

# *A Time for CHOICES*

## *Making Decisions About Death Arrangements*

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## ***I. Introduction***

Death touches everyone eventually, and when it does, there are many important decisions to be made.

This pamphlet answers some of the most commonly asked questions about what you must do, the choices you must make, and the legal requirements you must meet when a death occurs. We understand this will be a very difficult time for you and your family. Therefore, we hope this information will help you when making these decisions.

## ***II. Arrangements***

The first step in planning a funeral, at the time of need or in advance, is selecting a funeral establishment. This is a very important decision you must make. Take time to talk to one or more funeral directors. Visit their funeral home and do not hesitate to ask questions. You should feel comfortable with your selection; that he or she will listen carefully, understand and be sensitive to your needs as to your lifestyle and religious preferences. Most morticians will gladly answer questions about arranging in advance for funeral services and disposition of the dead. To avoid misunderstandings, they usually prefer to consult with you in person, but many will give basic information over the telephone or through the mail when requested. Funeral homes are required, by law, to provide general price lists to the public when requested. Also, price lists must be made available for caskets, outer burial receptacles, and cremation urns.

## ***III. Death Away From Home***

When a death occurs away from home, contact your hometown funeral home of your choice. For instance, if the death has occurred while on vacation, the mortician who will have the funeral service should be called. He or she will make all necessary arrangements with the funeral director in the area where the death occurred. The funeral director handles all the details whether a funeral is held at the

place of death, back home, or both places. This will prevent duplicate service and billing for the same item. If you are outside the country, contact the nearest U.S. embassy or consulate to make the necessary arrangements.

Morticians and funeral directors are licensed by the state. They are business people with services and products to sell. They are specifically trained and licensed to provide all funeral services and funeral goods. Most people choose a mortician on the basis of past experience or location. You should choose a funeral director with whom you feel comfortable. Specify exactly what you want done, and determine the exact cost of each individual service as well as the cost of the total services.

#### ***IV. Organ Donation***

Donation of tissue and organs has become a successful, routine practice that saves the lives of thousands of men, women, and children each year. Transplant recipients usually return to normal, productive lives. However, there are many more Americans waiting for transplants than there are donors available, and unfortunately, many people die waiting.

The types of tissues that may be donated are related to the circumstances of the death, the age of the potential donor, and their medical history. Possible donations include organs, bone, skin, heart valves, tendons and ligaments, corneas, and even the entire body. These donations are used in a wide range of vital medical procedures:

- \* Bone is used to repair or replace bone after serious injury, bone cancer, or crippling diseases of the bone.
- \* Skin is used as a temporary covering to reduce pain and lower the chance of infection to patients with severe burns.
- \* Heart valves help children born with heart problems or adults who have heart disease and damaged heart valves.

- \* Tendons and ligaments are used to replace or strengthen damaged tissues in injured knees and other joints.
- \* Corneas are used to restore sight to people with decreased vision from corneal disease or injury.

You may arrange in advance to donate all or part of your body to any of several organizations recognized by the state.

Tissue donation does not interfere with your designated funeral service preferences. Tissues are removed by people specially trained for tissue recovery. All costs related to tissue donation are paid for by the agency recovering the tissue. Also, the majority of religions support such donations.

Any Minnesotan 18 years of age or older can have a donor designation placed on a driver's license or state issued identification card. Even if you have a donor card, you may need written permission from your next of kin before you can make a donation. You may want to obtain a document granting such permission, and carry it with your donor card. Your immediate family also has the right to donate your body, unless you have expressly forbidden it.

To establish donor designation status or find out about organizations that accept donations, see *What You Should Know* on page 17.

## ***V. Ceremonies and Services***

The rite or ceremony that follows a death can be very important to the survivors. In making decisions about the ceremony, the next of kin usually takes into account any wishes expressed or pre-arrangements made by the deceased, as well as religious and cultural considerations. It should also be remembered, however, that the funeral is for the living so it is important to include rituals which will be helpful to your family and friends.

