# Casket, Cremation, or Cremini?

Death and disposition of remains under Arizona law Southern Arizona Estate Planning Council June 24, 2020

Robert B. Fleming Fleming & Curti, PLC 1745 E. River Rd., Suite 101 Tucson, Arizona 85718 www.Elder-Law.com

Christina Noz Moeller & Conway, PLLC 3060 N. Swan Rd. Tucson, AZ 85712 <u>www.mcazlaw.com</u>

# **History of Cremation**

Although cremation was occasionally practiced in previous millennia, in western societies, at least, most bodies were buried until relatively recently in time. Though Queen Victoria's chief surgeon, Sir Henry Thompson, had founded the Cremation Society of England by 1874, cremation was almost unheard-of in westernized North America before 1876. That was the year that Dr. Julius LeMoyne built the first US crematory in Washington, Pennsylvania. A second crematory opened in Lancaster, Pennsylvania, in 1884.

By 1913, when the Cremation Association of America was founded, there were 52 crematories in North America and over 10,000 cremations per year. By the end of the twentieth century, over 25% of all decedents were being cremated in the US. The percentage of cremations has steadily increased each year for the past half-century.

The preference for cremation is driven by a number of factors. It is seen as less wasteful than burial, and particularly less resource-consuming than embalming and burial. Cremation is almost always less expensive – often much less expensive – than traditional burial. Families become more mobile – and less attached to a particular location – with each passing year. As the country becomes less religious there is less social resistance to cremation.

In fact, a number of religious groups have gradually shifted their views on

cremation. Roman Catholicism, for instance, in 1963 acknowledged that cremation was often pursued for practical reasons, and not as a rejection of the literal resurrection of the body; cremation was therefore allowed, though the Catholic church directed that (a) burial should be preferred, and (b) when a body is cremated, the cremains should be kept in an appropriately holy place.

Today most protestant Christian sects permit cremation, and some even condone scattering of ashes. Others, like the Church of God, forbid what they believe to be a pagan practice. The LDS church has long discouraged cremation, but does not prohibit it; the church even provides directions for how to dress a decedent whose body will be cremated. Eastern Orthodox and Oriental Orthodox adherents are generally advised not to permit cremation, but the church does not hold it to be sinful unless it is motivated for an improper purpose, and it can be permitted in cases of epidemics or if required by civil authorities.

Islam, meanwhile, specifically forbids cremation. Judaism has traditionally disapproved of cremation (and also disapproves of embalming), but opposition has softened somewhat – though it is still generally not authorized by most strains of Judaism. The Baha'i faith prohibits cremation, as does Zoroastrianism.

On the other hand, cremation has long been practiced by at least some Hindu practitioners (though not for deceased children), Buddhists (in fact, Shakyamuni Buddha himself was cremated), Jainists, and Sikhs.

Aside from religious considerations, much of the discussion between burial and cremation has centered on the toxicity of burial arrangements. Embalming, for instance, involves injecting formaldehyde (a known carcinogen), phenol, methanol and glycerin. All of those chemicals are then placed, along with the body, in a container often chosen precisely for its longevity, buried underground and covered with a plastic (or, sometimes, concrete) liner to prevent the gravesite from settling, and left to percolate very slowly into the surrounding earth.

Cremation, the thinking goes, avoids much of that toxicity. It also saves real estate, since the cremains can be scattered or, at most, placed in a very small niche, perhaps along with dozens or hundreds of other urns of remains.

In recent years, though, cremation has come to be seen (in at least some quarters) as itself unnecessarily wasteful. Critics of cremation (and some individuals contemplating their own preferences) find the fossil fuel use needed to achieve high temperatures for cremation and the release of heavy metals (especially mercury from dental fillings), soot, sulfur dioxide and carbon monoxide, to be problematic.

In fact, the toxicity of cremains puts into new perspective many of the memorial options made available to families by the funeral industry. The options abound for what to do with cremains: become a part of an ocean reef, blast into space, get a tattoo or make various types of art including portraits, vases, stuffed toys, and jewelry. One popular option – using cremains to grow a tree – is not as natural an option as one might think. Cremains have high PH and sodium levels, both of which can be incompatible with thriving plants.

Many individuals want their "ashes" to be scattered in specific locales, leaving loved ones questioning the logistics and legality of fulfilling those wishes. Scattering ashes on private land is permitted if you own the land or have the landowner's permission. On federal land, including in national parks, permission is required prior to spreading ashes. For instance, Grand Canyon National Park requires completion of a special use permit and a fee to scatter ashes. Burial at sea is permissible per the federal Marine Protection, Research and Sanctuaries Act. See 40 CFR § 229.1 for requirements including that the scattering of cremains must occur three nautical miles from land. Aerial scattering is possible and 14 CFR § 91.15, aptly titled "Dropping objects," states that no object can be dropped from a civil aircraft "that creates a hazard to persons or property."

