within five days and usually before final disposition.

### Fetal Death

A fetal death report is required when death occurs after 22 weeks of gestation or when the weight is 500 grams or more (almost 18 ounces). If there is no family physician involved, the local medical examiner must sign the fetal death report. The report must be filed with the Department of Health within ten days.

### Transporting and Disposition Permit

A body may be moved with the consent of a physician or medical examiner. The registrar where the death certificate is to be filed can issue a burial-transit

permit for cremation or removal from the state if the death certificate is not yet complete. However, persons handling death arrangements without the use of a funeral director should try to obtain the death certificate before disposition.

### Burial

Family burial grounds are permitted and protected if included in the deed. Check with the local registrar for zoning laws regarding home burial. There are no state burial statutes regarding depth. A sensible guideline is 150 feet from a water supply and 25 feet from a power line or neighbor's boundary. A good practice is at least two feet of earth on top.

### Cremation

No additional permit for cremation is required. Most crematories insist that a pacemaker be removed, and authorization from next-of-kin or an agent is required. There are no laws regarding the disposition of cremated remains. You may do as you wish.

### Other Requirements

Tennessee has no embalming requirements. Weather and reasonable planning should be considered.

If the person died of a contagious or communicable disease, the doctor in attendance should be consulted.

### Medical Schools for Body Donation

Body donation to a medical school is another option for disposition. Find the information for Tennessee at <[www.finalrights.org](http://www.finalrights.org)>.

### State Governance

The Tennessee State Board of Funeral Directors and Embalmers has seven members. There is one consumer representative. Members must constitute a geographic representation, at least one must be 60 years of age or older, and at least one must be of a racial minority.

<<http://tennessee.gov/commerce/boards/funeral/index.shtml>>

Crematories must be licensed as a funeral establishment according to regulations promulgated by the Funeral Board. Although the statutes refer to the requirement for funeral directors to use a "licensed crematory," there is no statutory provision for who

should license or regulate crematories. The Funeral Board may be exceeding its statutory authority by doing so. Tennessee Code reads:

*The board has the power to select from its members a president and to adopt, promulgate and enforce rules and regulations for the transaction of its business and the management of its affairs, the standards of service and practice to be followed in the profession of **funeral directing** and the betterment and promotion of the educational standards of the profession of funeral directors and embalmers in this state, as it may deem expedient, consistent with the laws of this state.[emphasis added]*

There is nothing on the national funeral directors' exam about running a crematory. There are only two pages on cremation out of 432 in the curriculum guide for mortuary schools, none of which is on actually running a crematory. In Europe, and, traditionally in early America, crematories were on the grounds of cemeteries run by cemeteryans, not funeral directors. Only Alabama, Alaska, Georgia, Idaho, Oklahoma, South Carolina, and Tennessee require a crematory to be run by a funeral director. In Michigan, a funeral director may not own a crematory. In New York, a crematory must be run by a cemetery. How running a crematory can be considered "funeral directing" seems a stretch. Perhaps the Institute for Justice will take on Tennessee again if an independent operator wants to open a crematory. When Tennessee tried to limit retail casket sales to funeral directors only, the Institute for Justice came to the rescue of a would-be casket retailer, in the cause for economic freedom and the right to earn a living. Consumers benefit from this kind of economic competition.

Cemeteries and preneed funeral arrangements, including those for cemeteries, are regulated by the commissioner of Commerce and Insurance, Burial Services Division, according to statutes. There is nothing on that website about cemeteries, and all links point back to the Funeral Board website which also reads "Burial Services."

### **Prepaid Cemetery and Funeral Funds**

20% of lot purchase price and 10% of the cost for mausoleum, crypt, and niche space must be put into an endowment care fund. Cemeteries may charge a maintenance fee ("memorial care") for markers, which will be at the same rate for all regardless of where the marker was purchased. Prices for installation and care are set by the state, based on the consumer price index,

which must be a bitter pill for the for-profit companies. Cemeteries must be maintained "so as to reflect respect for the memory of the dead in keeping with the reasonable sensibilities of survivors."