You may choose to have a funeral service, a memorial service (which is a service without the body present), or a traditional funeral. There are no legal requirements regarding the holding of services or involvement of clergy. If you do not have your own clergy person and want to have one facilitate the service, your mortician can assist you in obtaining someone. The funeral rite may include a visitation or review of the body, as well as the service itself.

The rite may take place in a mortuary, a house of worship, a home, a nursing home, or some other public place. Religious and cultural practices, as well as personal preference, will determine whether the body is to be present, and whether there is to be a review of the body.

## ***VI. Infant Death***

Services for an infant are handled similar to that of an adult. It may include traditional funeral services with visitation and viewing, memorial services, or a combination of the two. The type of service usually selected depends on religious and cultural practices and personal preference. A mortician can be most helpful during arrangements with different ideas and options.

## ***VII. Final Disposition***

Under Minnesota Law, A final disposition of the body after death is usually the responsibility of the next of kin. Options include earth burial, entombment, cremation and donation. Below are several legal requirements that must be met before final disposition can take place.

- \* Every dead human body lying within the state shall be decently buried, entombed, or cremated, within a reasonable time after death.
- \* A permit for final disposition must be issued when the death certificate is filed. This permit gives permission to move the body and is required for disposition of the body.

- \* Arrangements for transportation of the body must be made, usually with a mortician.
- \* An autopsy may be required by the coroner or medical examiner, at no cost to you, if there is any question about the cause of death. A physician may ask permission to do an autopsy to confirm or argue a diagnosis. The family of the deceased may also ask for an autopsy, but there may be a charge of \$1,000-\$1,500 or more.

## ***VIII. Types of Disposition***

### **Burials and Cemeteries**

Earth burials are the most common type of disposition. This option requires the purchase of a cemetery plot, possibly an outside cement container, a mausoleum space, and a casket. A cemetery lot is usually purchased directly from the cemetery, which also handles arrangements for ~~A~~perpetual care of the gravesite. This includes weeding, mowing, keeping the marker in place, and roadway maintenance.

Some cemeteries require that the body and casket be enclosed in an outer burial container for burial. This container prevents the grave from caving in and thus, helps keep cemetery maintenance cost down. The outer burial container can be purchased from the cemetery or a funeral home. A vault is a sealed outer burial container, while a grave box is a non-sealing type unit. The less expensive concrete ~~A~~grave box can sometimes be substituted for a vault, and some cemeteries provide an outer burial container in the form of a ~~A~~lawn crypt for an above ground burial.

The cemetery or funeral home may also arrange for the actual burial, the opening and closing of the grave, and a headstone or marker for the grave. Each cemetery can tell you what services it offers, and whether it offers them directly or through a third party.

## **Entombment**

Entombment means placing the body in a marble or stone structure built above ground, such as a mausoleum. Entombment is often a more expensive option.

## **Cremation**

The number of people choosing cremation as a means of final disposition has increased significantly during the past few years, and, from all indications this trend will continue into the future.

You may obtain cremation services through any licensed funeral establishment in the state. Prices will vary and it may benefit you to ~~shop~~ around. You may wish to have a full, partial, or no funeral ceremony prior to the cremation. The extent and the content of a cremation service are entirely subject to the wishes of the family. They may choose as much formality or as little as they feel necessary.

Quite often a memorial service is held after cremation has occurred, or perhaps the family will want to gather at a convenient time for the final committal of the cremated remains. These options are common and most funeral homes have rental caskets or inexpensive fiberboard or wood caskets available for this. State law does not require a casket for cremation, but most crematories do require that the deceased be enclosed in some type of rigid container to safeguard the health of their staff. Approval for cremation must be obtained from the county coroner or medical examiner, and a completed death certificate must accompany the body. The funeral home or crematory will require the person with authority to authorize the cremation in writing.

Cremation is accomplished by placing the enclosed body in a cremation chamber, where through intense heat or direct flame and evaporation, the body is reduced to ashes or inorganic bone fragments. State law also does not require that a body be embalmed before it is cremated unless it is necessary for one of the reasons outlined on page 14.



