

AUTHORIZATION FOR RELEASE

AFFIDAVIT IN SUPPORT OF: Claim to Control the Disposition of bodily remains
Pursuant to Health & Safety Code 7100

Regarding: _____, Decedent

Attention _____

I hereby direct that the above named decedent be released to:

MCA Funeral Home

I claim the right to control the disposition of the decedent's bodily remains because:

(Please - INITIAL)

_____/_____ I am the legal, responsible party: The following list represents order of responsibility.

Please answer: YES or NO to each of the following

- a) _____ Written instructions by Deceased (Will, Trust, Preneed) (Copy required)
- b) _____ Durable Power of Attorney for Health Care/Conservator (Copy required)
- c) _____ Spouse or State Registered Domestic Partner
- d) _____ Child(children): Number of Adult Children _____
- e) _____ Parent(s): Mother: Living/Deceased Father: Living/Deceased
- f) _____ Sibling(s): Number of Adult Siblings: _____
- g) _____ Other: (specify) _____ Public Administrator/Coroner

Declaration:

The person signing below represents, warrants and declares to **MCA Funeral Home** that they are not aware of any person who has a superior right to complete the funeral/cremation arrangements, or anyone who objects to my arranging for the disposition of the above named decedent.

I am not aware of any written legal instructions (Will, Trust) by the decedent, or any contract for funeral services by the decedent, that gives direction or control of the disposition of the decedent's remains to any other person or facility.

If you are a decedent's child, parent, sibling, or relative on equal standing in accordance with SS. 7100 of the California Health and Safety Code, by signing below, you represent that you have the approval of the majority of the people with the same standing. Further you represent that you have made reasonable efforts to notify all of the decedent's other children, the remaining parent, all siblings or relatives of equal standing.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct. I agree to indemnify and hold harmless **MCA Funeral Home** from any claims or causes of action arising or related in any respect to this Authorization for Release or the Funeral Home's reliance thereon.

Authorized Signature: _____ **Print:** _____ **Date:** _____

Authorized Signature: _____ **Print:** _____ **Date:** _____

Mortuary Representative: _____

AUTHORIZATION TO ACCEPT OR DECLINE EMBALMING

TO: _____
(Funeral Establishment Name)

RE: _____
(Decedent)

Embalming is the addition to, or the replacement of, body fluids by chemical preservatives or the application of chemical preservatives for the temporary preservation of the body. **I understand that embalming is not required by law.**

I, _____, do do not (check one) request embalming. I understand that for storage or embalming purposes the decedent may be transported to the following location:

(Location Name and Address)

The undersigned hereby represents that he/she has the legal right to control disposition of the remains of the decedent.

Signed: _____, Relationship to Decedent: _____

Executed this ____ day of _____, _____, at _____.
(Month) (Year) (City and State)

This section is to be completed by the funeral establishment if authorization to accept or decline embalming is obtained orally.

The above statement regarding embalming and storage was read and/or provided to _____, Relationship to Decedent: _____, who did did not (check one) authorize embalming at the above named funeral establishment. Telephone Number: _____
Date and time authorization granted: _____

This section is to be completed by the funeral establishment representative who is executing this authorization to accept or decline embalming.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this ____ day of _____, _____, at _____.
(Month) (Year) (City and State)

Funeral Establishment Representative (Print Name)

Funeral Establishment Representative (Signature)

Ghusl-Ritual Wash

When a Muslim dies, the Islamic rite of ghusl is performed prior to burial.
Family members of the deceased are usually the ones to perform the wash.
In most cases it may take 2-4 people to be involved in the washing and shrouding.

We recognize that in some cases the deceased may not have a relative(s) available.
In these cases we may enlist members of the community.
The persons who may wash the deceased should :

Know the Islamic way of washing the deceased and be able to carry out the ghusl

Be an adult Muslim, honest and trustworthy person

Be of the same gender as the deceased

For a child, either males or females may do the ghusl

California Code of Regulations Title 16, Division 12

§ 1221. Care and Preparation for Burial

"The care and preparation for burial or other disposition of all human remains shall be strictly private, and no one shall be allowed in the embalming or storage room while human remains are being embalmed or prepared for disposition, except the licensed funeral director and his or her duly authorized officers and/or employees, licensed embalmers and their duly registered apprentices, instructors and their students from accredited mortuary science programs approved by the bureau, and public officials in the discharge of their duties; provided, that this rule shall not apply to persons who have been authorized by the person with the right to control disposition pursuant to section 7100 of the Health and Safety Code.

