Funeral Arrangements
• You may name an agent for body disposition in your advance directives if you want someone other than your next-of-kin to be in charge.
• It is legal for a family or designated agent to handle everything without a funeral director. To find a home funeral guide, check: http://homefuneraldirectory.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.
• The Funeral Consumers Alliance of Kansas City does a price survey periodically. www.funerals.org
• Do not sign any contract for more than you can afford to pay. There is no longer any state funding for indigent funerals, and 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 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.

Cremation
• You may build your own or purchase from a casket retailer. Vault dealers rarely sell to the public.
• 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.
• Cremated remains may be kept at home, scattered or buried on private land with the land-owner’s permission, interred in a cemetery or memorial garden, or placed in a mausoleum. Do as you wish.
• If flying with cremains, be sure to use a non-metal container to pass through the scanner.
• Cremated remains may be sent only by U.S. Postal Service.

Burial
• There are no laws that specifically permit or prohibit burial on your own land, but check local zoning. A good practice is 150 feet from a water supply and 25 feet from top of three feet of earth on top. You should draw a map of the land showing where the family cemetery will be and have it recorded with the deed.
• 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.
• Some cemeteries have restrictions on the kind of monuments or plantings and adornment allowed.
• No new permits are required for disinterment, but the person with the right to control must authorize it.

Embalming and Other Requirements
• Embalming or refrigeration is required after 24 hours. A reasonable extension of this is permitted if no health hazard or nuisance will result.
• Certain infectious diseases require embalming if disposition cannot be accomplished within 24 hours, the worst possible time to embalm.
• Statutes say that a body to be shipped by common carrier or interred in a mausoleum must be embalmed, but a regulation states that if in a sealed metal container it may be considered “embalmed” for transportation purposes.
• 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.

Veterans and Their Dependents
• You will need a copy of the DD214 discharge papers for gaining benefits.
• The VA cemetery at Fort Leavenworth has room for cremated remains. Fort Scott and Leavenworth have space for both casketed and cremated remains, there are state-run veterans cemeteries at Fort Dodge, Fort Riley, Wakeeny, and Winfield. Interment and marker are free of charge for the veteran, spouse, and certain dependants.
• 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) 607-6097.
• A free flag can be ordered through the U.S. Postal Service.

Embalmers may not use a-GPL (General Price List) for more than they can afford to pay. There is no longer any state funding for indigent funerals, and there is no other organization that assists with costs.

The Kansas Board of Mortuary Arts has five members, two of whom are consumer representatives. The Secretary of State regulates cemetery preneed transations.
**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.

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### Prepaying the Funeral Home

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<th>Pros</th>
<th>Cons</th>
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| **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. |
| ✩ Taxes may be paid on interest that otherwise wouldn’t be taxed.  
✦ If you are low-income.  
✦ There is no guarantee fund to protect against embezzlement. |
| **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. |
| ✩ Can be converted to insurance without your permission. (See below.)  
✦ You will have to declare the interest on your tax return.  
✦ No guarantee fund to protect against embezzlement. |
| **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. |

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**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](http://www.funerals.org/your-legal-rights/complaint)

- The Board of Mortuary Arts:  
  [www.kansas.gov/ksbma/](http://www.kansas.gov/ksbma/)

- The Secretary of State:  

Much of the information for this brochure was taken from  
*Final Rights: Reclaiming the American Way of Death* (Upper Access, 2011)  
[www.finalrights.org](http://www.finalrights.org)

Additional information may be found at [www.funerals.org](http://www.funerals.org)

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

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