Locally, Arizona has no statutes restricting the scattering of cremains. Many local cemeteries and churches have "scattering gardens" open to the public. Loved ones may choose to invest in a "scattering tube" which is an urn that is longer than a traditional urn.

Many have searched for even more nature-friendly alternatives.

# "Green" Burial and Other Alternatives

# Green Burials

Like cremation, so-called "green" burials have been practiced for millennia. In many cultures, a body was placed in a shroud or vessel made of organic materials and buried directly in the ground. A small segment of the US population has a renewed interest in green burials, though the term does not have any clear definition. In *The Green Burial Guidebook* (New World Library, 2018), author Elizabeth Fournier writes that the "most familiar definition" of a green burial "means a person is buried in a container that can decompose, along with their human remains, and return to the soil."

Proponents of green burials tend to agree that they include:

- No chemical embalming. A body can be preserved successfully using "green embalming" or refrigeration (including dry ice for do-it-yourself types this might be the time for a passing mention of Nederland, Colorado's "frozen dead guy" and the annual celebration of his, well, death though the celebration was canceled in 2020, as reported at www.frozendeadguydays.org).
- Using a casket made of "natural" materials. These materials include bamboo, wood, and cardboard, but do not include metal, toxic glues, plastic, or varnish.
- No concrete or plastic liners. Most cemeteries require the use of liners to prevent settlement of dirt over time and to assist in landscape maintenance. Some cemeteries will allow burials using a concrete or plastic liner without a bottom.
- Siting graves in eco-friendly landscapes. These include green cemeteries or home burials. This conjures images of a gravesite at the base of a large tree or other natural element in order to return to nature, well, naturally.

Simply burying the body without embalming is less toxic and more environmentally friendly than a traditional US burial. Green burials require either quick action to get the body underground before decomposition sets in or refrigeration of the body, usually within 24 hours of death. They also require quite a bit of foresight and planning, especially "backyard" burials. For instance, Pima County residents may legally site a private cemetery on their own land by recording an application for a private cemetery with the Recorder's Office and submitting that recorded document with the local Vital Records Office.

A reliable source for green cemeteries and burial grounds in the US and Canada can be found on the New Hampshire Funeral Resources, Education and Advocacy website at <u>https://www.nhfuneral.org/green-burial-cemeteries-in-the-us-and-</u> <u>canada.html</u>. In Arizona, two green burial options exist for consumers: Marana Mortuary and Cemetery and Sunwest Funeral Home, Cemetery and Crematory in El Mirage (near Peoria).

Some entrepreneurs have developed "mushroom suits" – an alternative that focuses on the decomposition powers of fungi. When actor Luke Perry died in 2019, he apparently instructed that his body was to be dressed in such a suit (you can see how they look and work at <u>www.coeio.com</u>). The idea: mushrooms help speed the body's decomposition and act as a sort of cleanser of toxins in the process.

# Alkaline Hydrolysis and Composting

Meanwhile, an even more ecologically-attractive alternative is now under development – and has been approved in 20 states. It is called alkaline hydrolysis, flameless cremation or green cremation. A special stainless steel vessel is filled with the corpse and potassium hydroxide and heated to 320°F (using pressure to prevent boiling). The body is reduced to a slightly basic, greenish-brown wastewater, bone fragments and teeth. The bones and teeth, softened by the process, are crushed and returned to the family or scattered, just as in cremation. Proponents of alkaline hydrolysis tout that this process produces fewer carbon emissions (some claim 75-90% fewer emissions than traditional cremation) and reduces organic matter to harmless elements in a short time.

While a bill allowing alkaline hydrolysis was introduced in the Arizona legislature in 2020, it was neither adopted nor even given a hearing by the legislature.

Does that sound too chemical? Perhaps you'd like to consider human composting. This new approach (legalized in its first state – Washington – in 2019) involves putting the body into a vessel along with wood chips, alfalfa, and straw. Oxygen is pumped in to encourage hot microbial action. Within a month, the remains will be reduced to about a cubic yard of, well, compost – the product could be scattered (though it probably won't be permissible to add it to your garden).

Legal issues around the management of either alkaline hydrolysis or human composting, and disposition of the organic product of either, should appear to be obvious. See, for instance, Tekle, *Have a Scoop of Grandpa: Composting as a Means of Final Disposition of Human Remains*, 3 Savannah Law Review 137 (2016).

Generally speaking, most religious groups have opposed most of the disposition alternatives other than burial or cremation. For example, religious opposition was credited with reversal of at least one state's temporary approval of alkaline hydrolysis.

# **Autopsies and Donation**

A related concern often expressed by clients involves what might happen to the body between death and final disposition. In fact, at least one variation (full-body donation) is often viewed as a low-impact, inexpensive alternative to other methods of disposition.