1. _____
2. _____
3. _____
4. _____

I, _____ have the right to control disposition of the deceased

_____ authorize the above named members of the community to be present and participate in ghusl wash.

Signature

Date

Death Certificate Worksheet

CASE NUMBER: _____

Name: (First) _____ (Middle) _____ (Last) _____			AKA: (First) _____ (Middle) _____ (Last) _____		
Date of Birth: _____		Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>		Date of Death: _____	
State or Country of Birth: _____		Social Security #: _____		Military Service: Copy Discharge Papers <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	
Highest Education/Degree _____		Spanish/Hispanic (Specify) <input type="checkbox"/> Yes <input type="checkbox"/> No		Race: (Specify) Caucasian, Black, Indian, Chinese, _____	
Occupation: (Job Performed) <i>Not Retired</i> _____		Type of Business: _____		Years in Occupation: _____	
Residence: (Physical Address) _____					
City: _____		County: _____		Zip Code: _____	

Informant: Name _____		Relationship: _____		Telephone Number: _____	
Street Address: _____		City: _____		State: _____ Zip Code: _____	

Surviving Spouse: (First) _____		(Middle) _____		(Last - Maiden Name) _____	
Decedents Father's Name: (First) _____		(Middle) _____		(Last) _____ State or Country of Birth _____	
Decedents Mother's Name: (First) _____		(Middle) _____		(Maiden Name) _____ State or Country of Birth _____	

Dispo. Date _____		Place of Final Disposition: _____		Telephone Number: _____	
Cemetery Address or Disposition Location _____		City: _____		State: _____ Zip Code: _____	
Embalming: Yes: <input type="checkbox"/> No: <input type="checkbox"/>		Embalmer _____		Embalmers License #: _____	
				Permission to Sign Granted <input type="checkbox"/> _____	

Place of Death _____		IP ER/OP DOA _____		Hospice Nursing/LTC Decedents Home Other: _____	
Telephone: _____					
County _____		Facility Address _____		City _____	
Coroner's Office: _____					

Physician: _____		Telephone Number: _____		FAX Number: _____	
				Medical Number: (Kaiser #:) _____	
Street Address: _____		City: _____		State: _____ Zip Code: _____	

I have reviewed the above information and verify that is accurate and correct.

Signature: _____ Date: _____

Disclosure of Preneed Funeral Agreement

The funeral establishment, _____,
(funeral establishment name)
license number FD _____, **DOES** _____, **DOES NOT** _____ (check one) have a preneed arrangement, as
defined below, made by or on behalf of _____.
(name of decedent)

If the funeral establishment **does have** a preneed agreement, complete the following:

In compliance with Business and Professions Code Section 7745, the funeral establishment has presented to the person named below a copy of any preneed agreement which has been signed and paid for in full, or in part by, or on behalf of the deceased and is in the possession of the funeral establishment.

Signature of funeral establishment representative

Date

“Preneed arrangement,” “preneed agreement” or “preneed” is written instruction regarding goods or services or both goods and services for final disposition of human remains when the goods or services are not provided until the time of death, and may be either unfunded or paid for in advance of need.

Funeral Establishment’s Responsibility – Business and Professions Code Section 7745 requires a funeral establishment to present to the survivor of the decedent or the responsible party a copy of any preneed agreement in its possession which has been signed and paid for in full, or in part by, or on behalf of the deceased. Business and Professions Code Section 7685.6 requires a copy of any preneed arrangements to be disclosed prior to drafting any contract for funeral goods or services. The funeral establishment may present the copy in person, by certified mail, or by facsimile transmission, as agreed upon by the person with the right to control disposition. A funeral establishment that knowingly fails to present a preneed agreement as required is liable for a civil fine equal to three times the cost of the preneed agreement, or one thousand dollars (\$1,000), whichever is greater.

You may contact the Cemetery and Funeral Bureau for more information on funeral, cemetery or cremation matters or to file a complaint against a licensee:

Cemetery and Funeral Bureau
1625 North Market Blvd., Suite S-208
Sacramento, CA 95834
916-574-7870

Signature of the survivor or responsible party

Date

Print name of the survivor or responsible party

Signature of funeral establishment representative

Date

Print name of funeral establishment representative

Title

The funeral establishment must:

- Give a copy of the completed statement to the survivor or responsible party.
- Retain the original or a copy of the completed disclosure statement on file for not less than one (1) year after the preneed account has been audited by the Bureau or seven (7) years from the date the disclosure statement was made, whichever comes first.

CONSUMER GUIDE TO FUNERAL AND CEMETERY PURCHASES

1625 North Market Blvd., Suite S-208, Sacramento, CA 95834 • (800) 952-5210 • TDD (800) 326-2297 • (916) 574-7870

www.cfb.ca.gov

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- The surviving competent spouse or registered domestic partner.
- The surviving competent adult child or the majority of the surviving competent adult children.
- The surviving competent parent or parents.
- The surviving competent adult sibling or the majority of the surviving competent adult siblings.
- The surviving competent adult or the majority of the surviving competent adults in the next degree of kinship.
- A conservator of the person appointed under Part 3 (commencing with Section 1800) of Division 4 of the Probate Code when the decedent has sufficient assets.
- A conservator of the estate appointed under Part 3 (commencing with Section 1800) of Division 4 of the Probate Code when the decedent has sufficient assets.
- The public administrator when the decedent has sufficient assets.

Details:

A person may direct in writing the disposition of his or her remains and specify the funeral goods and services desired. Unless there is a written statement to the contrary that is signed and dated by the person, these directions may not be changed in any material way except as required by law.

The law protects a person's choices after death, providing that:

- 1) The written directions are clear and complete; and
- 2) Arrangements for payment of final services via trusts, insurance, commitments by others, or any other means have been made which precludes the payment of money by the survivor(s) who might otherwise have the right to control disposition.

