

Cooperative Funeral Fund Inc.

Defenders of the Last Wish

as seen in:



Reprinted with permission from the November 2017 issue of *The Director*, the official publication of the National Funeral Directors Association.

DEFENDERS OF LAST WISHES

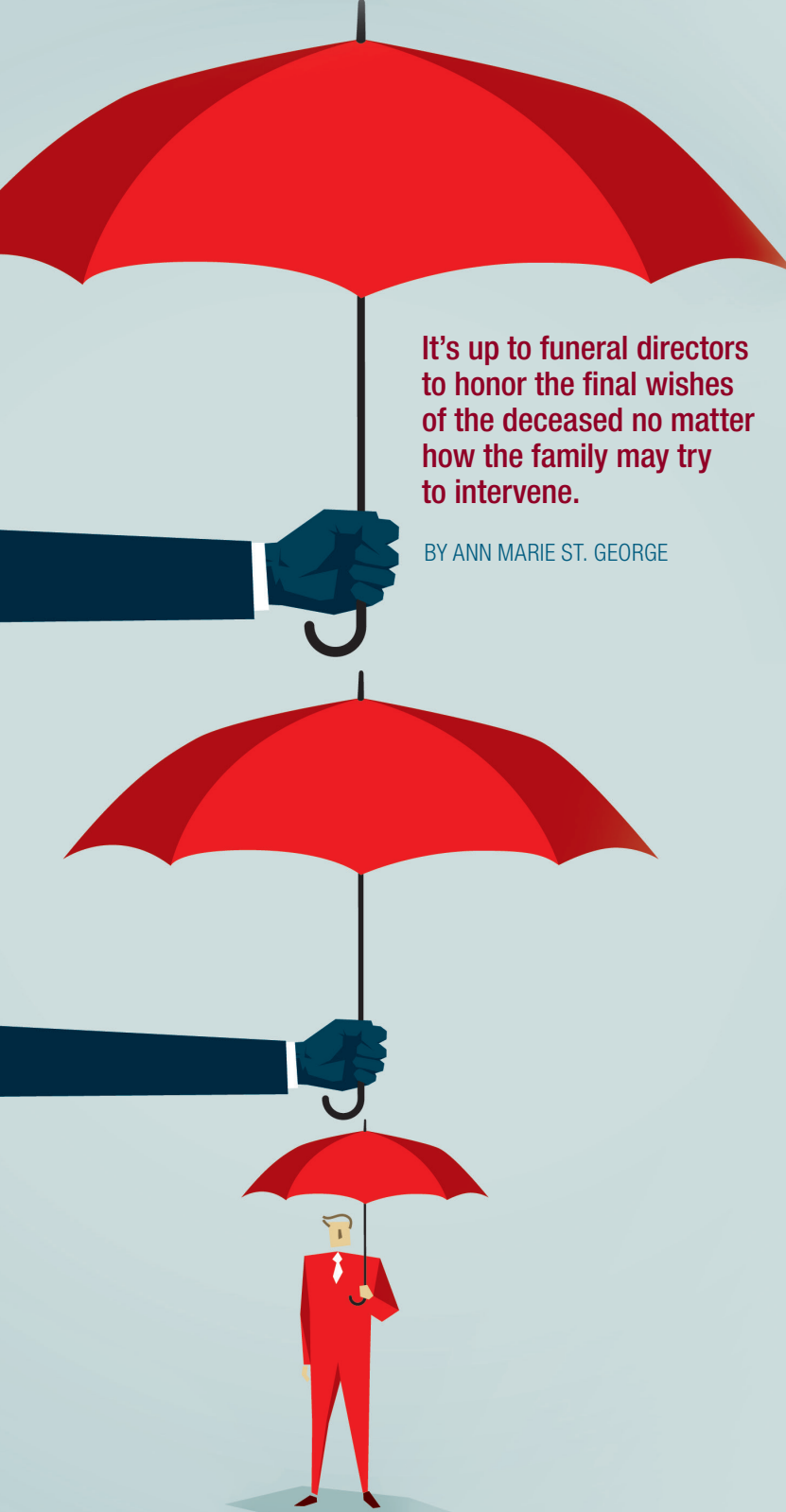
What stands out about your funeral home? I know there are days when we feel we're on the proverbial hamster wheel, doing the same old thing for the families we serve. What do we need to do to bring it to the next level? Many believe the future rides on that drawer full of prefunded prearrangements. What are we doing to ensure that those files stay in "our" filing cabinet and don't move to the funeral home down the street?

