

MICHIGAN



FUNERAL
ACTS



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Michigan Funeral Facts

This pamphlet is prepared and published by the Michigan Funeral Directors Association, Inc., the nation's oldest association of funeral service professionals, serving our members and the public since 1880, representing approximately two-thirds of all funeral homes in Michigan. The MFDA maintains a strict Code of Ethics, and consumers would be well advised to inquire whether a particular funeral home with which they intend to do business is a member in good standing of the MFDA.

The address of the MFDA is:

2420 Science Parkway, Okemos, MI 48864

Phone: (517) 349-9565

Visit our website at <http://www.mfda.org>.

The Michigan Funeral Directors Association is not a State agency. The public agency responsible for the regulation of funeral service is the State Board of Examiners in Mortuary Science, administered by the Department of Licensing and Regulatory Affairs' Bureau of Corporations, Securities and Commercial Licensing.

Its address is:

P. O. Box 30018, Lansing, MI 48909



Introduction

Our first encounter with the death of a loved one leaves an impression forever. It is seldom convenient, never pleasant and usually traumatic even when expected. We may experience the entire gamut of emotions: love, anger, grief, regret, guilt, resentment, hate, even envy.

We are faced with many options with varying costs. You will receive information on all these options and their costs from the funeral home before you make funeral arrangements. However, during time of grief, you may not be able to absorb the information you receive and may be confused over what is “the right thing to do.”

The Michigan Funeral Directors Association has prepared this pamphlet in the hope that the trauma and pain will be diminished somewhat through knowledge.



When Death Occurs

THE RIGHT TO MAKE FUNERAL ARRANGEMENT AND FINAL DISPOSITION DECISIONS. Michigan law allows an individual to appoint another individual to make funeral arrangement and final disposition decisions at his or her death. The appointment, known as a funeral representative designation, must be in writing and properly executed according to law.


If no funeral representative is designated, the right to make funeral arrangement and final disposition decisions passes to the surviving spouse, and if there is no surviving spouse, to the closest relative age 18 or older in the following order of priority:

- Children
- Grandchildren
- Parents
- Grandparents
- Siblings

When there is more than one individual in a next-of-kin class, authority may be exercised by a majority in that class. To illustrate, take the situation of a person who dies with no surviving spouse, but three children, and two of the children desire cremation while the third prefers burial. The cremation can proceed because a majority (two) of the next-of-kin authorize it.

With regard to missing individuals or those that can't be located, reasonable efforts (which include attempting to contact the person at his or her last known address, telephone number, or electronic mail address) must be undertaken by a family member, personal representative, or nominated person representative. If unsuccessful, the disposition can be authorized by a majority of those remaining.

If no individuals in the categories listed above exist or can be located after a reasonable good faith effort, then a niece/nephew, aunt/uncle or cousin, who first notifies the funeral home of his or her intention to authorize final disposition may have authority without having to make reasonable efforts to locate others in that same degree of kinship.



If no next-of-kin exist or can be located after reasonable efforts, funeral arrangements and final disposition decisions are made by the individual in the following order of priority:

- A guardian, if the decedent was under a guardianship at the time of death.
- A personal representative or nominated personal representative.
- A person who voluntarily steps forward to make arrangement and disposition decisions and petitions the Probate Court to obtain authority as a special personal representative or special fiduciary.

If no one exists, the county medical examiner where the decedent resided has authority.

PROBATE COURT DISPUTE RESOLUTION. If someone wishes to challenge the individual(s) with priority, or if a dispute arises among those with priority, the Probate Court may be petitioned to resolve the issue. The judge must hold a hearing within seven business days to decide the matter in a timely fashion. This affords the family a resolution when a stalemate or intractable conflict exists.



Things You Should Know

DEATH AT HOME

Sudden or unexpected death at home or other private residence when a physician is not present should be reported to the local law enforcement authority immediately. Do not disturb the body. When the police arrive, they will notify the proper authorities for removal of the body. Let the police know your preference of funeral home. Depending on the circumstances of death, it may be required that the remains be first transported to and/or released by the County Medical Examiner.