• Instead of giving written instructions, a person may give the right and duty of disposition to a PADD (if an active duty member of the U.S. Armed Forces) or to an agent under a power of attorney for health care or an advance health care directive. This agent will have the full right to act and control the decedent's disposition unless the power of attorney or an advance health care directive limits or removes that right or ceases upon death.

• In the absence of written instructions, a PADD, an advance health care directive, or power of attorney for health care, the right and duty of disposition moves next to a surviving competent spouse or registered domestic partner. To be considered a registered domestic partner in California, a person must have filed a Declaration of Domestic Partnership with the Secretary of State under Family Law Code section 297.

• In the absence of the above documents and people, the right and duty of disposition would fall to the surviving competent adult child or the majority of the surviving competent adult children, then the competent parent or parents, then the competent adult sibling or the majority of the surviving competent adult siblings, and then the competent adult or the majority of the surviving competent adults in the next degree of kinship, followed by conservator of person, conservator of estate, or public administrator.

In addition, the law governs issues such as the time in which family members must act, what happens if all members cannot be found or cannot agree on what to do, and who is responsible for the costs of disposition. Be sure to review and understand all the provisions of law when you are considering these choices. The applicable laws and regulations can be found on the Bureau's Web site at www.cfb.ca.gov.

(NOTE: Exceptions may apply in certain situations. You have the right to select a different person to make the decisions about your arrangements, if you wish. You may wish to consult with an attorney about including such instructions in your will or in another written document, such as a power of attorney for health care. Be sure to provide copies of your instructions to family members and keep your own copy in a place that can be easily accessed.)

Prices

Federal law requires funeral establishments to quote prices over the phone and to give you a General Price List (GPL) and a Casket Price List (CPL) when you ask in person about arrangements and prices. If the funeral establishment sells outer burial containers, it must also provide you prices for those containers, either as part of the GPL or on a separate price list. If the funeral establishment has a Web site, it must post the list of funeral goods and services that are required to be included in their GPL, pursuant to federal rule, and include a statement that the GPL is available upon request via a link from the home page, OR include the words "price information" or a similar statement that includes the word "price" with a link to the GPL. (For more information, see *General Price List Requirements, page 3.*)

When you contract for services with a funeral establishment, the law requires it to give you an itemized statement of your choices, including estimates of any costs that are unknown at the time. The statement must also include charges for outside vendor services arranged by the funeral establishment such as flowers, clergy honoraria, newspaper notices, music, etc. Make sure the statement includes only those items you have selected. If you have chosen a funeral package, the statement should describe all the goods and services that are included. Be sure you have the total dollar amount in writing before you sign the contract.

The law allows a funeral establishment to set a fee for professional services, such as the funeral director's time spent:

- Helping you plan the funeral;
- Making arrangements with a cemetery or crematory (or other funeral establishment if the body will be shipped out of the area);
- Obtaining the death certificate and other required permits;
- Submitting the obituary and "unallocated overhead," which includes taxes, insurance, advertising, and other business expenses.

The funeral establishment may require you to pay this fee in addition to the specific funeral goods and services you select.

(NOTE: It is illegal for a funeral establishment to charge a handling fee if you wish to use a family-built casket or a casket you purchased elsewhere. However, the casket must meet the cemetery's or crematory's standards and must take into consideration the size of the body. It is also illegal for the funeral establishment to make false claims about the preservative qualities of a casket or to charge contagious disease fees or fees for protective clothing for staff.)

Embalming

The law does not require embalming. However, the person with the right to control disposition must accept or decline embalming by signing a specific form prescribed by the Bureau. Additionally, a funeral establishment must refrigerate an unembalmed body in its possession if burial or cremation does not take place within 24 hours. (See exception under *Home Death Care, page 2.*) As a practical matter, however, you may wish to authorize embalming if there will be a delay before a public viewing. Keep in mind that embalming does not prevent decomposition of a body.

(NOTE: A coroner may require embalming in certain circumstances.)

Cremation

The law does not require the purchase of a casket before cremation.

(A combustible cremation container, typically referred to as an alternative container, is required. See *Cremation, page 3.*)

Burial

The law does not require outer burial containers, commonly known as vaults or grave liners, but cemeteries may require them because they keep the ground from settling after burial. Typically, vaults completely surround the casket in concrete or other

Introduction

The death of a loved one is one of the most traumatic experiences any of us will ever have. The California Department of Consumer Affairs' Cemetery and Funeral Bureau has developed this booklet to assist you in making the difficult decisions about funeral and cemetery arrangements for yourself or someone close to you. By asking the right questions, comparing prices and services, and making informed decisions, you can make arrangements that are meaningful to your family and control the costs for you and your survivors.

The Cemetery and Funeral Bureau licenses, regulates, and investigates complaints against California funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery salespersons, cemetery managers, cremated remains disposers, crematories, crematory managers and the nearly 200 fraternal and private cemeteries in the State.

(NOTE: The State does not license cemeteries operated by religious organizations; cities, counties, or cemetery districts; the military; Native American tribal organizations; or other groups. If you don't know who regulates the cemetery you're interested in, ask the cemetery manager.)

If you need help with a cemetery or funeral issue, visit the Bureau's Web site at www.cfb.ca.gov or call the Department of Consumer Affairs' Consumer Information Center at (800) 952-5210 or the Bureau at (916) 574-7870.