Unless "delivered," 120% of the wholesale cost of cemetery goods (markers and urns) and services must be placed in trust when sold preneed. A certificate of delivery (with storage in a warehouse, for example) can bypass the trusting requirement. This is called "**constructive delivery**," and a refund is not likely should you change your mind. Although the law provides for a substitution of merchandise if you want to change plans, with credit for what was paid, that provision is meaningless if your merchandise is already in the warehouse with your name on it. A vault is considered funeral merchandise for which 100% must be trusted.

In the case of default by a purchaser of 12 months, a cemetery may retain all payments as **liquidated damages**.

There is now a **Cemetery Consumer Protection Account**, funded by \$20 from each preneed contract. This was established after one rascal emptied his cemetery trust accounts of millions of dollars.

Burial *insurance* may not name a specific funeral home as the provider, but a new law in 2008 will allow assignment of an insurance policy for Medicaid eligibility. Insurance is not usually a good way to pay for a funeral. If you were to change your mind from body burial to a more modest cremation and want to cash it in, you might get back only half of what you paid as cash value.

Discounted preneed arrangements are not permitted. Preneed contract forms must be approved by the Division.

100% of prepaid *funeral* money must be placed in **trust** in a federally insured institution. This would include money for the purchase of vault.

Even if the prepaid arrangement is irrevocable, funds may be **transferred** to any licensed funeral home. Revocable arrangements may be **cancelled** with full return of payments and **interest**.

A **Preneed Funeral Protection Account** was started in 2008, funded by a \$20 fee for each preneed contract written.

### **Consumer Concerns**

- The death rate in Tennessee can support approximately 231 full-time mortuaries; there are, however, 548. Funeral prices tend to be higher in areas where there are "too many" funeral homes.

- Trusting requirements for cemetery merchandise are inadequate. All prepaid funds for cemetery services and merchandise should be placed into trust with a full right of refund with interest. “Constructive delivery” should not be permitted. Until the laws are changed, it is probably a *terrible* idea to prepay for these cemetery items.
- When a prepaid funeral policy specifies particular merchandise, there is no protection for consumers if that item is no longer available. Consumers should be guaranteed a substitution of equal quality and construction, with an accurate description on the original agreement. Survivors should approve any substitution.
- There is no annual reporting requirement to the purchaser of prepaid funeral goods and services. Such documents could be important to survivors who might not know about prepaid accounts otherwise and are a deterrent against default. Although the original preneed contract must name the institution where monies will be deposited, the seller is free to move the funds without notice.
- Without an adequate provision for substitution of funeral merchandise and better reporting and protection for trust funds, it is probably an *unwise* idea to prepay for funeral services in this state.
- There is no requirement that low-cost caskets be included in a casket display.
- The regulation regarding cash advance items is somewhat vague. While it appears that a *mark-up* on cash advance items is not permitted, retaining a regular discount *is* permitted, provided that the funeral home reveals that it gets a discount. The amount of the discount may not necessarily be disclosed, however. Funeral flowers come to mind as costs that may be easily inflated to families while providing a “discount” to undertakers.
- Crematories must be licensed as a funeral establishment, run by a funeral director. This is unnecessarily restrictive and burdensome and increases the cost of cremation for consumers.
- Ethical standards are weak. They should be expanded and clearly defined in order for valid consumer complaints to prevail. (See Appendix.)
- Complaint procedures are not adequately documented in law or regulation. The Department of Consumer Affairs works primarily to mediate complaints. Formal action is brought only if Tennessee law has been violated.
- This state has no laws regulating the body parts business.