When death at home is anticipated, normally the patient is under *Hospice* care. When the death occurs, you should contact Hospice. Hospice will often facilitate many of the procedures listed above. You may however, contact the funeral home of your choice directly, if you wish.

EMBALMING Michigan regulations state that bodies that have not reached the place of final disposition, whether a cemetery or crematory, within 48 hours of death should be embalmed for transportation purposes. There is no exception under this regulation for refrigeration, nor is a funeral home required to have refrigeration available. Further, some funeral homes will require and have the right to require that embalming take place when there is a public visitation.

AUTOPSIES are performed, pursuant to State law, at the discretion of the County Medical Examiner when death occurs from any cause without a physician present or under suspicious circumstances. No family member may prohibit an autopsy by the County authority and no permission from the family is required. Any person with reasonable cause to believe that a death was not natural or accidental must report their suspicions to the local law enforcement authority and may request an autopsy by the Medical Examiner.

ORGAN AND TISSUE DONATION If the decedent is listed on the Michigan Donor Registry as someone who declared their decision to donate organs and tissue, a referral will be made to Gift of Life Michigan, or other federally registered tissue recovery organization, to evaluate suitability for donation. If suitable, the individual's declared intention to be a donor will allow the donation to proceed. If

the decedent is not listed on the registry, but is considered suitable for donation, then the family is offered the opportunity to donate the decedents organs and tissue.

Organ and tissue donation, does not limit in any way the opportunity to have an open casket viewing, visitation or service. In fact, it's very common for such services to occur following donation.

CREMATIONS may take place legally only after permission has been received from the County Medical Examiner to ensure that no criminal action is concealed by the destruction of physical evidence. The funeral home and crematory will require express written authorization for cremation from the individual(s) with right of disposition authority.

CASKETS OR CONTAINERS are not required by State law for burial and caskets are not required for cremation. However, crematories and cemeteries usually have minimum requirements. A list of caskets and containers available for sale will be shown to you at the funeral home, with individual prices clearly listed. An owner or employee of a funeral home may not imply that a casket is protective when that is not true. A normal casket will impede but will not prevent the natural decomposition of a body.

CREMATORY POLICIES require some type of non-plastic, rigid, combustible container to hold the body during cremation. A funeral home can provide such a container.

CEMETERY REQUIREMENTS usually include a minimum container and some sort of protection to prevent the collapse of the grave after burial, such as a concrete liner or box, or some type of vault. A vault is more expensive than a liner as it completely encases the casket. Neither a vault nor liner ensures preservation of the body. Many cemeteries have specific requirements concerning the type of memorial or marker that may be placed on the grave and minimum container requirements for entombment of cremated remains. Cemeteries may establish their own requirements and charge for them. Check with the cemetery of your choice to determine its minimum requirements.

CASH ADVANCE ITEMS are goods or services that are paid to a third party by the funeral director on your behalf such as obituary notices, death certificates, and clergy or musician honoraria. The funeral director may request payment for these services in advance. The law prohibits charging more than the actual cost of these items without informing the consumer.

PROFESSIONAL SERVICES. In general, you only have to pay for the goods and services that you want, although you may be required to pay a basic charge for professional services.

DEATH AWAY FROM HOME. If you are traveling (or living away from your home town) immediately contact your home town funeral director who will be able to make the necessary professional contacts for you (including, if necessary, a funeral home in the location of the death), usually within minutes, often avoiding costs resulting from duplication of services.

DEATH OVERSEAS. If death occurs in a foreign country, the U.S. Consulate in that country can assist in making arrangements. Also be sure to obtain at least ten English translations of the death certificate at the nearest U.S. Embassy or Consulate.





Choices to Be Made

“The funeral ritual is unsurpassed in providing a good beginning for the healthy grieving process.” From the book by Therese Rando: *How to Go on Living When Someone You Love Dies*

ARE THERE RELIGIOUS CONSIDERATIONS?

Some religions have specific preferences or requirements. If you don't know, ask your funeral director or clergy.

MEMBER OF LODGE, FRATERNAL ORGANIZATION, OR MILITARY VETERAN?