Legal Requirements

Disposition Arrangements

California law lists those who have the right, duty, and responsibility to make decisions about disposition arrangements after a person's death. They are, in order, as listed in the law:

- A person, prior to his or her death.
- The Person Authorized to Direct Disposition (PADD) on a U.S. Department of Defense Record of Emergency Data (DD Form 93) as that form existed on December 31, 2011, or its successor form.
- An agent under a California power of attorney for health care.

material. Grave liners cover only the top and sides. Neither container will prevent the eventual decomposition of human remains.

Natural burial, also referred to as green or eco-friendly burial, is a way of caring for the dead with minimal environmental impact, often without a casket or burial container. The body is typically not embalmed and may be encased in biodegradable materials for burial. Talk to cemetery staff if you're interested in this option.

Home Death Care

The use of a funeral establishment and funeral director is not required bylaw when preparing a body for disposition. You can arrange for your body, or that of a loved one, to be cared for and prepared for disposition by family and friends at home. If you choose home death care, you must:

- File a properly completed Certificate of Death, signed by the attending physician or coroner, with the local registrar of births and deaths.
- Obtain a Permit for Disposition from the local registrar of births and deaths.
- Provide a casket or other suitable container.
- Make arrangements directly with the cemetery or crematory.

Your local county health department may be able to help you file a Certificate of Death and/or a Permit for Disposition.

(NOTE: Human remains may be kept at home without embalming or refrigeration until disposition. Generally, decomposition will proceed more rapidly without refrigeration or embalming.)

Coroner Fees

California law permits coroners to charge for certain services. Fees vary by county.

Retail Casket Sellers

California law requires retail casket sellers, when beginning any discussion of prices, to give customers a written price list of all caskets, alternative containers, and outer burial containers normally offered for sale and the price for each. In addition, if customers ask for the list in person or by phone, the retail casket seller must give them a written statement identifying caskets or containers by price, thickness of metal, type of wood or other construction, and by interior and color. Price, thickness, construction, and color information must also be included on a tag conspicuously attached to each casket. Prior to a sale, the seller must provide the buyer an itemized statement of all costs involved.

Retail casket sellers are not allowed to arrange funerals or cremations or perform any other functions requiring a license as a funeral establishment. Before doing business with any retail casket seller, you may wish to check the company's business practices with your local Better Business Bureau.

(NOTE: Retail casket sellers are not bound by the State laws or regulations that govern funeral establishments, crematories, and cemeteries, nor are they licensed or regulated by the Cemetery and Funeral Bureau or by the Federal government. They are governed by State and local business laws and licensing regulations.)

Deciding in Advance

For a Loved One

While making such decisions is difficult at any time, planning in advance for the death of a loved one can relieve you of that responsibility at the time of death, when you may be emotionally vulnerable. Take time now to discuss these matters and find out what your loved ones want. Be sure to put any wishes or requests in writing. This is also a good time to discuss organ donation and donation to medical science.

For Yourself

Planning in advance for your own disposition after death can spare your loved ones the anguish of making difficult decisions while grieving. Shopping ahead of time, getting correct information, and planning in advance allows you to make informed decisions before you purchase, and may save you money. Be sure to discuss your wishes with your family. You may also wish to talk to an attorney about the best way to ensure that your wishes are followed.

You can make arrangements directly with a funeral establish-

ment or through a memorial society or funeral consumer group or organization. Memorial societies and funeral consumer groups or organizations are nonprofit entities that provide information about preplanning funerals and disposition. They do not offer funeral services and are not regulated by the Cemetery and Funeral Bureau, although they are regulated under Federal and State nonprofit laws. To find a funeral establishment, memorial society, or funeral consumer organization, ask friends and relatives for referrals, or check the phone book Yellow Pages or Internet listings.

(NOTE: Many funeral entities that use the word "society" in their names are for-profit businesses. If an organization's nonprofit status is important to you, confirm that status prior to making arrangements.)

Check License Status

To be sure that the funeral establishment, funeral director, crematory, crematory manager, private or fraternal cemetery, and private or fraternal cemetery managers are licensed by the State and in good standing, call the Department of Consumer Affairs toll-free at (800) 952-5210, TDD (800) 326-2297, or the Cemetery and Funeral Bureau office at (916) 574-7870. You can also check the license online at www.cfb.ca.gov.

Compare Prices and Services

First, visit Web sites and several funeral establishments to compare services, restrictions, rules, and prices. Then, decide how much you want to spend. If you buy a casket from a retail casket seller, be sure to ask if the seller will deliver it or if you must pick it up. Also you may wish to compare prices at several cemeteries and ask about their endowment care funds and cemetery maintenance standards. (See Glossary of Terms, page 4.) If a funeral establishment or cemetery is not being maintained to your satisfaction, take your business elsewhere.

Prearrangement

You may want to make your arrangements in advance but not prepay for them. Keep in mind that over time prices may go up and businesses may close or change ownership. You may also move to another location or change your arrangements. It's a good idea to review and revise your decision every few years, and you should make sure your family is aware of your wishes. Put your wishes in writing, give copies to family members and your attorney, and keep a copy in a place where it can be easily accessed. (Don't keep your only copy in a safe-deposit box. Your family may have to make funeral arrangements on a weekend or holiday when the bank is closed.)