## Autopsy

Clients sometimes want to either expressly prohibit or insist upon an autopsy. They

generally misunderstand the significance of expressing their wishes.

First of all, insisting on no autopsy is an almost pointless act. No one conducts autopsies on randomly-selected bodies for their own edification (or for any other, more nefarious, purpose). In the very unusual case where a family member insists on an autopsy – and is prepared to pay for it herself– denial of permission for autopsy might have some, but not conclusive, effect.

In Arizona, if the County medical examiner (the "coroner," in common parlance) has questions about the circumstances of the death, she can direct an autopsy without permission or consultation from family and despite the decedent's prior directions. See A.R.S. §11-594.

In practice, autopsies are relatively less common than most people believe. Nationwide, perhaps 10% (or less) of deaths result in an autopsy. That proportion has steadily shrunk over the past few decades – dropping by about half between the 1980s and the 2010s. Pima County, however, is apparently bucking that trend, as autopsies increased by about 25% over the same time period.

Your client might want to insist on an autopsy. They can express their wishes in a health care directive (see the statutory health care power of attorney form at A.R.S. §36-3224, which expressly authorizes a signer to designate a preference as to autopsy – though the statutory scheme itself is silent as to the authority), but if family members are not in favor of proceeding, the autopsy will probably not be conducted. And, if there is a voluntary autopsy, it will likely not be covered by insurance or other resource; family will pay the cost of the procedure. That cost might be several thousand dollars or more.

## Organ and body donation

Arizona has a relatively new statute that governs organ, tissue and whole body donation. Enacted in 2017, A.R.S. § 36-841 to 36-864, the Revised Uniform Anatomical Gift Act, governs anatomical donations for transplantation, therapy, research or education.

The Arizona statute sets out who can authorize an anatomical gift during life (includes guardians and agents under health care power of attorney,) and following death (a much more extensive list than those that can authorize a gift during life), along with how those instructions may be executed (including in a will), Interestingly, the statute only requires an electronically recorded oral communication from an authorized person to make a donation of a decedent's body or part. If loved ones change their minds about donating on behalf of the decedent,

they need to act quickly and revoke consent before the first incision has been made.

Many people are familiar with the potentially life or sight-saving option of organ donation and the fact that it is not a burial or cremation alternative. Following an organ donation, all incisions are sutured and cleaned. The deceased is released to loved ones, who can proceed with the memorial process, including an open-casket funeral. It should be noted that organ donation is a highly regulated area of health care and selling organs and body parts for transplant is prohibited by federal law. 42 U.S. Code § 274e. Arizona law criminalizes the purchase or sale of an anatomical part for transplantation or therapy if the part is intended to be removed after death. A.R.S. 36-854(A).

Whole body donation, unlike organ donation, is a low-cost burial and cremation alternative, with many "donors" choosing this option because it advances science and education. Whole body donation differs from organ donation in that the former involves a non-transplant anatomical donation. The recipients of anatomical donations can be for-profit companies or non-profit organizations.

#### For-profit companies

For-profit companies may legally accept body donations and sell or lease the donor's parts. Clients include medical researchers and educators with anatomical specimen needs. Many for-profit entities have sleek websites promising quick and easy registration for body donation. Some companies offer education for healthcare and hospice professionals on registering patients for body donation. Generally, donor remains are cremated after participation and returned to the donor's loved ones.

The for-profit side of this industry has been under scrutiny in recent years. Phoenix-based Biological Resource Center was sued several times for, among other things, mishandling body parts. A 2015 suit resulted in a \$58 million verdict for 10 of 21 plaintiffs. Stephen Gore, the company's owner, pleaded guilty in federal court to conducting an illegal enterprise.

#### Non-profit organizations

Universities and non-profit research organizations accept whole body donations. An intake process includes reviewing the criteria for acceptance into the program and signing an authorization form. Acceptance into the program after death isn't guaranteed, however, and rejection is possible if the donor has certain illnesses, doesn't meet weight restrictions, or suffered from extensive trauma prior to death. Donor remains are generally cremated after

participation and, depending on the institution, remains may or may not be returned to the donor's loved ones.

The University of Arizona Willed Body Program currently has approximately 7,000 enrolled donors. The Program pays for the cost of transporting the deceased donor within Arizona to the educational institution; however, families must pay to refrigerate the deceased donor if pick-up isn't possible within 24 hours of death. Some donor cadavers have participated in research projects for decades! The UA Willed Body Program cremates donors after participation but does not return cremains to loved ones.

# Legal Issues

At common law, the next of kin generally held the power to make decisions regarding disposition of human remains. The remains themselves were treated as something like property, though not subject to will or devise; the next of kin might hold the power despite provisions of the decedent's will or other instructions. Thus, in *Remick v. Cady*, 235 Wis.2d 278, 616 N.W.2d 526 (App. 2000), decedent's mother was authorized to dispose of his ashes even though the decedent had signed an agreement giving his partner control over his remains, and even though mother and siblings had signed consents to that arrangement prior to the decedent's death.

