



## No, it's not "all taken care of"

—Josh Slocum, exec. director

"DID YOU KNOW THE AVERAGE COST OF A FUNERAL TODAY IS \$10,000 OR MORE?!?" the TV blares to you at 10 pm, flashing a bar graph depicting the ever-rising cost of your eventual demise. "Protect your family today! Call for your free information packet from Doctors Death Insurance!"

Put down that phone. Browse away from that website. And for goodness' sake, if you find your inner voice urging you to "make sure the kids don't have to worry about anything," pull up a chair and pour yourself a drink. We need to talk.

1. You cannot "take care of everything."
2. You cannot ensure your kids won't have to "worry about anything."
3. You cannot prepay-away all your family's woes and cares.

Planning your final arrangements ahead of time with your family is a wonderful gift. It really will take some of the administrative worry away, allowing your survivors to focus on getting through your death with each other.

It's *planning* ahead that brings these benefits. Why? Because it builds confidence when you involve your family in a conversation about what to do when

death comes, and how to choose a send-off that fits the family's taste, needs, and budget.

*Paying* ahead does none of those things. In my 10 years at Funeral Consumers Alliance I've spoken to thousands of parents, kids, partners, and spouses. By a wide margin, children and survivors of parents who prepaid are the least prepared, the most frightened, and the hardest to help. If one thing goes wrong—the cemetery fees weren't prepaid like they thought, dad died on vacation in Florida and they don't know how to get him back to Johnson's Mortuary in upstate New York—the survivors are in disarray.

You won't know this because you'll be dead. But your son will be on the phone with us angry and scared: "Dad told me everything was taken care of, but he's five states away from where he prepaid. Help!" Or, "Mom said it was ALL paid for but the cemetery's charging me something called 'opening and closing'—what is that?"

It's safe to say this is the exact situation you thought you were avoiding by paying for your funeral in advance. What went wrong?

Like millions of Americans, you slipped into magical thinking. You believed the sales pitch from the funeral home, even though it contradicted the good, common-sense approach you

took to preparing your kids to navigate the world on their own.

But it's not real. And you'll agree when you imagine what it would have been like if you took the same approach to readying your kids to fly out of the nest.

Pretend we're talking cars instead of caskets. Your daughter Melanie is about to go off to college. You know she's going to need good, reliable transportation when she embarks on her career. So you and your spouse go down to the Honda dealership. The dealer takes you through the showroom remarking on how wise you are to protect Melanie from the stress of having to make automotive decisions on her own when you're not there. He offers you an unbelievable deal: Pay \$20,000 today—the price of a 2014 Civic sedan—and no matter how many years it takes for Melanie to need that car, the dealer will deliver her a brand new Honda Civic for no more money than you paid today. No worry, no fuss.

That's ridiculous, you're thinking. What if the dealership goes out of business? What if Melanie decides an SUV fits her family's needs better 10 years down the road? What if she can't get all that prepaid money back from Honda? What if she moves across the country to a large city with public transport and doesn't

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## Who has the right to arrange the funeral?

**Designated Agents**—Most states have some form of a law that allows a person to legally designate anyone she wishes to have the sole legal right to make and carry out funeral arrangements. For a list by state, see [funerals.org](http://funerals.org)--->**for consumers.**

If the deceased had a designated agent in place, that person's directions will overrule anyone else's, regardless of marriage or other kin. In the absence of a designated agent, the legal authority goes like this, from highest to lowest:

1. Living spouse or domestic partner (domestic partnership is dependent on your state's laws).
2. Adult child or children (states vary; some require only one child's permission while others require majority or unanimous agreement)
3. Parents
4. Siblings
5. Grandparents

... and so on down the line of ever more distant relations.

The most frequent "unfounded" complaint we receive at FCA has to do with anger at a funeral director for allowing someone to make funeral arrangements, someone the complainant believes is not legally entitled to do so. While there are

cases where funeral directors knowingly allow this, most of the ones we see are not actually the funeral director's fault. It's important to figure out if your complaint is actually with a family member who misrepresented himself to the funeral home.

Remember, there is no "next of kin database" in existence. Funeral directors have no way of knowing that dad's live-in girlfriend isn't his legal wife if she says she is. And it's not reasonable to expect funeral directors to demand marriage certificates or some other "proof" of kinship. State laws require funeral directors to make a good faith effort to secure the permission from the legally authorized people. But that depends on them knowing who those people are, and a party who lies to the funeral home can upset the process.

If you think someone has illegitimately taken over the funeral arrangements for a family member, try to ascertain first whether that person was actually the deceased's legal designated agent. And it's worth giving the funeral director the benefit of the doubt unless you have evidence that he or she knowingly participated in a fraudulent transaction. Most funeral directors don't, and they don't want to referee family disputes.

and what's merely a salesman's pitch. Before she makes the purchase, you'll sit at the kitchen table and talk about what she thought of the various makes, how much money it makes sense to spend, and whether she really needs that undercoating.