### Miscellaneous Information

- The educational requirements for becoming a funeral director in Tennessee are one year of mortuary school and two years of apprenticeship (rather than the more typical one year). That provides cheap labor in this state. For embalmers, two years of mortuary school and one year of apprenticeship are required. All must pass a state-approved exam with a score of 75% or better. While it does have a state exam, Tennessee also accepts the National Board Exam. Too bad, as that is deemed out-dated and irrelevant by some industry practitioners.
- Each body must be tagged with identification.
- Funeral establishments must abide by the FTC Funeral Rule.
- You may name an agent in a power of attorney (TC 34-6-204) to handle your funeral arrangements, helpful if you are estranged from next-of-kin.
- A permit for disinterment must be obtained from the state registrar.

*This chapter was sent for review to the Tennessee Department of Public Health, Burial Services, and the State Funeral Board. Burial Services provided some helpful information. The Funeral Board had no comments.*



# Necessary Information

Many people over the years have asked for a checklist for performing a family-directed funeral. Would that were so easy! While the process is not excessively complicated, there are many things families need to contemplate and many differences in state laws, so it is impossible to distill the process into a sound-byte-style checklist.

There are, however, some basic components common every family-directed disposition:

1. A doctor, medical examiner, or nurse practitioner must certify the death by completing the medical information on the death certificate.
2. The death certificate must be completed and filed before the body is buried or cremated.
3. Most states require you to get a permit for transportation or disposition before moving the body and before final disposition.
4. You will need to do a walk-through ahead of time with all parties involved, from the local registrar of vital statistics to the cemetery, crematory, or medical school where the body will end up. Some of these parties may need to be shown in advance that what you're doing is legal if they haven't experienced a family-directed funeral before.

## Avoiding Careless Errors

Those who choose to handle death privately must take great care to follow all state and local regulations. The requirements are not complex, but failure to meet them can lead to unpleasant situations and create a climate in which professionals become less willing to work with families.

One crematory, for example, was sued for rejecting a body sent by a family. The case was thrown out of court, and rightly so, because the family had merely hired someone to deliver the body without a death certificate, transit permit, or authorization from next-of-kin for cremation. Another crematory will no longer accept bodies directly from families because in one case, the family had assumed that medical personnel would fill out the forms properly. While that seems like a reasonable assumption, in this case the cause of death as stated by the medical examiner on the permit to cremate

was not written exactly as it had been on the death certificate, and the state later made an issue of it. In short, the procedures are quite simple and straightforward, but it is necessary to pay close attention to the details and to be vigilant about errors that may be made by others.

## Death Certificate

Great care must be taken in completing the death certificate. Whiteout or other corrections are not usually permitted. If an error is made, you may have to start over again with a new certificate. Most states have implemented an Electronic Death Registration (EDR) system, which doctors and funeral directors can log into rather than writing on a piece of paper. Private individuals will not be allowed to use the on-line system, but vital statistics departments should have a paper alternative for families who perform their own funerals. Check your state chapter and your local vital statistics office ahead of time for the proper procedure.

For all deaths, a death certificate signed by a doctor stating the cause of death must be filed—usually in the county or district where death occurs, or where a body is found, or where a body is removed from a public conveyance or vehicle.

If complicated laboratory work is needed to accurately determine the exact cause of death, the physician or medical examiner may write “pending” or a similar phrase for the cause of death and release the body for disposition. In those few cases, a delayed or corrected death certificate will be sent to the state registrar by the physician when the cause of death is known.

In addition to the medical portion, facts such as “mother’s maiden name” must be provided by the family. Unless the signature of a licensed funeral director is required by state statute, the family or church member who is handling the arrangements must sign the death certificate (or paper alternative in states with EDR) in the space marked “funeral director,” followed by his or her relationship to the deceased, immediately after the signature.

States vary in the time required for filing the death certificate with the local registrar, but this must usually be accomplished before other permits are granted and before final disposition.

## **Fetal Deaths and Miscarriages**

A special death certificate or fetal death report is required in all but two states for fetal deaths. Eleven states seem to require registration of all fetal deaths. In a majority of states, a fetal death must be registered if it occurs after 20 weeks of pregnancy. In Hawaii, the requirement goes into effect after 24 weeks. Some states gauge pregnancy duration by fetal weight, e.g., 350 grams (12½ oz.), and because any unattended death—including fetal death—could require a coroner's investigation, a physician should be called. Even if there is uncertainty as to whether reporting requirements are applicable, reporting a fetal death may be helpful in obtaining insurance benefits in some situations.