A similar concept is often described as a common law "right of sepulcher," by which the next of kin retains the power to make decisions about human remains disposition. Some of the "right of sepulcher" cases arise in the context of disinterment. New York has particularly described this so-called right (Cf. Fox v. *Mark*, 181 A.D.3d 560, 118 N.Y.S.3d 726 (2020)). In one case invoking the principle, the residential facility where the decedent had lived, claiming that it did not have any contact information for his next of kin, made burial arrangements. His parents then successfully sued the facility for violation of their right of sepulcher. *Martin v. Ability Beyond Disability*, 153 A.D.3d 695, 59 N.Y.S.3d 766 (2017).

Similar results have been reached in other jurisdictions, however, using the same "right of sepulcher" language. In *Carruthers v. Serenity Memorial Funeral and Cremation Service, LLC*, 576 S.W.3d 301 (MoApp 2019), for example, the court ruled against a mother who had prepaid for her son's cremation and later sued the funeral home for releasing her son's cremains to his next of kin, his son. In another Missouri case, the appellate court sided with the decedent's children against the agent on his durable power of attorney, who had been given the express authority to make burial decisions and arrangements. *Estate of Collins*, 405 S.W.3d 602 (MoApp

#### 2013).

Even when state law may not support a "right of sepulcher," the concept that the next of kin has a right to possession of human remains has held sway. In *Cochran v. Securitas Security Services USA*, *Inc.*, 2017 IL 121200, 93 N.E.3d 493 (2017), for example, a hospital morgue apparently mixed up the bodies of Walter Cochran and William Carroll. When the morgue's security company inadvertently released the wrong body to a funeral home for cremation, Cochran's mother sued for wrongful cremation (and, more particularly, for interference with her right to possess her son's body). The defendants argued that they should not be liable absent a showing of willful and wanton misconduct. The trial court ruled that only ordinary negligence was required, and the state's high court affirmed that ruling.

Most of the reported cases dealing with disposition of human bodies, unsurprisingly, follow a similar pattern. One side of the dispute is usually the person or group identified as the "next of kin," and the other side is close friends, people who have been given authority by the decedent, or relatives who arguably were closer to the decedent than the next of kin. That dynamic was on full display in Harrod v. Caney, 547 S.W.3d 536 (KyApp 2018). In Harrod, the surviving spouse of the decedent sued the county coroner, who was also a funeral director. The wife, relying on her durable power of attorney, had executed a pre-need agreement for cremation of her dying, demented husband. His children from a prior marriage and the husband's banker reached out to the coroner, claiming that the wife's arrangements contradicted the husband's previous wishes to be buried with his late wife (the mother of his children). The coroner/funeral director instructed the husband's hospice provider that upon his death the husband's body was not to be released to any funeral home for cremation, and subsequently received the body and embalmed it pending resolution of the dispute. After the wife and children agreed on disposition of the remains, the wife sued the coroner/funeral director for interference with her right of sepulcher. When the coroner sought dismissal on the basis of immunity, the trial court denied his motion and the state Court of Appeals upheld that refusal. "In Kentucky 'there is a legal right in the bodies of the death, which the courts will recognize and protect by the proper action'," ruled the appellate court, citing to and quoting a 1903 Kentucky case.

In a similar dispute between the decedent's mother and his surviving spouse over moving the decedent's body (exhumation and reinterment), a trial judge ruled that the spouse had priority over other family members and could block the requested relief. That decision was confirmed on appeal in *Braun v. Selig*, 194 Wash.App. 42, 376 P.3d 447 (2016).

Though human remains have often been treated as property "belonging" to the next of kin, there is also a judicial history of recognition of their special significance. In *Williams v. Boyd-Panciera Family Funeral Care, Inc.*, \_\_\_\_ So.3d \_\_\_\_ (FlaApp 2020), for instance, a funeral home misplaced the cremated remains of a miscarried child. The bereaved parents sued for emotional distress. While the appellate court recognized that the circumstances were "undoubtedly troubling and heartrending," it upheld summary judgment in favor of the funeral home, finding that there was no physical injury or financial loss from the defendant's negligence.

Although the decedent's wishes (or, more likely, lack of expressed preferences) are mentioned in several of the reported cases, surprisingly few of them involve clear expressions of intent. The notable exception: *Remick v. Cady, supra.*, in which the decedent had signed a declaration that he intended to be cremated, had named his domestic partner as the person with authority to approve the cremation and receive the cremains, and had actually secured signatures from his nearest relatives consenting to his planned arrangements. Notwithstanding all of that, and the after-death affirmation of the decedent's intentions by family members, the decedent's wishes were ultimately frustrated by the court's decision that the next of kin held an inalienable right to make decisions and receive the cremains.

