Funeral Arrangements
- In Tennessee you may name an agent for body disposition in a power of attorney if you want someone other than your next-of-kin to be in charge. (TC 34-6-204)
- It is legal for a family or designated agent to handle everything without a funeral director. To find a home cremation service: 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.
- Some of the Funeral Consumer Alliance groups have done periodic price surveys: www.funerals.org
- Do not sign any contract for more than you can afford to pay. If the deceased was indigent, there may be county funds but probably only a few hundred dollars if any funds are left at all. Some cemeteries do have a pauper’s area. 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.
- After-death donation of eyes, skin, and long bones may be considered. Ask the hospital social worker or the funeral director about this.
- Whole body donation to a medical school is one way to lower costs although the family may have to pay for some or all of the transportation. After study, the school typically 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 states have 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

Embalming and Other Requirements
- There are no embalming requirements in this state.
- 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.
- 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
- Family burial grounds are permitted and protected if included in the deed. A hand-drawn map is probably adequate. A good practice is 150 feet from a water supply and 25 feet from a power line with two or three feet of earth on top.
- 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.
- A permit for disinterment must be obtained from the state registrar.

The state Board of Funeral Directors and Embalmers has seven members. There is one consumer representative, and at least one must be of a racial minority. Crematories must be licensed as a funeral establishment. Crematories and preneed funeral transactions are regulated by the Commissioner of Commerce and Insurance, Burial Services Division.

Veterans and Their Dependants
- You will need a copy of the DD214 discharge papers for gaining benefits.
- The VA cemeteries in Knoxville, Madison, and Memphis have space for cremated remains only. The ones in Mountain Home and Chattanooga have space for both casketed and cremated remains. There are four state-run veterans cemeteries: Knoxville (2), Memphis and Nashville. In-terment and marker are free of charge for the veteran, spouse, and certain dependants in the VA cemeteries. In the state-run cemeteries, there’s a $700 charge for a non-veteran spouse for ground burial; the one in Knoxville also offers a cremation niche for $150.
- 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: http://www.funerals.org/faq/60-veterans-funeral-and-burial-benefits
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 of third-party items such as the crematory fee or obituary usually cannot be guaranteed.
• Warehousing can avoid any trust requirements for cemetery merchandise (markers and urns), making a refund impossible if you change plans.
• If you default more than 12 months on a cemetery contract, the cemetery may keep all your money as liquidated damages.

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>
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<tr>
<th>Qualified Funeral Trust</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>❑ If irrevocable, it won’t be an asset for Medicaid.</td>
<td>❑ Taxes may be paid on interest that otherwise wouldn’t be taxed if you are low-income.</td>
</tr>
<tr>
<td></td>
<td>❑ The trust pays taxes on the interest.</td>
<td></td>
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<tr>
<td></td>
<td>❑ There is a guarantee fund to protect against embezzlement.</td>
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<tr>
<th>Master or Simple Trust</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>❑ If irrevocable, it won’t be an asset for Medicaid.</td>
<td>❑ You will have to declare the interest on your tax return.</td>
</tr>
<tr>
<td></td>
<td>❑ You are supposed to receive an annual report of the interest earned which will serve as reassurance your funeral funds are safe.</td>
<td>❑ Can be converted to insurance without your permission. (See below.)</td>
</tr>
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<td>❑ There is a guarantee fund to protect against embezzlement.</td>
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<th>Funeral or Life Insurance</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td></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 home may charge an extra fee.</td>
</tr>
</tbody>
</table>

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.

Qualified Funeral Trust
• The trust pays taxes on the interest. It may be tax-free if the interest is not used for a Medicaid beneficiary.
• If irrevocable, it won’t be an asset for Medicaid.

Savings Account
• You can easily change plans or use for emergencies.
• You can make time payments easily.

Savings Account or Bank CD
• You have total control of the funds.
• Asset for Medicaid purposes.
• You must declare interest on tax return.
• Penalty to cash CD prior to death.

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

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