**Funeral Planning**

Funeral directors believe that the purpose of the funeral is to honor the person who has died while attending to the needs of those left behind.

Funeral directors serve best when you tell them your needs and desires. They will help you arrange for an appropriate tribute taking into account your religious preferences, emotional needs, and your finances.

**Funeral Planning**

Funeral service selections fall into two general categories; the services of the funeral home staff and funeral merchandise.

**Funeral Service Selections Usually Include:**

* Professional services of a funeral director and staff.
* Embalming and other preparation.
* Facilities and staff for visitation.
* Facilities and staff for the funeral or memorial service.
* Funeral vehicles.
* Assisting with arrangements with third parties (pastoral services, music, grave opening and closing).

 **Funeral Merchandise Selections Include:**

* Casket, urn or both.
* An outer burial container (cemetery vault or other selection).
* Other merchandise and associated items such as flowers, acknowledgment cards, and transfer containers.

The funeral home is required by law to give you a **General Price List** which contains the price of each individual item and service offered. In addition, it may contain packaged services to simplify the service selection process.

It must also contain information on embalming; cash advance items, containers for cremation and any required purchases.

Cash advance items are goods and services that are paid by the funeral director on your behalf, such as a cemetery space, grave opening fee, flowers, obituary notices, and clergy honoraria. Most funeral directors charge you their cost for these items while others add a service fee to their cost. If a service fee is added, or if the funeral director receives a discount, refund or rebate for these items, they must disclose this fact to you.

You may, of course, choose only those items you prefer. The funeral director will be able to help you with all of these decisions.

After you have made your selections, the funeral director must provide you with a complete itemized statement of the funeral goods and services you selected.  They will also explain their payment policy to you.

The statement should also clearly identify any items or services which are required and explain why. An example would be embalming, which may be required by the funeral home if there is a viewing. *(Note: Indiana law does not require embalming.)*

Furthermore, a casket is not required for direct cremations, but crematory regulations usually require that the body be in a sturdy leak-proof container. While a vault is generally not required by law, many cemeteries require a vault or other outer burial container to prevent grave settling and grave maintenance.

If you have any questions along the way, do not hesitate to ask.

**Planning in advance**

If you are interested in pre-planning a funeral for yourself or a loved one, please also refer to the section **"Master Choice Funeral Trust."**

By preplanning you can not only relieve your family of the burden of making these decisions at a difficult time, but you can lock-in today's funeral prices--guaranteed by law. Preplanning can be as simple as letting your family or funeral director know what you would like done upon your death. For many, pre-financing makes sense too.

Preneed contracts are regulated by Indiana law. It covers all sellers of funeral goods and services-- both funeral homes and cemeteries. Before a funeral home or other seller can offer prearranged services, they must have a **Certificate of Authority**. Ask to see a copy of it and make sure it is current.

A preneed contract must be linked to a specific provider. It is illegal for a person to sell a preneed contract that can be taken to "any funeral home." If the person selling the contract is not a licensed funeral director, the contract must be ratified by a licensed funeral director indicating that the funeral home will perform all services and provide all merchandise specified in the contract. *(Note: The ads you may see on television offering a plan to pay for your funeral are simply offering a small life insurance policy to cover final expenses. These types of polices are legal. But they are not covered by the preneed act, and therefore do not provide specific services and do not offer a price guarantee.*

All preneed contracts in Indiana are **guaranteed**. That is the seller can not ask you for additional money at the time of death just because prices have gone up or their investment did not keep up with inflation. (Items included in the contract that are supplied by other people, so called "cash advance items" such as obituaries, minister gratuity, etc., are usually not guaranteed, but do grow along with the investment.)

Your contract is **irrevocable** after 30 days.

Your contract is freely **transferable** to another funeral provider if you so choose-- even by your family at the time of death.

If you or a loved one anticipates applying for Medicaid Title XIX nursing home care, you may use your own funds to create a preneed funeral contract that will be exempt from the Medicaid asset limits. You may waive the 30 day irrevocability provision and make it immediately irrevocable for Medicaid eligibility purposes.

**Is Pre-financing Safe?**

**What happens to my money?** Indiana law governs all payments made towards the pre-financing of funerals. All funds must be placed into a trust fund, escrow, or used to buy an insurance policy to fund the arrangements you desire. The funds are irrevocably held for the purpose of paying for the arrangements you contracted for and are paid directly to the funeral home— outside of your will and without probate. Still there are steps you should take and questions you should ask to insure that you are protected.

**Be sure the sales person is an agent of the funeral home of your choice.** It is illegal for someone to sell preneed contracts without being a representative of a funeral home. Don’t let someone sell you a funeral contract that “will be accepted by any funeral home.”

**Ask how your money will be invested.** Escrow accounts are often used by cemeteries but they have a real disadvantage when used to finance a funeral. The law allows the interest to be removed from the account as it is earned. While your funeral is still guaranteed, if you move or transfer your account to another funeral home, you will only receive the original amount you paid and any growth will be gone.

**Make sure the contract specifies and itemizes the services and merchandise you selected.** Since all contracts are guaranteed, they must specify what is included. A preneed contract can not be a deposit towards a future service. Do not accept a contract that just says “funeral service” or says you will select services or merchandise at a later date.

**Know where your money will be invested.** You should be able to contact the trustee or insurance company at any time to confirm your money is properly invested. Keep them updated on any change in your address.

**Make your check out directly to the trustee or Insurance company the funeral home will be using to invest your money.** Never make a check out to a sales person or pay in cash.

**Make sure you receive confirmation that your money has been deposited.** If you don’t receive such notice from the trustee or insurance company with 45 days, call them or the funeral home.

**Tell your family that you have prearranged and pre-financed your funeral.** Tell them which funeral home will be arranging services and where the documents are located to eliminate any confusion later.

 **Insuring your wishes are followed:**

 A preneed contract alone does not assure you that your personal wishes will be carried out. A preneed contract is binding on the funeral director but it is not binding on the surviving family. They are free to make changes as they see fit at the time.

That might be fine in most cases, but others want to be sure their wishes are followed. Some might suggest you execute a power of attorney authorizing someone to carry out your wishes, but there is a much better way.

If you (a) have strong feelings that you want your funeral plans carried out exactly as you have arranged; or (b) have an unusual request that your family may not carry out; or (c) you have no family living close to carry out your wishes, you may want to consider executing a**Funeral Planning Declaration**.

This document, provided for in a 2009 Indiana law, allows you to designate a person to carry out your wishes and allows you to specify what those wishes are. Under the law your designee is required to carry out those plans unless they are totally impossible or impractical. The document must be signed and properly witnessed to be valid. In addition, you must provide funding for the declaration to be valid.

So executing a **Funeral Planning Declaration** and a fully-funded preneed contract is your best assurance of having your wishes carried out. Your funeral director can provide additional information, although we suggest you consult with your attorney for details.

**Talk to an IFDA Member**

You can find an IFDA member firm in your area by referring to the **"Find an IFDA Member"** section.