# Arizona Law

Arizona has resolved disputes among family members in much the same fashion. Thus, a disagreement between the parents and siblings of the decedent was resolved in favor of the parents (as "next of kin") in *Morton v. Maricopa County*, 220 Ariz. 304, 206 P.3d 753 (App 2008).

## Duty to bury

Largely, though, Arizona's law on disposition of human remains has grown out of a somewhat different approach. Rather than focusing on who has the right, Arizona law has long focused on who has the *duty* to handle such disposition.

So, for example, Arizona Revised Statutes §36-831 spells out the order in which survivors have a "duty of burying or providing other funeral and disposition arrangements for a dead person". The list, in order, includes:

1. If the dead person was married, on the surviving spouse unless:

(a) The dead person was legally separated from the person's spouse.

(b) A petition for divorce or for legal separation from the dead person's spouse was filed before the person's death and remains

pending at the time of death.

2. On the person who is designated as having power of attorney for the decedent in the decedent's most recent health care power of attorney pursuant to chapter 32, article 2 of this title if that power of attorney specifically gives that person the authority to make decisions regarding the disposition of the decedent's remains or a durable power of attorney if that power of attorney specifically gives that person the authority to make decisions regarding the disposition of the decedent's remains.

3. If the dead person was a minor, on the parents.

4. On the adult children of the dead person.

5. On the dead person's parent.

6. On the dead person's adult sibling.

7. On the dead person's adult grandchild.

8. On the dead person's grandparent.

9. On an adult who exhibited special care and concern for the dead person.

10. On the person who was acting as the guardian of the person of the dead person at the time of death.

11. On any other person who has the authority to dispose of the dead person's body.

If none of those individuals is "financially capable of providing" burial arrangements, or "cannot be located on reasonable inquiry," a fraternal, charitable or religious organization is permitted to step up. ARS §36-831(A)(12). There is a separate provision for prisoners in custody at the time of death. ARS §36-831(A)(13). If no one else steps forward, the county in which the decedent died has a duty to make arrangements (though they are specifically authorized to try to convince the Veterans Administration to take on the responsibility). ARS §36-831(C).

The statutory section creating a duty to bury does not, by itself, give any person the authority to direct the disposition of their own remains. The 1990 addition of ARS §36-831.01, in an apparent attempt to clarify the significance of the decedent's wishes, ended up confusing the possibilities. In part, that 30-year-old statute provides that "If the person on whom the duty of burial is imposed pursuant to section 36-831 is aware of the decedent's wishes regarding the disposition of his remains, that person shall comply with those wishes if they are reasonable and do not impose an economic or emotional hardship."

What if the decedent had, say, prepared a plan involving an elaborate and expensive funeral, but had made no arrangements for payment. Would his surviving spouse be required to carry out those plans, even though the spouse would be financially affected? Or, on the other hand, what if the decedent had clearly expressed a preference for cremation – but his next of kin strongly objected, on moral and religious grounds, to the practice? Perhaps the surviving family member might even be concerned about the decedent's afterlife, based on their own strongly-held religious beliefs?

## The Ghostley decision

This last scenario is close to the facts in the recently-decided *Matter of Ghostley*, 248 Ariz. 112, 458 P.3d 116 (App 2020). Mr. Ghostley, a single man, had expressed his preference for cremation (according to the later evidence given by his father and his girlfriend). Two days after discovering his body, the girlfriend (the mother of his then four-year-old child) signed authorization for cremation (which she believed had been approved by Mr. Ghostley's father).

When the decedent's mother learned that cremation had been scheduled, she contacted the funeral home to object. She insisted that her son could not have wanted cremation, because she shared his religious orientation and their religion disallowed the practice. She later testified that she had "suffered emotional hardship just thinking about" her son's possible cremation. She also claimed priority to make the decision because, though his father had the same degree of relationship, they had been largely estranged for several years.

Mr. Ghostley's father, on the other hand, strongly supported cremation. He insisted that he knew that to be his son's preference, and he wanted to support not only his son's wishes but also those of his granddaughter's mother, with whom Mr. Ghostley had lived for several years.

In the Pima County probate court proceedings, Judge Cynthia Kuhn ruled that Mr. Ghostley's own wishes took precedence over those of his next of kin. Finding that his wishes were clear, she directed cremation. The decedent's mother appealed, and the Arizona Court of Appeals upheld Judge Kuhn's ruling. They also agreed that Mr. Ghostley's wishes were clear. "We hold," wrote the appellate court, "that courts retain the discretion to determine both whether a hardship exists pursuant to §36-831.01(A) and whether that hardship is sufficiently pronounced to override a decedent's wishes."

# Cremation (or other lawful disposition) directives

Mr. Ghostley could probably have headed off any dispute with a modest amount of advance planning. In addition to the direction to follow the decedent's known wishes (in A.R.S. §36-831.01, adopted in 1990), the Arizona legislature has provided for immunity for a funeral home which follows the prior advance direction of the decedent. A.R.S. §32-1365.01, initially adopted in 1998, spells out how an individual might direct "cremation or other lawful disposition" of the individual's remains.