Prepayment Options

If you decide to prepay for funeral and cemetery services, you have several options.

(NOTE: These are options, not recommendations. Be sure to carefully compare the advantages and disadvantages of each—and consider consulting an attorney and Medicare/Medicaid, if applicable—before making any decision.)

Preneed Trust Contracts—Decide on the funeral and cemetery services you want, sign contracts that fully describe those services, and pay a set amount into a trust administered by the funeral establishment or cemetery. There will usually be some costs that cannot be prepaid. Services such as opening and closing the grave are not usually part of the preneed contract and must be paid at time of need.

(NOTE: Be sure that your contract includes a cancellation clause if you change your mind. Keep in mind that if you cancel a funeral preneed trust, under the law, all the money you paid in must be refunded to you. Most cancellation clauses require a revocation fee, limited by law to no more than 10 percent of the total amount that you have paid in. This revocation fee can only be taken from trust fund earnings.)

Before you choose a preneed trust contract, consider the following:

- Ask for a guaranteed price plan. This protects you and your family from future price increases. Without it, your survivors may have to make up any difference in cost. However, even with a guaranteed price plan, some items or services will probably have to be paid at the time of need. Obtain a written estimate of these additional "at-need" charges so you and your family will know what to expect at the time of need.

- Make sure the funds in your preneed trust increase in value, and find out where the money is being invested and who the trustees are. You may receive an annual statement of earnings, which may have to be reported as interest income on your tax returns. Also, be sure that the plan includes a written provision that states what will happen to any earnings left over after the funeral expenses are paid.

- Find out if you have to pay the entire amount into the trust up front, or if you can pay over time. If you pay over time, ask if interest is being charged and how much. Also, ask if there is a penalty for late payments.

- Ask if your funeral arrangements can be transferred to another funeral establishment or if the cemetery will buy the property back if you move out of the area or change your mind.

- To guarantee prices of cemetery goods, such as a vault or a marker, buy them and have the cemetery store them until they are needed. This is called "constructive delivery." The law prohibits the constructive delivery of funeral goods. Make sure the purchase contract specifies the manufacturer and model of the items you purchase, as well as any inscriptions and descriptions of the materials used. Obtain in writing the address where the goods are stored.

Saving—Earmark a portion of your savings for funeral expenses and ensure that your family members and attorney are informed and that provisions are made for your survivors to withdraw the funds at your death. You can change your mind at any time.

POD Account—Establish a Pay on Death (POD) Account with your bank, designating the funeral establishment or another person as the beneficiary of funds upon your death. Be sure to inform family members, the funeral establishment, your chosen executor, and your attorney of the provisions of the account. POD accounts may involve service fees, and interest earned is taxable. They may be canceled without penalty.

(NOTE: The funeral establishment is not required to pay any excess funds to your survivors.)

Life Insurance—Buy life insurance equal to the value of the funeral and arrange for your beneficiary (a family member or friend) to handle the arrangements in accordance with your stated wishes.

(NOTE: If the costs of the funeral arrangements exceed the amount of your policy, your survivors will have to make up the difference.)

Funeral Insurance—Buy funeral insurance through the funeral establishment, which becomes your beneficiary. You preselect the casket, services, etc., and the cost may be guaranteed. If the cost is guaranteed, the funeral establishment cannot charge your relatives more than the contract states, even if prices rise. However, it can keep any funds remaining after the arrangements have been carried out.

(NOTE: You should get in writing how much the policy will be worth in one year, two years, five years, and ten years. Find out if you will pay more on the policy over time than the policy will pay out upon your death. Find out what happens if you cancel the policy or fail to make the scheduled payments.)

Funeral establishments and licensed cemeteries must present to the person making funeral arrangements for a deceased person a copy of any preneed agreement in their possession that is signed and paid for in full or in part.

Burial

If you choose traditional burial of the body or cremated remains, you will need to purchase a cemetery plot unless you are eligible for burial at no cost in a veterans cemetery. Prices may vary widely among cemeteries and among different locations in the same cemetery. There is also a fee for opening and closing the grave, and you will probably be required to buy an outer burial container if the cemetery requires one. In addition, you will need to pay an endowment care fee for cemetery maintenance and groundskeeping.

Burial in a mausoleum (entombment) involves purchase of a crypt, opening and closing fees, and charges for endowment care and other services.

Purchasing Items Elsewhere

If you purchase a casket or alternative container from somewhere other than the funeral establishment, the law prohibits the funeral establishment from charging a "casket handling" fee. However, your purchase must meet the standards set by the cemetery or crematory and must take into consideration the size of the body. Remember to shop wisely, since retail casket sellers are not bound by the same laws or regulations that govern funeral establishments, crematories, and cemeteries. If purchasing items in advance, insist that any money you pay be placed in a trust, and be sure to get a copy of the trust agreement.

If the cemetery requires outer burial containers to minimize ground settling, you may have to buy a grave liner or vault. You do not have to buy the outer container from the cemetery; however, a liner or vault purchased elsewhere must meet the cemetery's size, shape, and material standards.