## **Autopsies: Dealing with a Coroner/ Medical Examiner's Office**

Autopsies are generally required when cause of death is violent, unexpected, uncertain, or "unusual," including suicide. For this reason, the police should be called when death occurs outside a hospital or nursing home, is "unattended," and falls into one of the categories above. But it is not necessary to call 911 for an ambulance or police if the death is not unusual. For example, it wouldn't make sense to call 911 if Grandma died in her sleep at 85, and doing so would bring on unnecessary commotion.

Death from a contagious or infectious disease may also necessitate involvement with a coroner or local health officer.

When donating the body to a medical school, a family should request that no autopsy be performed. The decision will depend on circumstances surrounding the death, and the state may order an autopsy in suspicious cases.

The practices in coroners' offices vary widely. In California, it is legal for medical examiners to amputate fingers for identification and remove tissue and organs for study. One woman discovered that her father had been buried without his heart when she arrived at a workers' compensation hearing and saw the heart presented as evidence.

The condition in which a medical examiner or coroner returns an autopsied body varies considerably. We've had reports from families and home funeral guides stating the body was barely tacked back together, and work had to be done to better sew up the incisions. Some families planning a home funeral might wish to engage a funeral director for this. On the other hand, we've heard from several families who did this work themselves.

The term *medical examiner* is usually reserved for those with medical training, and the person in such a position is often appointed by the department of health. In a few states, the word *coroner* is used interchangeably with medical examiner. Generally, however, the term coroner implies an elected position. In California, a medical degree is required for a candidate to run for coroner. In many other states, however, anyone may run for the office, with or without medical training. A coroner may be a practicing funeral director or have a direct relationship with a funeral home. In Pennsylvania, more than half the coroners' offices have a funeral director on the staff. To avoid any appearance of impropriety, a coroner or medical examiner may rotate pick-up calls among all funeral homes within the jurisdiction, but this is not always the case. Funeral directors from various states have complained that a local coroner-funeral director ends up getting more business when he's on duty as the coroner. This is unethical, and consumers have no obligation to use the funeral home whose director is acting for the state as a coroner.

## **Home Death, Home Visitation**

With hospice support, many people are able to die at home in familiar surroundings, near familiar faces. In some states, an "expected" death can be certified by an attending nurse. A home death can allow the family time to obtain permits and make necessary arrangements. Turning off the heat in a room or turning on an air-conditioner can make it reasonable to contain a body without further action for 24 to 72 hours or more. People often ask, "Doesn't the body smell?" No, not usually for the first two or three days, at 70 degrees or less, but each situation must be considered individually. Often in waning days a failing person stops eating and drinking, so the body will become somewhat dehydrated before death. Noxious odors are therefore unlikely during the next few days. The robust body of someone who finished a meal of corned beef and cabbage just prior to death, however, might produce telltale odors.

For some, there is therapeutic value in keeping the body at home for at least a brief period, allowing the family a chance to congregate and deal with the death, as often occurred in the front parlor two or three generations ago.

## **Nursing Home Death**

When death is anticipated in a nursing home, it will be important to work out your plans with the nursing home staff ahead of time. If the deceased has had only a semi-private room, for example, the nursing home may

have no other location to hold the body while paperwork and other errands are done. Staff members are accustomed to calling a funeral director, regardless of the hour, for quick removal. Out of consideration for other residents, it may not be feasible for the nursing home personnel to allow a long delay while permits, a container, and vehicle are obtained.

When Carlson's Uncle Henry died at a care facility, she didn't have a dignified way to move the body out. She called a friendly funeral director to pick up and bring the body to her home where it was placed in a cremation box. She and her husband drove it from there to the crematory.