A direction for cremation (or other lawful disposition alternative) must be signed and witnessed or notarized (A.R.S. §32-1365.01(B)). If (but only if) the decedent had also "made financial arrangements" for the chosen disposition (A.R.S. §32-1365.01(D)). If the funeral establishment relies on an "apparently genuine" written, signed, directive, it is immune from civil or criminal liability, or from professional discipline (A.R.S. §32-1365.01(E)).

The disposition directive can be included in the signer's will (see A.R.S. §32-1365.01(A)) but can be a separate document. A simple directive form is included with these materials. Also provided here is the more-elaborate form offered by the Neptune Society, a well-known advocate for cremation and simplified services. The latter form is limited to cremation authorization; the former allows the signer to direct other disposition arrangements.

# **Practical Advice**

So what does all this mean for counseling clients (and family and friends) about burial, funeral, autopsy, organ donation and other body disposition alternatives? We can generalize several things from the body of existing law and practice:

- 1. Knowing an individual's wishes is key. And nothing better establishes the wishes of the decedent than a written direction. To that end, many funeral homes have indicated a willingness to recognize a directive signed in advance by the decedent, like ones attached to these materials (though some may prefer their own forms, of course). While it is not legally necessary (nor, probably, legally sufficient) to secure the approving signatures of next-of-kin, it should help to (a) make it clear that the decedent really wanted a particular approach, even in the face of possible opposition from family members, (b) surface any objections, and discussions, in advance, if shared with family members and loved ones, and (c) pressure family members to go along with wishes they had, after all, agreed to (but see *Remick v. Cady*, above).
- 2. Paying for burial arrangements in advance easily removes the possibility of

objections on the basis of financial hardship, leaving only emotional hardship as a defense by next of kin. It also buttresses the willingness of the funeral home or crematory to follow the directions, since it provides for immunity from liability and may even legally compel the funeral director to follow the decedent's wishes.

- 3. Dying in states less protective of the decedent's wishes might be problematic. On the other hand, people who want alkaline hydrolysis, human composting or other next-generation disposition alternatives may need to arrange to die in states that approve such arrangements. Not that people have as much control over this as they might think.
- 4. The next of kin calculation is made at death, not at the time of burial/cremation arrangements. If Mr. Ghostley had married his long-time girlfriend, for example, he would have been cremated two years faster and at a hugely-reduced cost. On the other hand, if one parent is cooperative but in ill health, that might change the calculus if the client/planner survives that parent's death.

Loved ones may be unaware of the decedent's disposition wishes and have little time to consider options. To assist you and your clients in understanding the breadth of local providers, see the attached list of Southern Arizona funeral providers.

During compilation of this list, local providers overwhelmingly reported that Southern Arizona residents choose cremation over burial with several funeral homes estimating that 8 of 10 customers are cremated. They also shared news of the widespread corporate consolidation in the industry – both locally and nationally. Two recent acquisitions of locally owned companies by large corporations involved Adair Funeral Homes and Bring's Broadway Chapel. Finally, very few Tucson providers have arranged a "green" burial or have experienced customers requesting information about environmentally friendly burials and burial alternatives.

Tucson providers report fierce competition in the cremation market, which has driven the cost of cremation down. Cremation has become so socially acceptable in Arizona that competing billboards advertising low-cost cremations exist along I-10 from Tucson to Phoenix. Many providers offer cremation packages for under \$1,000. The services included in the packages vary, but generally include transportation of the deceased, administrative/staff services, initial refrigeration (usually one day), cremation container, and a death certificate. The Funeral Consumers Alliance, a non-profit membership organization, contracts with funeral providers to provide set rates for direct cremations and burials.

If clients are wary of being upsold in a time of grief, advise your clients to request the provider's General Price List (GPL). Under the Federal Trade Commission's Funeral Rule, providers must hand out the GPL when discussion begins about the type of funeral or disposition, goods and services and prices the provider offers. The GPL must contain itemized prices for goods and services sold and important disclosures. For instance, the GPL must state that embalming is not required by law and that alternative containers may be used with direct cremations.

# **Directive for Disposition of Remains**

Pursuant to the provisions of Arizona Revised Statutes <u>\$32-1365.01</u> I direct the following disposition of my remains (initial one):

\_\_\_\_ I direct that my remains be cremated. I authorize and direct the funeral home or crematory to release, deliver, transport or ship my cremated remains to:

\_\_\_\_ I direct the following lawful disposition of my remains:

I authorize and direct my personal representative, trustee, or any other fiduciary to initiate and/or defend any legal action necessary to complete this directive, and if appropriate to indemnify the funeral home and/or crematory, and their agents and employees, from any liability for their good faith acts in furtherance of this directive.

