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 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. For indigent families, the funeral director can apply to the Department of Human Services which pays $1,250. The family may contribute only $1,200 more. There is no other organization that assists with funeral 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 a 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.
- While whole body donation to a medical school is one way to lower costs, the family may have to pay for some of the transportation cost. After medical study, the school will pay for cremation and can 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. This 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 and reasons for body rejection check: www.finalrights.org

Embalming and Other Requirements
- Embalming is not required by state law under any circumstance.
- Airlines prefer to have a body embalmed, but a sealed container can usually 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, Liners, and Vaults
- Neither is required by state law for burial. A rigid combustible container is required for cremation.
- The least expensive casket must be displayed.
- 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
- Although private graves are mentioned in the statutes, there are none that specifically permit (or prohibit) home burial. Check with local zoning. A burial site should be 150 feet from a water supply and 25 feet from a power line or boundary with two or three feet of earth on top.
- It is a good practice to 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 town or religious cemetery, you will also 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 at the grave site.
- A disinterment permit will be issued only to a licensed funeral director by the local registrar.

Cremation
- A coroner or medical examiner’s permit is required.
- A pacemaker must be removed.
- Some crematories will let the family witness the cremation.
- The cremation process takes about two-and-a-half hours for an average adult.
- The crematory will remove any metal fragments and pulverize the cremated remains to small particles, similar to white or gray coarse sand, about 5-10 pounds.
- Cremated remains may be kept at home, scattered on private land with the landowner’s permission, interred in a cemetery or memorial garden with the cemetery’s permission, or placed in a mausoleum niche.

Veterans and Their Dependents
- You will need a copy of the DD214 discharge papers for gaining benefits.
- The VA Grafton National Cemetery is closed to new interments, but there is space in West Virginia National Cemetery, also in Grafton. Interment and marker are free of charge for the veteran, spouse, and certain dependents. There is a new state-run cemetery for veterans in Dunbar. There is a $300 fee for non-veteran spouse or dependant.
- 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>

The West Virginia Board of Funeral Service Examiners has seven members. One is a crematory operator, and one is a consumer representative. The Consumer Protection Division of the Attorney General’s office regulates preneed transactions.
### 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, making a refund impossible.
- In-person and telephone solicitation for preneed funeral sales is not permitted. There is no such restriction on cemetery sales.

### Prepaying the Funeral Home

<table>
<thead>
<tr>
<th>Pay on Death Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Savings Account or Bank CD</td>
<td>You have total control of the funds.</td>
</tr>
<tr>
<td></td>
<td>Can easily change plans or use for emergencies.</td>
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<tr>
<td></td>
<td>Can make time payments easily.</td>
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<thead>
<tr>
<th>Qualified Funeral Trust Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>If irrevocable, it won’t be an asset for Medicaid.</td>
<td>The funeral home may keep 10% if you move or cancel.</td>
</tr>
<tr>
<td>The trust pays taxes on the interest.</td>
<td>Taxes may be paid on interest that otherwise wouldn’t be taxed if you are low-income.</td>
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<tr>
<td>There is a guarantee fund to protect against embezzlement.</td>
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<tr>
<th>Master or Simple Trust Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>If irrevocable, it won’t be an asset for Medicaid.</td>
<td>The funeral home may keep 10% if you move or cancel.</td>
</tr>
<tr>
<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>You will have to declare the interest on your tax return.</td>
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<tr>
<td>There is a guarantee fund to protect against embezzlement.</td>
<td>Can be converted to insurance without your permission. (See below.)</td>
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<tr>
<th>Funeral or Life Insurance Pros</th>
<th>Cons</th>
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<tr>
<td>Easily portable.</td>
<td>If you need to cancel, you may not get back more than half you paid.</td>
</tr>
<tr>
<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>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>
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### 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](http://www.funerals.org/your-legal-rights/complaint)
- Board of Funeral Service Examiners: [www.wvfuneralboard.com/](http://www.wvfuneralboard.com/)

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 can be found at [www.funerals.org](http://www.funerals.org)