You may purchase a marker or monument from another source, but it also must meet the cemetery's standards. The cemetery may not charge a setting fee if the monument company sets it for you. Charges by the cemetery for foundations, setting or permitting the setting of grave markers or monuments, must be the same whether you bought the marker or monument from the cemetery or from someone else. Be sure to review the rules and policies of the cemetery before you purchase. This can help avoid misunderstandings and can assist you in making decisions.

Multiple-Depth Graves

If the cemetery allows it, you may be able to arrange burial in the same grave as your spouse or other family member. People who are not related may be buried in a multiple-depth grave if all parties authorize it in advance. Burial in a multiple-depth grave may limit disinterment rights. There may be special fees for opening and closing a multiple-depth grave.

Cremation

California law requires written acknowledgment of the following disclosure when cremation is to take place:

"The human body burns with the casket, container, or other material in the cremation chamber. Some bone fragments are not combustible at the incineration temperature and, as a result, remain in the cremation chamber. During the cremation, the contents of the chamber may be moved to facilitate incineration. The chamber is composed of ceramic or other material which disintegrates slightly during each cremation, and the product of that disintegration is co-mingled with the cremated remains. Nearly all of the contents of the cremation chamber, consisting of the cremated remains, disintegrated chamber material, and small amounts of residue from previous cremations, are removed together and crushed, pulverized, or ground to facilitate inurnment or scattering. Some residue remains in the cracks and uneven places of the chamber. Periodically, the accumulation of this residue is removed and interred in a dedicated cemetery property, or scattered at sea."

The person who has the right to control the disposition of the body must sign a written authorization before cremation can proceed. This authorization, or a separate contract, indicates the location, manner, and time of disposition of the remains. It also includes an agreement to pay the costs for the cremation, for disposition of the cremated remains, and for any other services desired. (If you wish to arrange for your own cremation, you can legally sign the Declaration for Disposition of Cremated Remains form yourself.)

In addition, a burial/cremation permit (called Application and Permit for Disposition of Human Remains, VS 9) must be issued by the county health department. The funeral establishment usually arranges to obtain this permit as part of its services.

California law does not prohibit the person authorizing the cremation from viewing the cremation process, and some facilities may be able to accommodate more than one family member. Crematories that do not allow viewing of the cremation process must disclose that fact in writing prior to signing any contract. There may be a charge for attending the cremation. Check with the crematory for its policies.

A casket is not required for cremation by California law, but a combustible cremation container, also known as an alternative

container is. The container must be one that can be closed and is leak-resistant. A cardboard box constructed for this purpose is acceptable. You do not have to buy the container from the funeral establishment or crematory, but it does have to meet the standards set by the crematory.

You should make a decision about removing all personal possessions of value, such as jewelry or mementos, before the body is taken to the crematory. Pacemakers, most prostheses, and mechanical or radioactive devices or implants are most often removed prior to cremation.

By law, all cremations must be performed individually, unless a multiple cremation is authorized in writing and the cremation chamber is capable of multiple cremations. Only a few crematories have this capability and/or will permit it.

After the cremation has been completed and the cremation chamber has cooled, the remains are swept from the chamber, processed to a uniform size, and placed in a sturdy plastic bag sealed with an identification disk, tab, or label. The bag is then placed in a durable cremated remains container.

Disposition of Cremated Remains

In California, you may choose any of the following methods of disposition of cremated remains:

- Placement in a columbarium or mausoleum—There may be additional charges for endowment care, opening or closing, recording, flower vase, and nameplate.
- Burial in a plot in a cemetery—There may be additional charges for endowment care, opening or closing, recording, outer burial container, flower vase, and marker.
- Retention at a residence—The funeral establishment or crematory will have you sign a Permit for Disposition showing that the remains were released to you and will file it with the local registrar of births and deaths. You may not remove the cremated remains from the container and you must arrange for their disposition upon your death.
- Storing in a house of worship or religious shrine if local zoning laws allow.
- Scattering in areas of the State where no local prohibition exists and with written permission of the property owner or governing agency. The cremated remains must be removed from the container and scattered in a manner so they are not distinguishable to the public.
- Scattering in a cemetery scattering garden.
- Scattering at sea, at least 500 yards from shore. This also includes inland navigable waters, except for lakes and streams.

Cremated remains may not be transported without a permit from the county health department and they may not be disposed of in refuse.

Scattering

Cremated remains may be scattered as described above by employees at a licensed cemetery, cemetery brokers, crematory employees, registered cremated remains disposers, funeral establishment staff members, or the decedent's family. All cremated remains must be removed from the container for scattering, with the exception of those remains placed into a scattering urn for scattering cremated remains at sea from a boat. Scattering may also be done by any person having the right to control the disposition of the cremated remains of any person or that person's designee if the person does not dispose of or offer to dispose of more than ten cremated remains within any calendar year.

When scattering remains, you should avoid inhaling the dust from the remains, since there may be health risks. The county health department must issue a Permit for Disposition, and boat/aircraft operators must notify the U.S. Environmental Protection Agency after scattering.

State law requires cremated remains disposers who scatter by air or boat to post copies of their current pilot or boating licenses and the addresses of their cremated remains storage areas at their place of business. The law also requires disposers to conduct scatterings within 60 days of receiving the remains, unless the person with the right to control disposition is notified in writing of the reason for the delay.