Before a cremation takes place, you must have all of the following:

- \* a completed death certificate
- \* approval of the coroner or medical examiner
- \* a permit from the local registrar of vital statistics or sub-registrar
- \* written permission of the person with authority

The Minnesota Department of Health considers cremation to be Afinal disposition@of the body. The cremated remains, or Acremains,@ may be placed in an urn. The urn can then be buried, placed in a mausoleum or kept by the family. The cremains may also be scattered in a location significant to either the family or the deceased. However, local laws may prohibit this practice.

Some cemeteries with crematories also provide scattering gardens within their dedicated property, often with the option of personal memorials. The use of dedicated property assures the site chosen will not be developed for other use at some future time.

### **Burial on Private Property**

Burial on private property is addressed in Minnesota Statute Chapter 307. It states:

#### **307.01 Plat and Record**

Any private person and any religious corporation may establish a cemetery on his or its own land in the following manner: The land shall be surveyed and a plat thereof made. A stone or other monument shall be established to mark one corner of such cemetery, and its location shall be designated on the plat. The plat and the correctness thereof shall be certified by the surveyor, his certificate endorsed thereon, and with such endorsement shall be filed for record with the county recorder in the county where the cemetery is located, showing the areas and location of the cemetery. Any person or association owning such private cemetery may subdivide or rearrange the same, from time to time, as may be necessary in the conduct of business, but

no plat of such subdivision or rearrangement shall interfere with the rights and privileges of the several lot owners of such cemetery without their consent, nor need same be filed in the office of the county recorder; provided, that a plat of the same shall be kept for public inspection at such cemetery and, provided further, that there shall be placed at the corner of each lot of such subdivision or rearrangement cement or other non-destructible markers three inches or more in diameter and eight inches or more in length, one of such markers showing the number of the lot.

When considering burial on private property, check with the city, county, and township, since many have established ordinances restricting or preventing burial on private property.

Consideration should be given to the fact that you may someday want to move and sell the property and potential buyers may not care for a cemetery on their land.

## **IX. *After Care Programs***

There are many types of bereavement, grief and loss programs, as well as support groups available in the metro area and greater Minnesota. They are often sponsored by hospitals, churches, hospices, funeral homes, and other community organizations.

Some funeral homes have their own aftercare staff or contract with other professionals or organizations in the community to provide grief/loss support to individuals and families.

To find out about resources in your area, contact your local funeral home, hospice or hospital, or contact First Call for Help at the following locations:

West Metro	(612) 335-5000
East Metro	(651) 224-1133
Alexandria	1-800-257-5463
Duluth	(218) 726-2222

Grand Rapids	(218) 326-8565
Hastings	(651) 224-1133
Owatonna	(507) 451-9100
Fergus Falls	(218) 736-2856

## ***X. Planning Ahead***

### **Pre-arrangements and Pre-financing**

Many people are discovering that pre-arranging and pre-financing a funeral service can lighten the burden and stress on surviving family members. This reduces some of the difficult decisions the family must make while dealing with their grief. Pre-arranging ones funeral assures the person that his or her personal preferences are met as to where the funeral and burial, or other final disposition, will take place. Further, it assures one that the service will reflect their personal beliefs, standards, and lifestyle. Pre-arrangements are becoming quite common and may be made through your selected funeral home.

In Minnesota, there are two options available for pre-financing as dictated by law. Information regarding the following pre-financing options is available by contacting your selected funeral home.

### **Bank Trust Accounts**

All funds received by the funeral home are placed in a 100% trusted certificate of deposit at a local bank. All interest accumulates to the account until drawn out with a certified copy of the death certificate.

### **Funeral Insurance**

Also 100% trusted, an insurance policy is the vehicle protecting the deposit until presentation of a death certificate. Several insurance companies handle this type of policy.

## ***XI. Itemization of Costs***

Minnesota law, as well as the Federal Trade Commission Rule, requires that funeral and burial costs be itemized. When all arrangements have been made, you must receive and sign a statement listing the separate cost for each of several categories of products and services. You may then decide which goods and services you will purchase from a mortician, and which items you will omit or handle yourself.

Included here is an explanation of each cost category and what it covers.