Many lodges and fraternal organizations have funeral traditions and rituals that are performed during the visitation or funeral service. If the deceased was a military veteran, he or she is entitled to a U.S. flag and military honors performed by veteran organizations. Your funeral director will explain and arrange such services for you if desired.

IS COST A FACTOR?

Yes, cost is a factor, but all funeral homes have a price list available for your review. It will be easier to discuss arrangements if you have an idea of what you are able to afford.

DO YOU WANT A BURIAL OR ENTOMBMENT?

Earth burial is the traditional means of final disposition in the United States. Costs include a casket, cemetery plot, opening and closing of the grave, a grave liner or vault and a memorial or marker. These costs vary considerably by cemetery and locality.

Entombment is the placement of the casket above ground in a mausoleum. Mausoleum space may be more expensive than a cemetery plot.

Most cemeteries require full payment at the time you buy a plot and make burial arrangements and you should be prepared for this by bringing cash or your checkbook with you. Some will take an assignment of insurance if you can show that the policy is valid and will pay an amount sufficient to cover the expenses. Government life insurance policies are not assignable.

DO YOU WANT EMBALMING?

Embalming is a process where a licensed funeral service professional temporarily preserves human remains for purposes of sanitation or presentation. Your funeral director will ask the individual(s) with right-of-disposition authority for permission to embalm very early because the amount of time that elapses after death can have an effect on the process. Additionally, common carrier regulations usually require embalming as a condition for the transportation of a deceased person. You should also check the embalming laws and regulations of other states if the deceased is to be transported outside of Michigan.

As noted earlier, a Michigan regulation states that bodies that have not reached the place of final disposition - whether a cemetery or crematory - should be embalmed for purposes of transportation..

DO YOU WANT A GATHERING FOR FAMILY AND FRIENDS?

Visitation, which is also called a “viewing,” “calling hours” or a “wake,” is having the body lie in state with members of the family present so that friends may pay last respects to the deceased. A visitation may vary in length from hours to days. You may prefer a private viewing restricted to the family.

DO YOU WANT A RELIGIOUS SERVICE BEFORE BURIAL?

Arrangements will need to be made with appropriate clergy to set times and types of religious services that can be held in the funeral home chapel or any appropriate place of your choice such as a church, temple, synagogue or hall. These arrangements can be made by the funeral home if you so choose.

DO YOU WANT A GRAVESIDE SERVICE?

When the body or the cremated remains are buried in the ground or entombed in a mausoleum, a service may be held at the gravesite. A graveside service may or may not consist of religious rituals and is usually of shorter duration than a traditional service at a funeral home or church. The times and manner of graveside services may be restricted by cemetery regulations. Arrangements will need to be made with the cemetery to set up the proper facilities. The funeral home will make these arrangements for you.

DO YOU WANT CREMATION?

Cremation is a form of final disposition through combustion. The choice of cremation does not limit or dictate the funeral options available. Most cremations are preceded by some type of viewing or funeral service. If the body is viewed, it is usually embalmed. Cremation reduces the body to small bone fragments, which are pulverized, reducing the fragments to the consistency of coarse sand or crushed seashells.

WHAT IS YOUR CHOICE FOR FINAL DISPOSITION OF THE CREMATED REMAINS?

While cremation is considered a final disposition by law, obviously the cremated remains must be cared for and the funeral director must know your plans. Unless you make arrangements with the funeral director, you bear sole responsibility for their disposition and you should collect them upon notice of their availability. The same individuals who possess the legal right to authorize the cremation have the right to possess the cremated remains. They may be buried in the earth, entombed in a mausoleum, placed in a niche in a columbarium, scattered on or over private land with the permission of the owner or remain in the possession of the family, usually in an urn.

DO YOU WANT A MEMORIAL SERVICE AFTER DISPOSITION?

A memorial service is usually held after a direct cremation or burial. The distinctive feature of a memorial service is that the body is not present. This service can be held in a funeral home, chapel, church, synagogue, home, or any place that is meaningful to the survivors. However, many grief counsellors recommend that it is better to hold services with the body present.

DO YOU HAVE TO HAVE A SERVICE?