Special Circumstances

Death Out of State

Burial—If death occurs away from the city where burial is to take place, you will need to have the body transported using the coordinated services of a funeral establishment in each city. If the body is transported by shipping on a common carrier, the body must be embalmed prior to shipping. If it cannot be embalmed, the body must be shipped in an airtight casket or transportation container.

Cremation—You can arrange for the body to be cremated in the distant city and for the cremated remains to be shipped to you.

Death Out of the Country

If death occurs in another country, the U.S. Embassy or Consulate in that country can assist in making arrangements for the return of the body or for its local disposition. You will usually be able to obtain English translations of the death certificate and other documents through the nearest U.S. Embassy or Consulate.

Donation for Medical Purposes

If you wish to donate your body to a medical school for educational or research purposes, you will need to make arrangements with the school well in advance. It is a good idea to check with the school every few years, since procedures and needs may change. By law, the school is responsible for costs of final disposition.

General Price List Requirements

A sample General Price List (GPL) is included in the booklet Complying with the Funeral Rule, which is available from the Federal Trade Commission. In addition, you may wish to compare GPLs from several funeral establishments in your area. Although additional services may be included, at a minimum, the GPL must include the price of each of the following basic services provided by the funeral establishment, along with the date the prices are effective and a description of the services:

- **Forwarding remains to another funeral establishment**—May include embalming, removal of remains, minimum service of staff, necessary authorizations, and local transportation.
- **Receiving remains from another funeral establishment**—May include minimum service of staff and transportation of remains to funeral establishment.
- **Direct cremation**—May include basic services of funeral director and staff, a proportionate share of overhead costs, removal of remains, necessary authorizations, and cremation. (NOTE: Be sure to ask if the price for direct cremation includes the cost of the cremation itself and the cost of storing the body.)
- **Immediate burial**—May include basic services of funeral director and staff, a proportionate share of overhead costs, removal of remains, and local transportation to cemetery.
- **Basic services of funeral director and staff, including overhead.**
- **Transfer of remains to funeral establishment**—A flat fee may apply weekdays, nights, weekends, and holidays within a specific area, with mileage charges for transportation outside the area.
- **Embalming**—Must include the following statement: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial."
- **Other preparation of the body**—Services may be priced individually and may include dressing, make-up, casketing, hair care, post-autopsy care, refrigeration, and reconstruction/restorative arts.
 - Use of facilities and staff for viewing.
 - Use of facilities and staff for funeral ceremony.
 - Use of facilities and staff for memorial service.
 - Use of equipment and staff for graveside service.
 - Hearse.
 - Limousine.

- The range of casket prices that appear on the Casket Price List, including the price range for adult caskets, infant/child caskets, rental caskets, and alternative containers.
- Either individual outer burial container prices or the range of outer burial container prices if the funeral establishment sells them.
- **Preneed agreements**—A statement, on the first page, separate and apart from other information, that a person making funeral arrangements for a deceased person may receive, prior to the drafting of any contract, a copy of any signed preneed agreement paid for in full or in part, that the funeral establishment has in its possession.

Complaints

If you have a complaint about a funeral establishment, crematory, or State-regulated cemetery, try to settle it with management first. If you can't resolve the issue, call the Department of Consumer Affairs' Cemetery and Funeral Bureau at (800) 952-5210 or TDD (800) 326-2297, or (916) 574-7870, and request a complaint form. You can also download a complaint form online at www.cfb.ca.gov.

Many complaints between the consumer and the licensee are resolved quickly. More serious complaints require a thorough investigation, and the Bureau will take action against the licensee if warranted. For complaints you are unable to resolve with cemeteries that are not under State jurisdiction, contact an official of the managing organization. Unresolved complaints about retail casket sellers should be directed to your local district attorney. You may also choose to pursue the matter in Small Claims Court or retain the services of private legal counsel.

Glossary of Terms

Casket/Coffin—A box or chest for burying human remains.

Cemetery Property—A grave, crypt, niche, or defined area for scattering cremated remains.

Cemetery Services—Opening and closing graves, crypts, or niches; setting grave liners and vaults; setting markers; and long-term maintenance of cemetery grounds and facilities.

Cemetery Maintenance Standards—Establishes the minimum standards necessary to prevent the offensive deterioration of an endowment care cemetery licensed by the Bureau. Cemeteries must follow a minimum list of items (exception provided to certain items for natural condition sections), or may choose to incorporate those items into their rules and regulations. Cemeteries must provide consumers with a written copy of their maintenance standards upon request.

Columbarium—A structure with niches (small spaces) for placement of cremated remains in urns or other approved containers. It may be outdoors or part of a mausoleum.

Cremation—Exposing human remains and the container holding them to extreme heat and flame and processing the resulting bone fragments to a uniform size and consistency.

Crypt—A space in a mausoleum or other building to hold cremated or whole human remains.

Disposition—The placement of cremated or whole human remains in their final resting place. A Permit for Disposition must be filed with the local registrar before disposition can take place.

Endowment Care Fund—Money collected from cemetery property purchasers and placed in trust for the maintenance and upkeep of the cemetery. The State monitors the fund and establishes the minimum amount that must be collected. However, the cemetery is permitted to collect more than the minimum to build the fund. Only the interest earned by such funds may be used for the care, maintenance, and embellishment of the cemetery.