Though this directive remains revocable, any funeral home or crematory which has been provided a signed original or a copy showing that the original was signed may rely on the directive until it has received actual notice of any revocation by me. No other person is authorized to revoke this directive on my behalf.

Dated:

Printed name and address:

I declare that the above-named person signed this instrument in my presence, and that he/she signed it willingly, and that to the best of my knowledge he/she is an adult, of sound mind and under no constraint or undue influence.

Dated:

Witness

State of Arizona		
County of	SS.	
Subscribed, sw	orn to and acknowle	dged before me by
	and	, the witness, this day
of, 20_	·	

Notary Public

#### SELF-AUTHORIZATION FOR CREMATION AND DISPOSITION

I, _		the undersigned, hereby request and authorize
	(Name of Undersigned – LAST, First Middle)	

Neptune Society or its affiliates (hereinafter referred to as "Funeral Home") to take possession of and make

(Name of Funeral Home)

arrangements for the cremation of my remains at a crematory (hereinafter referred to as "Crematory") selected by Funeral Home, and to dispose of my cremated remains as directed below. I understand and agree to the following conditions:

A. My remains will not be accepted for cremation unless they are in a combustible, leak resistant, rigid cremation container.

**Cardboard Receptacle** Description of cremation container selected:

B. Mechanical or radioactive devices implanted in the remains of a deceased individual (such as traditional pacemakers, etc.) may create a hazard when placed in the cremator. The Crematory will not knowingly cremate any human remains which contain any type of implanted mechanical or radioactive device that could cause harm to the Crematory or its employees. In the event my remains contain such a device at the time of my cremation, I hereby authorize Funeral Home and its agents and associates, to remove any such mechanical devices from my remains prior to cremation, and dispose of such items at its discretion or as indicated below. Leadless pacemakers are mechanical or radioactive devices implanted intravenously and cannot be removed or retrieved by the Funeral Home or Crematory prior to cremation of the Deceased. These devices can be cremated. In such an instance, the cremation process will cause irreparable damage to the device rendering it unusable and irretrievable. I HEREBY CERTIFY THAT MY REMAINS CURRENTLY DO DO NOT CONTAIN ANY TYPE OF IMPLANTED MECHANICAL OR RADIOACTIVE DEVICE. (Please Initial One)

Listed below are all implanted mechanical and radioactive devices implanted in my remains. If no instruction for disposition is given, such items may be disposed of at the discretion of the Funeral Home.

Description of Implanted Device

Description of Implanted Device

Disposition

Disposition

If the undersigned warrants that his/her remains currently contain no implanted mechanical or radioactive device, the undersigned acknowledges that said remains may contain such devices at time of death. In the event that said remains contain such devices at the time of death, Funeral Home is hereby authorized to remove and dispose of all such devices.

C. All noncombustible materials delivered with my remains may be disposed of at Funeral Home's direction.

D. I acknowledge that neither the Funeral Home nor the Crematory is responsible for removing any item of value (such as jewelry) from the remains prior to the cremation process, and I agree to hold harmless Funeral Home and Crematory from any liability for the destruction or loss of any such item.

E. I understand that, following cremation, the cremated remains, consisting primarily of bone fragments, will be mechanically pulverized to an unidentifiable consistency prior to placement in an urn or other container. In the event the urn or container is insufficient to accommodate all of my cremated remains, any excess remains will be placed in a secondary container and returned together with the primary urn or container.

F. I understand that certain items, including, but not limited to, body prostheses, dentures, dental bridgework, dental fillings, jewelry, and other personal articles accompanying my remains may be destroyed during the cremation process. I authorize that if any items, other than my cremated remains, are recovered from the cremator, they may be separated from the cremated remains and disposed of by the Crematory. I further authorize the Crematory to separate and remove from the cremator all noncombustible materials, including, but not limited to, hinges, latches, nails, jewelry and precious metals, and to dispose of such materials.

G. I understand and acknowledge that even with the exercise of reasonable care, and the use of the Crematory's best efforts, it is not possible to recover all particles of the cremated remains, and that some particles may inadvertently become commingled with particles of other cremated remains remaining in the cremator and/or other devices utilized to process the cremated remains. I hereby authorize the Crematory to dispose of any such residual particles in any lawful manner it deems appropriate.

H. In the event the cremated remains are unclaimed for a period of 30 days after the cremated remains are available to be retrieved by the person designated on the Authorization for Return of Cremated Remains form, the Funeral Home shall give written notice to the person designated by me on the Authorization for Return of Cremated Remains form by Certified Mail at the address(es) indicated on such form. I agree that in the event the cremated remains are still unclaimed for a period of 30 days after the date such written notification is mailed, the Funeral Home is authorized and directed to mail the unclaimed cremated remains by Priority Mail Express via United States Postal Service to the individual listed on the Authorization for Return of Cremated Remains form.