### **Hospital Death**

Disposition of a fetal or infant death can be handled entirely by the hospital as a courtesy if a family so chooses. When other deaths occur in a hospital, the relative on hand should ask the nursing staff to remove any life-support articles such as catheters, IV needles, and feeding or breathing tubes. A catheter is held in place by a "balloon" and is not as simple to remove as an IV needle. Some of the nasal tubes appear especially disfiguring after death and may be of concern to other family members who are expected later to help with the death arrangements.

Some hospitals may be reluctant to release a body directly to a family without the use of a funeral director. If the death is expected, you should alert the hospital staff of your intentions ahead of time. If hospital personnel are confused or believe incorrectly that they can refuse to release the body to the family, a telephone call from your lawyer (or Funeral Consumers Alliance) may be in order. It is also important for families to recognize the legitimate needs of hospitals. Some hospitals may have no storage facilities for dead bodies while permits are obtained and may insist on calling a funeral director for immediate removal after death if there is to be any significant delay.

### **Body and Organ Donation**

Donation of eyes and other organs must be done under sterile conditions and usually within a short time after death. Because organ-donor cards may not be immediately available to hospital personnel, next-of-kin should make the decision to donate known to attending staff at the earliest time possible. Hospital employees are often reluctant to approach a grieving, distressed family. Anyone who can find emotional healing in a gift of life or sight is encouraged to take the initiative in making such an offer even if the time of death is uncertain. The corneas of elderly persons can usually be used, and eyes (and sometimes skin) may be donated

even if total body donation to a medical school is subsequently planned.

With the increasing success of organ transplants, consideration should be given to whether organ donation takes priority over body donation. There may develop a competition between those needing body parts and those who need whole bodies. Loss of a major organ involving a thoracic incision usually makes a body unacceptable for a teaching donation because of the difficulty in embalming a system interrupted by recent surgery. Carlson and her husband, Steve, have written in on the body donation cards they carry that organ donation is to be considered first. If organ donation is not needed, only then should their bodies be considered for body donation to a medical school. If their bodies are not accepted, they want a plain pine box send-off.

Body donation to a medical school may be an option even if the deceased has not enrolled in such a program. For up-to-date information about the needs and requirements of medical schools, as well as for-profit and nonprofit companies that accept body donations, check our website: <[www.finalrights.org](http://www.finalrights.org)>

### **Embalming**

No state requires routine embalming of all bodies. Special circumstances—such as an extended time between death and disposition—may make it necessary under state law. Interstate transportation by a common carrier may also necessitate embalming, although most airlines will waive that requirement if there are religious objections. Refrigeration or dry ice can take the place of embalming in many instances. Check the Yellow Pages (or the on-line equivalent) for a source of dry ice. Frozen gel packs such as those used for picnic coolers can also work, though you will need enough to swap out when one set gets warm. In some states, embalming may be required by law if the person has died of a communicable disease, although this is a seriously flawed requirement.

### **Moving A Body**

Never move a body without a permit (or without medical permission if your state allows that in lieu of a permit)! Always call ahead before moving a body even if you have a permit. A medical school, cemetery, or crematory staff member who is unprepared, or a town clerk who just isn't sure about family burial plots may need some time and help in doing his or her job. By calling first to make arrangements at the destination, you will be expected and prepared. Remember that even if your state permits families to perform their own funerals, crematories, cemeteries, and medical schools are not legally required to work directly with consumers.

You will want to know in advance whether the staff will accept the body directly from you (and you may be able to persuade them to do so by explaining your plans in advance).

The use of a simple covered box allows some dignity for all involved in the handling and moving of a body, regardless of final disposition. If a family chooses to build the container for delivery of a body for cremation, they should consider the size. A standard cremation chamber opening is 38 inches wide and 30 inches high. A container two feet wide and 14 to 18 inches deep is usually sufficient for most bodies, however. One crematory mentioned that most home-made boxes tend to be too large. Simple cardboard containers (or caskets) can be purchased from funeral homes (though some will refuse to sell the box only). Or check the internet; the FCA site at <[www.funerals.org](http://www.funerals.org)> has a listing of casket sellers in many parts of the country, and many will ship a simple cardboard or wood casket in knockdown form, ready to assemble. Some boxes are more expensive than others because of construction. Some are paraffin-coated, others plastic-lined, and some have plywood bottoms.