Entombment—Burial in a mausoleum.

Fraternal Cemetery—A cemetery regulated by the Bureau that is owned, operated, controlled, or managed by any fraternal organization in which the sale of cemetery space is restricted principally to its members.

Funeral Ceremony—A service commemorating the deceased with the body present.

Funeral Services—Services provided by a funeral director and staff, which may include consulting with the family on funeral planning; transportation, shelter, refrigeration, and embalming of remains; preparing and filing notices; obtaining authorizations and permits; and coordinating with the cemetery, crematory, or other third parties.

Funeral Consumer Organization—See Memorial Society.

Grave—A space in the ground in a cemetery for the burial of human remains.

Grave Liner or Outer Container—A concrete cover that fits over a casket in a grave. Some liners cover tops and sides of the casket. Other liners (vaults) completely enclose the casket. Grave liners minimize ground settling on the cemetery grounds.

Graveside Service—A service to commemorate the deceased held at the cemetery prior to burial.

Interment—Burial in the ground, entombment, or in the case of cremated remains, inurnment or scattering in a cemetery.

Inurnment—The placing of cremated remains in an urn.

Mausoleum—A building in which human remains are interred (entombed).

Memorial Service—A ceremony commemorating the deceased without the body present.

Memorial Society—A nonprofit organization that provides information about funerals and disposition but is not part of the State-regulated funeral industry. May also be called a funeral consumer alliance.

Niche—A space in a columbarium, mausoleum, or niche wall to hold an urn.

Private Cemetery—A cemetery regulated by the Bureau which is described as a burial park for earth interments or a mausoleum for crypt or vault interments and is owned and operated by a private corporation.

Public Administrator—The local governing body with jurisdiction over the assets of the deceased when there are no known next-of-kin or where the deceased is indigent.

Scattering Urn—A closed container containing cremated remains that will dissolve and release its contents within four hours of being placed at sea.

Urn—A container to hold cremated human remains. It can be placed in a columbarium or mausoleum, or it can be buried in the ground.

Vault—A grave liner that completely encloses a casket.

For More Information

The Bureau does not endorse or recommend any of the following organizations; however, they can provide additional information to you.

Colleges of Mortuary Science

Cypress College Mortuary Science Department

9200 Valley View Street Cypress, CA 90630-5897
(714) 484-7270
www.cypresscollege.edu

American River College Funeral Service Education Program

4700 College Oak Drive Sacramento, CA 95841
(916) 484-8432
www.arc.losrios.edu

Consumer Advocacy Groups

Funeral Consumers Alliance of California

P.O. Box 1945 Turlock, CA 95382
(650) 321-6584
www.fca-calif.org

Funeral Consumers Alliance

33 Patchen Road South Burlington, VT 05403
(800) 765-0107
www.funerals.org

Funeral Service Consumer Assistance Program (FSCAP)

13625 Bishop's Drive Brookfield, WI 53005-6607
(800) 228-6332
www.nfda.org

Final Passages P.O. Box 1721 Sebastopol, CA 95473
(707) 824-0268 www.finalpassages.org

Government Organizations

Federal Trade Commission Local Office of Consumer & Business Education

Washington, DC 20580
(877) 382-4357
www.ftc.gov

California Department of Public Health Vital Records -

MS 5103 P.O. Box 997410 Sacramento, CA 95899-7410
(916) 445-2684
www.cdph.ca.gov

U.S. Department of Veterans Affairs

National Cemetery Administration
(800) 827-1000
www.cem.va.gov

Local District Attorney or Consumer Affairs Office

(See *Government section of your local phone book or search Internet listings.*)

Organ and Body Donation

Donate Life

3465 Camino Del Rio South Suite 140 San Diego, CA 92108
(866) 797-2366
www.donatelifecalifornia.org (English)
www.donevidacalifornia.org (Spanish)

Anatomical Donation Program University of California

www.ucop.edu/hss/adprogram

Industry/Trade Associations

Association of California Cremationists

P.O. Box 896 Los Alamitos, CA 90720
(592) 596-0464 (phone and fax)
(877) 936-7222
www.accinfo.org

California Funeral Directors Association

One Capitol Mall, Suite 320 Sacramento, CA 95814
(800) 255-2332
www.cafda.org

Cremation Association of North America

499 Northgate Parkway Wheeling, IL 60090-2646
(312) 245-1077
www.cremationassociation.org

Cemetery and Mortuary Association of California

925 L Street, Suite 260 Sacramento, CA 95814
(916) 441-4533
www.CMAcalifornia.org

International Cemetery, Cremation and Funeral Association

107 Carpenter Drive, Suite 100 Sterling, VA 20164
(800) 645-7700
www.iccfa.org

International Conference of Funeral Service Examining Boards

1885 Shelby Lane Fayetteville, AR 72704
(479) 442-7076
www.cfseb.org

National Funeral Directors Association

13625 Bishop's Drive Brookfield, WI 53005-6607
(800) 228-6332
www.nfda.org

Green Burial Council

(888) 966-3330
ConsumerInfo@greenburialcouncil.org
www.greenburialcouncil.org

Other Bureau Publications

- Preneed Q&A pamphlet
- Peace of Mind brochure