Maybe you want to give Melanie a head start, so you open up a savings account at the credit

union and deposit \$10,000 in it. When Melanie buys her first car—no matter where she lives or how long it takes—that money will be there, intact.

Funeral planning is the same thing. To do it right, to *actually* make it easier and less stressful for your family, funeral planning has to be *family planning*. Dictating your wishes to a funeral home and sealing the deal with a check in advance won't do it. In most cases, it gives you an out to avoid the real work, the real loving gift that your family needs: Education, shopping skills, and a voice in how to remember you when you're gone.

Sure, plenty of prepaid funerals go off without a hitch. When the funeral home is honest and stays in business. When you never move away from town, even for thirty years. When yours and your family's preferences never change from burial to cremation. When you thoroughly go over the contract ahead of time with your survivors, showing them exactly what has been paid for, what hasn't, and what fees or options they'll have to negotiate at your death. There are almost always such choices and fees at death, even when you prepay.

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Josh Slocum, editor

(continued from front page)

want the hassle and expense of city garage parking fees?

No, you're going to teach her how to choose a car for herself, because it's a skill she'll need when she's a grown woman. You'll take her to buy her first car, visiting several dealerships so she gets a sense of what's important

Are you willing to take the chance that the rest of your life will glide by like a day in Mayberry, with no relocations, no unforeseen changes?

What about when everything doesn't go as planned (I'm here to tell you things are going to change no matter how often you tell yourself they won't)? Here are two examples.

- My good friend Michael called me when his father, Irving, died. Irving was of a generation that believed in taking care of one's own responsibilities and debts. He held his cards close to his chest. He had prepaid for his funeral 10 years earlier. The only thing Michael knew about these plans was that they were in an envelope labeled, "To be opened by my son, Michael, only in the event of my death." Despite my pleas, Michael refused to disobey his father and open the envelope in advance.

The chickens came home to roost. When Michael opened the envelope he found a confusing contract written in legalese. It appeared to entitle Irving to a funeral and burial at a mortuary-cemetery in Florida. Why then, was the business telling him there were thousands of dollars in additional fees that had to be paid? I could go into all the reasons, but suffice it to say, Irving's best-laid plans for his eventual laying-away came to nought. Instead of saving his son stress, he'd created it. Michael was frustrated, tired, and disillusioned. Setting up unrealistic expectations—"Don't worry son, it's all taken care of"—has a way of doing that.

2. "Janine" called the FCA office last week about her father's prepaid cremation. The company was claiming she owed several hundred more dollars and they'd held her father's body in refrigeration for 10 days as she struggled to sort things out. It's no wonder she was confused; even my seasoned eye had a hard time parsing the figures. There were three separate contracts, one for the cremation, one for the merchandise such as the urn and prayer cards, and still another for "travel protection."

Janine said, "He was old school. You don't talk about private matters with your kids. You take care of your business and you keep it quiet. God, *if only he'd talked to me about this.*"

There's a better way. But you have to turn off the voice that whispers, "It's all so horrible there's no way my Johnny can handle this so I'd better go quietly take care of it for him." Johnny can handle it. Really, he can. And Johnny can handle it a whole lot better ahead of time than he can on the day you die, having no preparation, no idea what a reasonable price is, and no idea how to get you back home from the cruise ship where you keeled over on the lido deck.

**Have the talk**—Discussing funerals won't kill you anymore than discussing sex will make you pregnant.

Visit [funerals.org](http://funerals.org), click on "**For Consumers**," and share with your family some of our plain-English advice on arranging a fitting send-off. Most importantly, allow your loved ones to help shape the way they say good-

bye. Don't just tell them what you want, ask them what they need.

**Shop around**—If you have a local Funeral Consumers Alliance in your area, use their funeral home price survey to narrow down your choices before even setting foot in one. Many FCAs can recommend funeral homes that are known for reasonable prices and good service. But you *can* do this on your own when there's no local FCA. That's what our site is for.

**Keep the money in the family**—If you want to pay your way to your final rest, go to your bank or credit union and deposit the funeral money in an account. It can be a simple savings account or a CD, nothing complex required. Have the bank make it Payable on Death (POD) to anyone you wish. There. Now you've set aside the money without tying it up in a prepaid contract that may not work when the Grim Reaper knocks.