Disposition of the body may occur without any service. Expenses will include removal of the body from the place of death, transportation of the body to the burial or cremation site and whatever may be necessary to meet legal requirements and the minimum requirements of the funeral home involved. For some, not having any services may be a form of psychological denial and can cause emotional problems and guilt feelings for family members in the future.

WHAT ABOUT BODY DONATION?

Some persons choose to have their bodies donated to medical teaching facilities either directly or after a service is held. This arrangement with a facility should be made by an individual prior to death. However, many facilities already have more requests on file than their needs warrant.

ARE THERE OTHER OPTIONS YOU WISH TO CONSIDER?

Funeral homes provide other services such as placing obituary and death notices in the newspaper, obtaining death certificates and assisting you in filing for death benefits. They will arrange for transportation of the body to another funeral home in or out of state, transportation to the cemetery, payment of honoraria or gratuities to clergy and musicians. They will order, accept, place and transport all floral wreaths and bouquets. Such services are provided upon request. Some funeral homes will include some or all of these services at their cost without additional fees and some will charge a fee for each service performed. Many funeral homes also provide, without charge, counselling and support group services or referral.



Visit the Funeral Home

You are now ready to visit the funeral home of your choice to prepare for the funeral.

MEETING THE PROFESSIONALS ...

The funeral profession, as a caretaking group, has personnel and facilities available for those who need assistance prior to or at the time of death.

INFORMATION & CLOTHING THE FUNERAL DIRECTOR WILL NEED...

To facilitate the arrangements and the filing of the death certificate, it will be helpful if you bring the following (if applicable) to the arrangements conference:

- Birth Certificate if available: information needed is father's full name, mother's first and maiden name and date and place of birth.
- Ancestry (nationality).
- Educational level.
- U.S. Armed Forces Honorable Discharge papers.
- Recent photograph.
- Any information about cemetery property — Cemetery papers/deeds (if applicable and available).
- Brief list of surviving relatives (names and places of their residences).
- List of pallbearers (if desired).
- Name of person(s) to officiate at the service/Mass/memorial.
- List of persons playing music and the hymns/songs requested.
- Clothing: the clothing should include a complete set of underclothing and whatever outer clothing the family deems appropriate.

MAKING THE ARRANGEMENTS ...

Even if arrangements were preplanned by the deceased, you will be required to meet with a funeral director to confirm the arrangements and/ or plan the type of service you desire. The wishes of the deceased do not prevail over the wishes of the individual(s) with right-of-disposition authority. At this time you must determine what tasks you want the funeral home to perform and what facilities are needed to meet your needs.

EVALUATING THE COST ...

Although difficult, it is important to remember during this meeting that you are purchasing services and merchandise and are renting facilities. Live within your budget. Regardless of the cost of your funeral, you will receive the same professional and compassionate service from the funeral director.

IMPORTANT DISCLOSURE DOCUMENTS ...

The funeral director will provide you with a price list of goods and services before discussing funeral arrangements. You may also be provided separate price lists for caskets and vaults/outer burial contractors. These price lists are designed to allow you to only make the selections you want, and have the prices clearly laid out.

TO AVOID MISUNDERSTANDINGS ...

You will be expected to sign a contract and other documents specifying the arrangements you have made. You may also be asked to sign a statement that you have received certain documents. Do not be offended. Your signature is proof that the funeral home has met its legal commitment. The documents are important to you and you should read them carefully and refer to them as often as you like.

SELECTING THE MERCHANDISE ...

When you have made some of your initial arrangements, the funeral director may lead you to a display area which contains a number of caskets and other merchandise from which you will make your selections.

PROFESSIONAL SERVICE FEES ...

The contract you sign with the funeral home will contain a basic fee for professional services. This basic fee includes overhead, such as rent, utilities, administrative personnel, insurance, maintenance, etc. This is a legitimate charge. It is not negotiable and does not represent any of the goods and services you have chosen.

READ THE CONTRACT BEFORE SIGNING ...

You are entitled to know what each charge is for and may change your selections before you sign the contract or you may go elsewhere. A funeral home may not refuse to release a body to another home for any reason. However, you will be financially responsible for any services which you have previously authorized, such as removal, embalming or transportation to another funeral home.