You should also consider the length of the box when you choose the vehicle for transportation. Most states require a permit for transportation or disposition. The death certificate must usually be completed first, and often a special permit-to cremate is needed prior to cremation. In many states, funeral directors serve as deputy registrars. If death occurs when local municipal offices are closed, a funeral director may be needed to furnish or sign the disposition or transit permit, especially in states using electronic death registration (EDR) widely. As a deputy of the state in this function, the funeral director should not charge for this service unless such a charge is set by the state.

### **Body Fluids**

After death, the blood in a body settles to the lowest points, leaving the upper portions pale and waxy, with purple mottling below. Some parts of the body may swell a little. Fluids may be discharged from body orifices. It will be helpful to use absorbent material—such as towels or newspapers—underneath. A sheet can help with wrapping and moving the body. If the person has died from a communicable disease, it will be important to take all health precautions. Use a pair of latex rubber gloves. Your state may require the use of a funeral director in such a case. Consult your family doctor for instructions if the information for your state is not specific or if you are concerned.

When an autopsy has been performed or death occurs from trauma, the body may be wrapped in a vinyl

body bag—available from a funeral director—to prevent additional leakage or seepage. A plastic, zippered mattress cover might work as well. However, if you plan on cremation, avoid any such materials whenever possible.

### **Out-of-State Disposition**

All states honor properly acquired permits of other states when a body is to be moved interstate. There may be local regulations for disposition, however. Check by telephone before setting out for the destination.

### **Burial**

In some states, when burial will be outside the county or town where death occurred, you will need an additional permit to inter (whether on private land or in a cemetery) from the local registrar in that area. The statutes and regulations of some states include depth requirements for burial; these are listed in the state chapters in this book. Standard practice in many states is to place the top of the coffin at least three feet below the natural surface of the earth. A burial location should be 150 feet or more from a water supply and outside the easement for any utility or power lines.

### **Cremation**

When cremation is chosen, an additional permit is often required from the local coroner or medical examiner. There is a fee for this which varies by state; the highest we know of is Oklahoma's \$150 charge. If the deceased did not sign a cremation authorization prior to death, authorization from next-of-kin or a designated agent is required by most crematories. Usually this can be obtained by fax, Western Union, or overnight mail if family members live out of state.

Next-of-kin is determined in this order (although it varies slightly from state to state):

- (1) surviving spouse
- (2) adult sons and daughters
- (3) parents
- (4) adult siblings
- (5) guardian or "person in charge"

That is, if there is a surviving spouse, his or her permission is all that is required. If there is no surviving spouse but several children, all adult sons and daughters may be required to grant permission for disposition by cremation (though some states require only one adult child to consent). Adult siblings must assume responsibility if no spouse, offspring, or parents survive.

Be sure to check the chapter for your state to see if the law allows you to designate an agent to carry out your wishes for final disposition. "Designated agent" laws allow a person to choose anyone (it need not be a

family member) to have the sole legal authority to direct the cremation or other form of disposition. It is extremely helpful to name an agent ahead of time so that family disputes will not hold up the arrangements or wind up in probate court. Gay, lesbian, and transgender people should take special care to designate an agent if their state has a designated-agent law. We have seen some terrible problems with blood families swooping in to take the body away from the decedent's same-sex partner. (This problem can also be averted, of course, in the increasing numbers of states with same-sex marriage.)

A pacemaker must be removed before cremation. The services of an attending physician, the medical examiner, or a funeral director can be requested for this. On the other hand, one funeral director told Carlson, "Anyone can do it." A pacemaker is about the size of a silver dollar, embedded just under the skin, usually near the neck or lower on the rib cage. A shallow incision with an X-Acto knife would make it readily accessible, and the wires to which it is attached should be snipped. If a pacemaker is not removed and explodes during the cremation process, repairing damage to the cremation chamber may be the liability of the person delivering the body.