Recently, while attending a state funeral convention, a very interesting question was posed to the guest speaker: "What do you do if the family wants to change the prearrangement the deceased made for himself?" In this sue-happy world of ours, what rights does the decedent have and who is going to protect us while we protect them? Can the family just take the prearrangement to another funeral home, assuming they will take care of it the way the family wants instead of how it was contracted? Shouldn't another funeral home have to follow the same wishes? Can this other funeral home legally change the contracted wishes of the person who is the beneficiary of that prearrangement?

Fortunately, besides expressly stating a person's final wishes in a will, there are several states that require documents to be signed, witnessed and/or notarized. These documents were put in place to help protect the wishes of the person making the prearrangement, especially in cases in which the beneficiary knows that his or her wishes may not be followed. It is a signed legal document and as such should be recognized no matter where the family takes the deceased.

The one I am most familiar with is New York's Public Health Law 4201, "Appointment of Agent to Control Disposition of Remains." This law allows people to appoint an agent to administer their final wishes, in spite of other family relationships. This agent has the first priority over the next-of-kin hierarchy and should be someone who will definitely follow the beneficiary's wishes. An important note is that these designated people only make sure that the wishes of the deceased are followed. They are not responsible for payment of the funeral bill unless otherwise indicated. For a complete explanation, I recommend visiting the New York State Department of Health Bureau of Funeral Directing at health.ny.gov.

For those making prearrangements, two main reasons come to mind: peace of mind and to ensure that their wishes are followed. Legal documents become important instruments, along with communication, by making sure one's wishes are known. When holding preneed seminars, we disserve families if we don't encourage them to have an open line of communication with family and friends. Yes, it is important to write down and document one's wishes to ensure that no one has to worry about what dad's wishes were. However, it is just as important to share those wishes with those we love to avoid any misunderstanding, which leads us to NFDA's Have the Talk of a Lifetime program.



It's up to funeral directors to honor the final wishes of the deceased no matter how the family may try to intervene.

BY ANN MARIE ST. GEORGE

Today, with so many eclectic types of families, there are bound to be some challenges when we present ways for the families we serve to protect their wishes, as in the cases of arranging the funeral of the deceased from a same-sex marriage or a blended family. I've heard horror stories of same-sex couples that have lived together for years and shared their wishes with each other, only to have them negated by family that stepped in at the time of death. Another example is a second marriage, where stepchildren change their stepmom's funeral so she can't be buried next to their deceased dad.

Yes, there are benefits to having a filing cabinet full of pre-paid and fully funded prearrangements and a successful aftercare program, which make up a successful preneed program, but are we really doing all we can to protect these arrangements? Are we educating families on their rights? Are we empowering them to have the talk of a lifetime? These conversations don't need to be all doom and gloom; turn it into a family event. Telling everyone close to them their final wishes will help avoid any uncertainty. Funeral directors are instrumental in helping bridge the gap with the family by encouraging the sharing of final wishes, which is especially important if they believe their wishes may not be carried out. Ultimately, it's about taking care of everyone's peace of mind.

State by state, documentation that protects the someday deceased is as important as influencing the families we serve to share their wishes. Laws are important to clarify to the family that no matter who takes care of the funeral, the deceased wishes are to be followed. The threat of going to an-

other funeral home cannot be used as intimidation. And as the funeral director down the street, do you really want to steal "that call," aka the proverbial nightmare? We need to stick together when it comes to honoring the wishes of the deceased, especially if there is clear documentation explaining such.

Is that one call worth ruining your reputation? In other words, you will now be known as the funeral home that won't honor one's prearrangements, which is a surefire way to empty that prearrangement filing cabinet before any of them die.

Moving forward, we need to rethink our advocate roles and protect the wishes of anyone making a prearrangement. Also key would be assurances that specifically protect us while protecting them. Ugh, sounds like we'll all be out of a job before the lawyers! ☹

Ann Marie St. George, CPC, a first-generation funeral director, has worked for the past 20 years as a regional manager for Cooperative Funeral Fund, a preneed and cemetery care fund management company. Thriving in the industry for more than 35 years as a funeral director/embalmer, she was pulled into the world of national disasters starting with 9/11 (she lived 11 blocks north of the World Trade Center). She is a mortuary officer for both DMORT Region II and Kenyon International Emergency Services. The devastation and grief to which she has been exposed has contributed to her unique sense of humor, which she does admit may also be due to genetics. She can be reached at annie@cffinc.com.

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