There is one situation where it may be a good idea to prepay. If you're about to go on Medicaid to pay for your long-term or nursing care, you have to "spend-down" your own assets. This means you have to get rid of most of your own money before the government will kick in for your care. One way to do this is to prepay for your funeral. But only do so when Medicaid tells you it's time. Don't be taken in by a funeral home that says, "You should prepay me just in case you go on Medicaid." It's no good to foreclose your options when you don't need to.



## IN THIS ISSUE

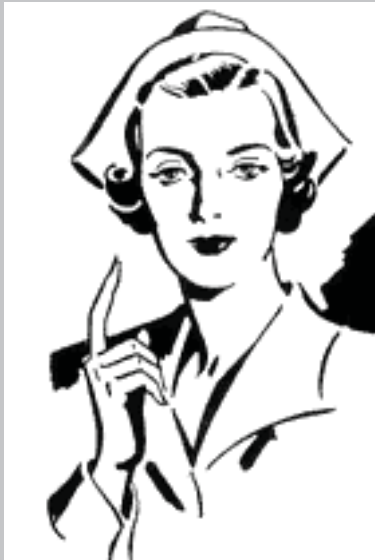
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### Return Service Requested



***Warning!** Do not open this publication unless you want to save money and aggravation! Reading the contents may result in—*

- *Substantial savings on funeral costs*
- *Confidence and control over end-of-life affairs*
- *Putting the "fun" back in funerals*

*it's all inside. . .*

# THE GRIM READER™

## This is Montana's first direct-to-consumer crematory.



Old-time funeral homes want to make sure it's the last.



This is Bill and Mary Helen Spoja. They built the crematory in 2003 to offer Montana citizens the first real choice in price and service in a state locked up by high-overhead, high-priced funeral parlors.

At \$995, Central Montana Crematorium offers affordable cremation that gives funeral home pricing a run for its money. Through a years-long campaign of harassment and unfounded legal complaints, the entrenched funeral homes in Montana have managed to temporarily shut down CMC. A bogus new requirement for CMC to hire an unnecessary, costly funeral director/embalmer to oversee cremations ensured that. Thanks to the campaign against Bill and Mary Helen, not one funeral director in the state will take the job. With proposed new regulations from the state's board of funeral service, this shut down may become permanent.

Why does Funeral Consumers Alliance care? And more importantly, why should you? Because without pushback from consumer advocates, simple, affordable, direct to consumer cremation will be ruled illegal. **We need your help to fight the funeral fat cats and keep consumer prices competitive in Montana.**

We've told you before what FCA national does to help our local affiliated groups, and how we counsel grieving families daily. But you may not know how much we do to help honest, fair businesses break into and thrive in the funeral business. Without options like Central Montana Crematorium, the families we serve will face higher prices and fewer choices. All the price surveys we publish won't be worth anything to bereaved people if none of the choices are affordable.

Funeral Consumers Alliance—and truly, all of you reading this—needs businesses like CMC as part of the funeral industry. Without them, we're all at the mercy of the increasingly antique full-service mortuary industry. It's a sector that's fighting tooth and nail to keep prices high and competition out. As the cremation rate rises to nearly 50 percent nationwide, entrenched morticians are pulling out all the stops to protect themselves, the cost to consumers be damned.

When you donate to FCA, you're pushing back against cronyism and abuse of the regulatory process.

You're putting your belief in fair prices and family choice into practice. We can share stories of individual families your donations have helped, and we hope they move you the way working with these folks moves us. Think how much further your donations go when FCA can help keep affordable funerals available for *hundreds of people*. That's what we're trying to do in Montana.

As you read this, the funeral-director-dominated state funeral board is gearing up to:

- Outlaw direct-to-consumer cremation
- Require crematories to hire full-service funeral directors and embalmers or shut their doors
- Make it illegal for Bill, Mary Helen, or any of their staff to drive a body to their crematory
- Outlaw **any memorial gatherings or private viewings** at crematories. Want a last look at dad? Want to sit with your family at the crematory and give mom a memorial send-off? Too bad.

Montana's funeral board says it's all to protect the consumer. To protect the public health. To ensure proper treatment of the dead and the bereaved. It sounds very noble. And it's a lie.

Help us help Bill and Mary Helen. Help us stand up for the right of Montana families to have real choices. Help us keep the doors open to compassionate, affordable funeral businesses.

When you donate to FCA you're helping people you will probably never meet. People who probably won't ever know what you did to protect their choices. But they will know they're glad they had the right and the option to choose a firm that took good care of them at a fair price.

**Thank you.** This is the place where we'd ordinarily say, "we can't do it without you." That's true. But it's also true that *you are Funeral Consumers Alliance*. When we speak for the public, so do you!

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—Please return this slip with your tax-deductible donation or donate at [funerals.org/donate](http://funerals.org/donate)  
—All gifts are tax-deductible. **THANK YOU!**  
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