### Selecting a Crematory

There is no consistency among the states when it comes to the operation of crematories. Some states allow only cemeteries to run crematories, barring funeral homes from owning them. A few other states allow only funeral homes to operate crematories, and bar freestanding crematories from doing business directly with the public. Still other states permit crematories to operate independently and do business with consumers directly. Generally, crematories run by funeral homes are less likely to work directly with a family, as they want consumers to pay them to do everything. At Cook-Walden funeral home in Austin, Texas (owned by SCI), the staff told an FCA board member that they would accept the body and the death certificate directly from the family, but the direct cremation price was the same (\$2,400!) even though the family would be doing almost all the work.

As with all entities involved in a family-directed funeral, you may need to contact several crematories ahead of time to find one that will work with you. Carlson took Uncle Henry to a crematory an hour and a half away where the cost was \$225. The nearby crematory would not take a body from a family, and lists prices close to those in Austin.

### Obituary (Death Notice)

Traditionally, an *obituary* is a news article published when a well-known person dies. A *death notice* is called in by the family or funeral director and published, usually at a price, to inform others that death has occurred. However, in current usage, the terms are generally interchangeable.

When a death occurs, it is almost impossible to personally notify everyone who knew or cared about the deceased. Close friends and relatives, of course, should be informed by phone before they read about the death in the newspaper. But a death notice may help assure that the news reaches a wider circle of acquaintances in a timely manner. It should mention any services planned, even if a memorial gathering is scheduled for a later date.

More people are learning about the deaths of friends and acquaintances on-line than ever before. As newspaper readership declines, putting a notice of death on your—or the decedent's—Facebook page (or other social media) may spread the news more quickly than relying on a newspaper obituary alone. While e-mail is considered by some to be the most impersonal form of communication, many people are grateful to be notified quickly by e-mail, especially if they spend a lot of time on-line.

If you do choose an obituary, call the paper to learn its policies and any costs. Your local paper may have a standard format for obituaries or expect certain information to be included. An obituary can generally be phoned in or e-mailed. If there is no funeral director involved, the person at the paper may ask for a copy of the death certificate just to be sure that the obit is not a practical joke (as has happened from time to time).

The cost varies a lot but can be quite high; it's not uncommon to see obituary charges of \$500 or more. Of course, most people want the obituary to tell the story of the person who died, and the longer it is, the higher the price. When Slocum's close friend died in 2010, the obituary Slocum wrote would have cost \$700 to put in the *Syracuse Post-Standard* (and it wasn't that long). The funeral director suggested putting only the necessary details about the time and place for Michael's memorial service in the paper, and publishing the longer obituary on the funeral home's website, which they offered free. Thank you, Newcomer Funeral Home. Lisa's Uncle Henry was a colorful character—a friendly, witty street person who got to know almost everybody he met. A long obit with several of his life stories was the only practical way to get the word out to everybody. It was expensive, but was the one costly item that seemed important.



### **Miscellaneous but Still Important**

- It is not uncommon for family members to forget to remove jewelry at the time of death.
- A family using the time of a mortician for advice should find it reasonable to pay a consultant's fee.
- If a person who works in a funeral home or crematory offers to file a death certificate, you should expect to pay for the service.

When private death arrangements are made in an area of the country where the practice is still uncommon, you can expect some hesitancy on the part of involved persons such as registrars and town clerks. Some hospitals may even be reluctant to release the body to a family.

We have tried to include in each state chapter relevant legal citations enabling family disposition. People in authority, accustomed to delegating their duties to funeral directors, may have to be informed of their responsibilities. That can be frustrating, particularly when you are enduring a time of loss and grief. The majority of these people will probably be concerned with performing their duties appropriately. Few will intentionally want to hinder your choice if you have followed all required procedures and if you seem well-informed.