Planning Ahead

Planning for a funeral in advance of death is called a preplanned or prearranged funeral. Preplanned funerals may or may not be prefunded. Prearranged funerals offer a permissible vehicle to divest assets for those seeking public medical assistance due to long term care needs. Preplanning offers some other advantages:

- There are no time constraints.
- You will have the opportunity to evaluate your needs, desires and financial capabilities more carefully.
- You can leisurely contact area funeral homes.

CAUTION

Michigan law does not guarantee that your preplanned choices will be carried out. The individual(s) with right-of-disposition authority are empowered to alter your choices after death, although a prefunded contract may not be cancelled outright after the death of the contract beneficiary.

PREFUNDED FUNERALS

ESCROW-FUNDED FUNERAL PLANS...

Guaranteed Price Contract

This option allows you to plan a funeral at today's prices. You pay for the funeral in advance and your funds are placed in an escrow account.

This type of plan uses the interest collected in the escrow account to offset any increase in costs because of inflation. You or your survivors will never be required to pay any additional money for the merchandise and services contained in the contract. Nor is the funeral director required to give you a refund if the funds in the account are more than is necessary to carry out your wishes. When this type of plan is chosen, the interest stays with the escrow fund and you do not collect it. You are responsible for income taxes on the interest or capital gains. If this is a concern, ask your funeral director about several funds available where the escrow plan bears the tax responsibility. The funeral home may not touch these funds without proving the contract has been fulfilled. You may also cancel the contract at any time for any reason, unless it has been certified irrevocable by the Department of Health and Human Services. However, if you do, the funeral director may retain up to 10% of the principal and interest as a cancellation fee.

Non-Guaranteed Price Contract

This is similar to the above plan except that the prices contained in the contract are not guaranteed. Preplanning still occurs and the funds are placed in trust, but the services and merchandise selected are charged at the prices in effect at the time of death. If there is not enough in the escrow account to cover the choices, the survivors would have to supplement the account or make different choices to accommodate the funds available. If there is an excess of funds in the account, the estate of the deceased receives a refund from the funeral home.

The cancellation provisions for this plan are the same as for the previous plan, as is the responsibility for the taxes.

INSURANCE FUNDED FUNERAL PLANS...

With this option, you select funeral services in advance of death and purchase a life insurance policy (sometimes called “funeral insurance”) sufficient to cover the anticipated cost of the funeral. The funeral director accepts the risk that the funds may not be sufficient to cover the costs when the death occurs.

You should clearly understand that you are purchasing an insurance plan and not an escrow plan. The major difference is that, under an escrow plan, if you cancel the plan, the funeral home may keep no more than ten percent of the trust account. You receive everything else you have contributed, plus interest. If you cancel an insurance policy, you receive back only the “cash value.”

Insurance funded prearrangements may only be sold by persons who are licensed by the Department of Insurance & Financial Services. If there are any questions about your contract for this type of plan you should call that agency for information.

**ALWAYS READ CONTRACTS
BEFORE SIGNING!**



Complaint Procedures

The Grievance & Ethics Committee of the Michigan Funeral Directors Association is empowered to receive, investigate and adjudicate complaints against its members on behalf of the consumer. However, since the Michigan Funeral Directors Association is a private organization, the most severe penalty it can impose is to revoke the membership of its members. Only the Department of Licensing and Regulatory Affairs, which is a state agency, can revoke the license of a funeral home found in violation of laws or regulations. Complaints alleging a violation of state laws or regulations should be filed with the Department.

PLEASE NOTE: Although a complaint is valid to the complainant, it might not be a matter with which the Association or the Department can deal. The Department may only consider those matters that constitute a violation of its laws and rules, and the Association can only take remedial action with those matters that violate its Code of Ethics. For example, there are some areas of service, such as bad manners, human error or bad communication, which cannot be the basis for imposition of a penalty.

The law does not permit the Association to establish rules or regulations that result in a restraint of trade. This means that the Association may not set fees or dictate what services a funeral home may offer.