### **Casket**

A casket is usually necessary if there is to be a formal visitation, a traditional funeral, or a cemetery burial. By law, the retail price must be conspicuously displayed in or on each casket in a funeral establishment's selection room. A full range of caskets should be available.

You must be given time to look at them alone, if you so please.

Prices, as of 1999, start at about \$500 for a cloth-covered wood casket. More elaborate wood caskets, metal caskets, special fabric or interiors, mattresses, pillows, and other extras all add to the price. Most funeral homes have a selection of 12 or more caskets for you to look at.

### **Outer Burial Receptacle**

State law does not require the use of a grave box or burial vault, but many cemeteries do. The grave box or vault is an outer container, usually made of cement, used to enclose the casket for burial. Its purpose is to prevent cave-ins at the gravesite. They vary in material from cement, metal, plastic or a combination of such. They may be sealed or unsealed.

## **Cremation Urns**

A cremation urn is used as a permanent container for cremated remains. In order to satisfy every taste, requirement, and budget, urns are made in a variety of sizes, styles and materials. The selection of an urn usually depends on where it will eventually be placed.

## **Use of Facilities: Visitation and Funeral Service**

The cost of a funeral or memorial service may include the use of the mortuary chapel or another room for the visitation or the actual funeral ceremony.

## **Transportation**

Transportation cost includes the use of a funeral coach, funeral sedans, flower car, and a service or utility car.

## **Funeral Service Merchandise**

A variety of items may be needed for the service. The list may include clothing, undergarments, register book, cards, and religious or fraternal materials. These items may be purchased directly from the funeral home.

## **Embalming**

Embalming is the process of chemically treating the deceased to reduce the presence and growth of organisms, to retard organic decomposition, and to restore an acceptable physical appearance.

Embalming is usually optional. The law requires it only if:

- \* The body will be transported by public transportation;
- \* burial or final disposition will occur more than 72 hours after death, even if the body is not to be transported;
- \* the body will be publicly viewed; or
- \* if ordered by the commissioner of health for the control of infec-

tious disease and the protection of the public health.

Oral permission to embalm must be obtained by the mortician prior to embalming, and written authorization must be given when funeral arrangements are made.

### **Other Preparation**

Other preparation of the body can include restorative procedures, the setting of facial features, care of the hair, washing, shaving, dressing, and casketing. Arrange with your mortician for the handling of any jewelry, medical or dental items, and other personal effects.

### **Other Services**

You will be charged by the mortician for the handling of a visitation, funeral, memorial service, final disposition, cremation, or burial.

You may wish to perform some administrative tasks yourself. These might include obtaining extra copies of the death certificate for insurance or other purposes, and obtaining information about social security or veterans' benefits.

### **Cash Advanced Items**

For your convenience, morticians may obtain certain items that they purchase from a third party on your behalf. These items may include cemetery or crematory charges, obituary notices, death certificates, flowers, clergy, musician honoraria, and motorcycle escorts.

To prevent deceptive acts or practices, a funeral home is required to inform the family if they charge upon or if they receive and retain a rebate, commission, or trade or volume discount upon a cash advanced item.

## ***XII. Consumer Protection***

You should approach the purchase of funeral services as you would any other business transaction. Read any contract carefully before signing or making any type of payment. If door-to-door sales people or telephone solicitors contact you about purchasing funeral or cemetery services, find out if they represent legitimate business firms, and know that you have 72 hours to cancel your contract. If you pay the funeral director in advance for funeral services, the money must be deposited in a federally insured institution within 15 days. Minnesota is a 100% trusting state, which means that all money must be deposited and no fees may be collected for acting as trustee of your account. However, a mortician is allowed, by law, to charge a fee for completing the contract.

## ***XIII. If you have a complaint. . .***

The Minnesota Department of Health, Mortuary Science Section, licenses and regulates morticians, funeral directors, funeral establishments and crematories in Minnesota. They are responsible for safeguarding the public health and protecting the consumer. They investigate complaints and determine grounds for disciplining licensees. This section also advises the Attorney General regarding punishment of both licensed and unlicensed persons who violate the law.

