Funeral Arrangements

- You may name an agent for body disposition if you want someone other than your next-of-kin to be in charge. Preference is given to the written wishes of the deceased.
- It is legal for a family or designated agent to handle everything without a funeral director.
- To find a home funeral guide, check:
  - [http://homefuneraladvice.com/](http://homefuneraladvice.com/)
- If you will be using a funeral home, prices must be given over the telephone. 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.
- Do not sign any contract for more than you can afford to pay. If the deceased was indigent, there may be state funds of $400 for mortuary and $400 cemetery services. There is no other organization that assists with 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.
- Organ, Body, and Tissue Donation
  - If death occurs in the 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.
- If a viewing is planned, there will likely be extra charges to repair the body for embalming.
- Whole body donation to a medical school is one way to lower costs although the family must pay for transportation outside Oahu. After study, the school will cremate the body and 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.
- The 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](http://www.finalrights.org)
- Embalming and Other Requirements
  - Embalming or refrigeration is required after 30 hours.
  - Embalming is not permitted if death is due to a contagious disease.
  - Airlines prefer that a body be embalmed, but an airtight container may 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 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.
- Cremation
  - The purpose of a 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 on land approved as a cemetery by the county council. A written certificate of dedication to cemetery purposes must be filed with the registrar along with a map. Burial must be deep enough to avoid animal disturbance.
  - If you purchase a lot in a commercial, town, or religious cemetery, you will have the opening and closing costs in addition to the cost of the plot.
  - The cemetery must give you a price list.
  - Some cemeteries have restrictions on the kind of monuments or plantings and adornment allowed.
  - A disinterment permit must be obtained from the Health Department.

Organ, Body, and Tissue Donation

- If death occurs in the 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.
- The purpose of a 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.

Veterans and Their Dependents

- You will need a copy of the DD214 discharge papers for gaining benefits.
- The VA cemetery in Honolulu has space for cremated remains only. There are also eight state-run veterans cemeteries in: Kaneohe, Hilo, Hanapepe, Makawao, Hoolehua, Kailua-Kona, and Lanai City. Another one in Hilo is closed. Interment and marker are free of charge for the veteran. The charge for a non-veteran spouse or dependant ranges from no-charge to $700.
- 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:
Prepaying for a Funeral

- If the contract guarantees the price, the interest is supposed to cover funeral inflation. But many investments do not appreciate as fast as the 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.
- Prices for third-party items such as the crematory fee or obituary cannot be guaranteed.
- Warehousing can avoid any trust requirements for cemetery merchandise, making a refund impossible.
- Setting aside assets for Medicaid eligibility is the time it makes sense to prepay for a funeral. There is no limit on the amount in an irrevocable funeral trust. Be sure to ask if you will be getting an annual report of your prepaid funds and let those who will be handling your affairs know that you have prepaid and where.
- If you cancel or move, you risk losing 30% and all interest of prepaid funeral money.

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, and violation of state or federal laws. For how to file a complaint, see: www.funerals.org/your-legal-rights/complaint
- The Department of Consumer Affairs handles complaints: http://hawaii.gov/dcca

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 may be found at www.funerals.org

### Prepaying the Funeral Home

<table>
<thead>
<tr>
<th>Pay on Death Savings Account or Bank CD</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>❖ You have total control of the funds.</td>
<td>❖ Asset for Medicaid purposes.</td>
</tr>
<tr>
<td></td>
<td>❖ Can easily change plans or use for emergencies.</td>
<td>❖ You must declare interest on tax return.</td>
</tr>
<tr>
<td></td>
<td>❖ Can make time payments easily.</td>
<td>❖ Penalty to cash CD prior to death.</td>
</tr>
<tr>
<td>Qualified Funeral Trust</td>
<td>❖ If irrevocable, it won’t be an asset for Medicaid.</td>
<td>❖ The funeral home may keep 30% plus interest if you move or cancel.</td>
</tr>
<tr>
<td></td>
<td>❖ The trust pays taxes on the interest.</td>
<td>❖ There is no guarantee fund to protect against embezzlement.</td>
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<tr>
<td></td>
<td></td>
<td>❖ Taxes may be paid on interest that otherwise wouldn’t be taxed</td>
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<tr>
<td></td>
<td></td>
<td>if you’re low-income.</td>
</tr>
<tr>
<td>Master or Simple Trust</td>
<td>❖ If irrevocable, it won’t be an asset for Medicaid.</td>
<td>❖ The funeral home may keep 30% plus interest if you move or cancel.</td>
</tr>
<tr>
<td></td>
<td>❖ You are supposed to receive an annual report of the interest earned which will serve as reassurance</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>your funeral funds are safe.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>❖ You will have to declare the interest on your tax return.</td>
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<td></td>
<td></td>
<td>❖ Can be converted to insurance without your permission. (See below.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>❖ No guarantee fund to protect against embezzlement.</td>
</tr>
<tr>
<td>Funeral or Life Insurance</td>
<td>❖ Easily portable.</td>
<td>❖ If you need to cancel, you may not get back more than half you paid.</td>
</tr>
<tr>
<td></td>
<td>❖ If the funeral home is the beneficiary, it won’t be considered an asset for Medicaid eligibility.</td>
<td>❖ If paying over time, you may pay twice the face value.</td>
</tr>
<tr>
<td></td>
<td>❖ The insurance company pays the taxes.</td>
<td>❖ There may be a 30-day delay in receiving funds for which the funeral</td>
</tr>
<tr>
<td></td>
<td></td>
<td>home may charge an extra fee.</td>
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