By law, cemeteries and funeral homes in Michigan cannot be owned or managed by the same person or business. Therefore the Michigan Funeral Directors Association has no cemeteries as members and can take no action against them. However, the same Department of Licensing and Regulatory Affairs does regulate private cemeteries, and complaints about cemeteries should be forwarded to the Department.

HOW TO MAKE A COMPLAINT

If you wish to make a complaint against the professional practices or conduct of any funeral staff personnel, you may wish to use the following procedure:

SAVE ALL RELATED DOCUMENTS...

Your funeral service contracts and any documents pertaining to the funeral goods or services you received provide valuable information.

SPEAK TO THE PERSON IN CHARGE...

State law requires that each funeral home designate a licensed funeral director as the manager of the facility. Seeking out and talking over your problems with this person is often all that is needed to resolve any differences.

EXPLAIN YOUR CONCERNS...

Get responses to all your questions until you are satisfied that you have obtained all the information you can.

FILE A COMPLAINT...

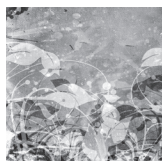
If you still are not satisfied, file a complaint with the Michigan Funeral Directors Association addressed to:

Chairman
Grievance & Ethics Committee
Michigan Funeral Directors Association, Inc.
2420 Science Parkway
Okemos, MI 48864

Or you may complain to the State by writing to:

Department of Licensing and Regulatory Affairs
Bureau of Corporations, Securities and Commercial Licensing
P.O. Box 30018
Lansing, MI 48909

Or a complaint form may be downloaded from the Department's web site www.michigan.gov/lara.



Code of Ethics

The members of the Michigan Funeral Directors Association do hereby adopt this Code of Ethics as a standard of conduct for the members of the Association in their professional relationships with those they serve, with the general public, with each other, and with their profession and professional colleagues.

1. A funeral director should deal with those whom he serves openly, fairly, confidentially, respectfully, and competently. A funeral director should:
 - (a) Enter into business dealings with those whom he serves openly, fairly, at arm's length, and with solicitude for their emotional needs and financial limitations.
 - (b) Maintain confidentiality of communications with those whom he serves.
 - (c) Maintain an attitude of respect for the inviolability of the dead human body.
 - (d) Maintain a sincere respect for all creeds, religions, and customs.
 - (e) Strive to offer only those goods and services that reflect high professional standards.

2. A funeral director should assist in maintaining public confidence in the integrity and competence of the funeral service industry. A funeral director should:
 - (a) Support high standards of education for the members of the industry.
 - (b) Conduct himself at all times with those whom he serves and other members of the public conscientiously and in accordance with enlightened business standards and practices, with complete honesty in all dealings, and in a way to reflect favorably upon the funeral service industry.
 - (c) Protect the public health and safety by scrupulous adherence to professional standards and maintenance of his establishment in a sanitary and orderly fashion.
 - (d) Help attract to funeral service qualified people of good character and intellectual capacity and aid in their instruction.
 - (e) Faithfully obey all laws, regulations and rules governing funeral service both in letter and in spirit.
 - (f) Refrain from business practices which are unfair, which may have the effect of misleading the public or which would violate community standards of good taste.

3. A funeral director should relate to other members of the profession with the highest standards of professionalism. A funeral director should:
 - (a) Expose corrupt, dishonest or unethical practices by members of the profession.
 - (b) Cooperate in a professional manner with other funeral directors when service of families involves the merchandise or services of other funeral homes, including, but not limited to, facilitating transfers of arrangements, both preneed and at-need,

and refraining from unfairly and/or untruthfully disparaging the merchandise or services of another funeral firm.

(c) Cooperate with licensing authorities, the Grievance & Ethics Committee of the Association, the Board of Directors and other authorities, public and private, that may from time to time investigate allegations of dishonesty, violations of the law or unethical conduct.

(d) Encourage adherence to the law and to this Code of Ethics, including, but not limited to, making timely and good faith responses to all inquiries made by the Grievance & Ethics Committee of the Association or the Board in any investigation of a breach of the Code of Ethics on the part of any Member of the Association.

Presented to you by

Member of
Michigan Funeral Directors Association