State government also regulates some consumer-related activities of cemeteries and crematories. Since cemetery and crematory services are often purchased through funeral establishments, they are also discussed in this pamphlet.

If you have a complaint about a mortician, funeral director or funeral establishment, call or write:

Minnesota Department of Health  
Mortuary Science Section  
121 East Seventh Place  
P.O. Box 64975  
St. Paul, MN 55164-0975

(651) 201-3829  
www.health.state.mn.us

If you have a complaint about a cemetery or crematory, call or write to one of the following:

Attorney General's Office	FTC Headquarters
Consumer Division	6 <sup>th</sup> & Pennsylvania Avenue, N.W.
445 Minnesota Street	Washington, D.C. 20580
Suite #1400	(202) 326-2222
St. Paul, MN 55101	TDD (202) 326-2502
(651) 296-3353	

#### ***XIV. Laws and Regulations Relating to Morticians and Funeral Establishments***

Copies of these rules are available for a small fee from:

Print Communications  
(Minnesota Bookstore)  
117 University Avenue  
St. Paul, MN 55155  
Metro: (651) 297-3000  
MN Toll Free: 1-800-652-9747  
www.comm.media.state.mn.us

They can also be found in the University of Minnesota Law Library and some public libraries.

#### ***XV. Organ and Tissue Donation***

For establishing donor designation status, contact the Clerk of District Court in your county or:

Minnesota Department of Public Safety Driver License Division  
445 Minnesota Street, Suite #160



St. Paul, MN 55101  
(651)296-6911

## ***XVI. Organizations Accepting Donations***

State Anatomical Committee  
262 Jackson Hall  
University of Minnesota  
Minneapolis, MN 55435  
(612) 625-1111

The National Kidney Foundation  
920 South 7th Street  
Minneapolis, MN 55415  
(612) 337-7300

Minnesota Lions Eye Bank  
Box 493 MAYO  
420 Delaware Street S.E.  
Minneapolis, MN 55455  
(612) 626-6081  
1-888-5-DONATE (536-6283)  
E-mail - augus006@tc.umn.edu

American Red Cross Tissue Services  
North Central Area  
100 South Robert Street  
St. Paul, MN 55107  
(651) 290-8974  
1-800-24-SHARE (247-4273)

Department of Anatomy  
MSB - 3115  
Mayo Clinic  
Rochester, MN 55905  
(507) 284-2201  
E-mail - fisher.dean@mayo.edu

LifeSource  
Upper Midwest Organ Procurement  
2550 University Avenue West  
Suite #315 South  
St. Paul, MN 55114  
(651) 603-7873  
E-mail - ppedersen@life-source.org

## ***XVII. Definitions***

Aftercare - a service now offered by some funeral homes for assisting families through the grieving process.

Alternative Container - a nonmetal receptacle or enclosure which is designed for the encasement of dead human bodies and is made of fiberboard, pressed-wood, composition materials or other like materials.

Arrangements for Disposition - any action normally taken by a funeral provider in anticipation of or preparation for the entombment, burial in a cemetery, or cremation of a dead human body.

Burial Space - a designated location within the cemetery for one individual grave.

Cash Advanced Items - any item of service or merchandise obtained by a third party and paid for by the funeral provider on the purchaser's behalf.

Casket - a rigid container, which is designed for the encasement of a dead human body and is usually constructed of wood, metal, fiberglass, plastic, or like material.

Casket Bearers - individuals who are designated to carry the casket.

Cemetery - an area of ground set aside and dedicated for the final disposition of dead human remains.

Committal Service - the final ceremony before final disposition.

Coroner - a public officer whose chief duty is to investigate questionable deaths.

Cremains - a descriptive word for cremated human remains.

Cremated Remains - the post-cremation remains of a dead human body.

Cremated Remains Container - a receptacle in which post-cremation remains are placed.

Cremation - the reduction of a dead human body to essential elements through direct exposure to intense heat and flame.

Cremation Chamber - the enclosed space within which the cremation of a dead human body is performed.

Crematory - a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies.

Crypt - a chamber of a mausoleum of sufficient size, generally used to contain the casketed remains of a deceased person.

