Funeral Arrangements

• In Wyoming you may name an agent for body disposition 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.

Do not sign any contract for more than you can afford to pay. If the deceased was indigent, the funeral director can apply for $995 in state funds. There may be additional county funds, too. 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.
• Be sure to pick the funeral home of your choice without pressure to use the coroner’s facility.

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.

Embalming and Other Requirements

• Regulations, not statutes require embalming or refrigeration after 36 hours. This applies to licensees, not home funeral folks.
• Regulations, not statutes, require a health officer to supervise the funerals of those who have died of a communicable disease.
• When death is due to a contagious or communicable disease, the body must be embalmed, the worst possible time for embalming.
• Bodies shipped by common carrier must be embalmed, an affront to some religions or personal beliefs. Other states permit a sealed container.
• 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

• 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 a power line or boundary with two or three feet of earth on top. If the family cemetery is surveyed and platted and recorded with the county clerk, it is tax-exempt. If that’s not of concern, a hand-drawn map can be 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.
• A disinterment permit will be issued only to a licensed funeral director by the local registrar.

Veterans and Their Dependents

• You will need a copy of the DD214 discharge papers for gaining benefits.
• There is a state-run veterans cemetery in Evansville. Intermont and marker are free of charge for the veteran, spouse, and certain dependents.
• The U.S. Department of Veterans Affairs (VA) provides markers for veterans no matter where they are interred. Markers are 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.
- Setting aside assets for Medicaid eligibility is the one time it makes sense to prepay for a funeral. There is no limit to the amount you may have in an irrevocable preneed account.

### Prepaying the Funeral Home

#### Pay on Death Savings Account or Bank CD
- **Pros**:
  - You have total control of the funds.
  - Can easily change plans or use for emergencies.
  - Can make time payments easily.
- **Cons**:
  - Asset for Medicaid purposes.
  - You must declare interest on tax return.
  - Penalty to cash CD prior to death.

#### Qualified Funeral Trust
- **Pros**:
  - If irrevocable, it won’t be an asset for Medicaid.
  - The trust pays taxes on the interest.
- **Cons**:
  - The funeral home may keep 20% if you move or cancel.
  - There is no guarantee fund to protect against embezzlement.
  - Taxes may be paid on interest that otherwise wouldn’t be taxed if you are low-income.

#### Master or Simple Trust
- **Pros**:
  - 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.
- **Cons**:
  - The funeral home may keep 20% if you move or cancel.
  - You will have to declare the interest on your tax return.
  - Can be converted to insurance without your permission. (See below.)
  - No guarantee fund to protect against embezzlement.

#### Funeral or Life Insurance
- **Pros**:
  - 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.
- **Cons**:
  - 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.

### 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, 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 Department of Insurance regulates preneed sales: [http://insurance.state.wy.us/contacts.html](http://insurance.state.wy.us/contacts.html)
- The Board of Embalming handles all other funeral complaints: [http://plboards.state.wv.us/embalmers/index.asp](http://plboards.state.wv.us/embalmers/index.asp)

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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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87 Upper Access Rd.
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