Death - cessation of physical life, characterized by the absence of metabolism which is irreversible.

Death Certificate - the permanent legal record of the facts of death of an individual.

Deceased - one in whom all physical life has ceased.

Display Room/ Selection Room - that portion of the funeral home which contains caskets and other funeral merchandise for sale.

Direct Cremation - a disposition of a dead human body by cremation, without formal viewing, visitation, or ceremony with the body present.

Embalming - the process of disinfecting and preserving a dead human body by chemically treating the body to reduce the presence and growth of organisms, to retard organic decomposition, and to restore an acceptable physical appearance.

Entombment - the placing of a casketed body into a mausoleum or lawn crypt.

Eulogy - a speech or written remarks in memory of a person who has died, usually included in the funeral ceremony.

Final Disposition - the entombment, burial in a cemetery, or cremation of a dead human body.

Funeral Ceremony - a service or rite commemorating the deceased with the body present.

Funeral Director - any person who, for compensation, arranges, directs, or supervises funerals, memorial services, or graveside services, or engages in the business or practice of preparing dead human bodies for final disposition by means other than embalming.

Funeral Establishment - any place or premise devoted to or used in the holding, care, or preparation of a dead human body for final disposition.

Funeral Goods - the goods that are sold or offered for sale directly to the public for use in connection with funeral services.

Funeral Provider - any person that sells or offers to sell funeral goods or funeral services to the public.

Funeral Services - any services that may be used to care for and prepare dead human bodies for burial, cremation, or other final disposition, and arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.

Grave - an excavation in the earth as a place for interment.

Grave Liner - an outer enclosure that offers protection for the earth load but without sealing qualities.

Graveside Service - a service or rite, conducted at the place of interment, commemorating the deceased with the body present.

Grief - all the thoughts and feeling that surround an individual following the death of a loved one.

Immediate Burial - a disposition of a dead human body by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.

Interment - the process whereby a casketed body is placed into a burial vault in a grave.

Kin - one's relatives collectively, referring to blood relationship.

Lawn Crypt - this form of above ground burial is an alternative to ordinary ground burial. A companion or individual concrete crypt is placed in the ground prior to need.

Lot - a section of grave spaces in multiples of two to twenty.

Mausoleum - a building with several crypts for entombment.

Memorial Gardens - designated areas within a cemetery where certain themes or designs create distinctive memorialization.

Memorial Service - a ceremony or rite commemorating the deceased without the body present.

Mortician - any person who, for compensation, practices the art of embalming and arranges, directs, or supervises funerals, memorial services, or graveside services, or engages in the business or practice of preparing dead human bodies for final disposition.

Obituary - a notice of the death of a person, particularly a newspaper notice, containing a biographical sketch.

Officiant - usually a minister, or other designated person, who conducts a funeral and committal service.

Outer Burial Container - any container which is designed for placement in the grave around a casket or alternative container.

Perpetual Care - the duties included with taking care of the cemetery.

Pre-arrangements - the act of pre-planning and pre-funding the funeral and cemetery services in advance of need.

Preparation of the Body - embalming of the body or such items of care as washing, disinfecting, shaving, positioning of features, restorative procedures, care of hair, application of cosmetics, dressing, and casketing.

Public Transportation - all manner of transportation via common carrier available to the general public including airlines, buses, railroads, and ships.

Transportation costs - all costs associated with the use of the vehicle used for the initial transfer of the deceased, the funeral coach, funeral sedans, the flower car, any service or utility vehicles, and public transportation.

Urn - a container, which serves as a receptacle, for cremated human remains.

Use of Facilities - the provision of a chapel or room for visitation, the provision of a chapel or room for the funeral or memorial service, the provision of facilities for parking, or the provision of office space for administrative or planning purposes.

Vault - the outer burial container, which holds the casket in a below ground burial space.

Veteran - one who has served a prescribed period of time with the armed forces and who is no longer an active member of the armed forces.

Visitation - the visiting of friends and relatives to the residence and/or mortuary to pay respect to the deceased prior to the funeral service.