I. I agree to indemnify, release and hold the Crematory, Funeral Home, their affiliates, agents, employees and assigns, harmless from any and all loss, damages, liability or causes of action (including attorneys' fees and expenses of litigation) in connection with the cremation and disposition of my cremated remains, as authorized herein, my failure to disclose the presence of any implanted mechanical or radioactive devices, or my failure to make permanent arrangements for, the disposition of such remains.

J. Except as set forth in this Authorization, no warranties, expressed or implied, are made by the Funeral Home, Crematory, or any of their respective affiliates, agents, or employees.

K. It is my wish and I hereby direct that my surviving next-of-kin follow the instructions set forth herein.

FIN-CS055AZ Form Owner: Operations Support

#### SELF-AUTHORIZATION FOR CREMATION AND DISPOSITION

#### I HEREBY DIRECT THAT MY CREMATED REMAINS BE DISPOSED OF AS FOLLOWS:

Deliver to				
Release to the following individual(s):		and Address of Cemete	ery)	
Crease to the following individual(s).				
	(Name of Designated In	idividuals to Receive C	Cremated Remains)	
Scattering at Sea by Funeral Home or F	uneral Home's Agent			
Ship Via Priority Mail Express*				
To: Name	Addre	ess		
Other				
*Funeral Home and Crematory are not	responsible for any loss or	damage of cremat	ed remains shipped via Pric	ority Mail Express with the United
States Postal Service. I/We agree to rele	ase and hold Funeral Hom			
CHARGES: I understand that the charges in obligation to perform any cremation or paid in full.		l in full prior to the c	completion of services. The F	
Print Name		Signature		Date
Address		-		Date of Birth
Address	City	State	Zip	
I affirm I was present when time of execution of the document. 32 Company Representative Print Name <b>Neptune Soci</b>	ety, 6781 N. Tho	Company Re	presentative Signature	Date
		d Address of Funeral l		<u> </u>
Note: If this form is not signed in front of	f a Funeral Home Represent	tative, it must be not	tarized.	
On, before me, known to me, or proved to me on the basis me that s/he executed the same for the purp			name is subscribed to the fore	egoing instrument and acknowledged to
WITNESS my hand and official seal.			(Seal)	
Notary Public, State of	<u></u>			
My Commission Expires				
FOR USE BY FUNERAL HOME AND/	OR CREMATORY AT TI	ME OF NEED:		
Case ID # Me	tal Identification Disc #		Date of Death #	Cremator #
For Disposition of Cremated Remains: Is special handling required: Yes N	lo Describe:			
Description of urn or minimum acceptable	container selected:		Suitab	le for Shipping: Yes No N/A
Original: Crematory Copies: 1. Funeral Home 2.	Family		NEP-AZ #	2855_Self-AuthorizationCremationForm Modified: 01/23/2017
FIN-CS055AZ Form Owner: Operations Support		Page 2 of 2	© 2017 SCI Funeral &	& Cemetery Purchasing Cooperative, Inc.

#### Plan 1 - Direct Cremation: \$395-\$475\*

#### The Funeral Home will provide these services at this price:

- Arrange for the body to be transported to the mortuary- additional cost if more than 25 miles away
- An arrangements conference with the family to finalize all plans and make payment
- Procure the original death certificate signed and the cremation/transit permit
- Provide an appropriate rigid cremation container (or a \$50 credit towards the purchase of a different cremationcapable container)
- Provide a suitable cardboard container for the cremated remains (or a \$50 credit towards a different urn)
- The actual cremation process
- Notify the Social Security Administration, and if appropriate, the Veteran's Administration

#### Plan 2 - Direct Burial: \$790-\$1025\*

#### The Funeral Home will provide these services at this price:

- Arrange for the body to be transported to the mortuary-additional cost if more than 25 miles away
- An arrangements conference with the family to finalize all plans and make payment
- Procure the original death certificate and the burial/transit permit
- Provide a cloth covered casket (or a \$200 credit towards the purchase of a more expensive casket)
- Arrange for a time convenient for the mortuary and cemetery to inter the remains
- Provide transportation of the remains to any of the local cemeteries
- Notify the Social Security Administration and, if appropriate, the Veteran's Administration

#### \* Plans 1 and 2 do NOT include:

- Any service or ceremony. This may be added at additional cost
- Flowers, clergy fees or obituary notices
- Burial plot, niche, vault, etc.

#### Plan 3 - Economical Funeral: \$1590-2195\*

#### The Funeral Home will provide these services at this price:

- Arrange for the body to be transported to the mortuary- additional cost if more than 25 miles away
- An arrangements conference with the family to finalize all plans and make payment
- Prepare the body for possible viewing
- Procure the original death certificate and the burial/transit permit
- Provide a cloth covered casket (or a \$200 credit towards the purchase of a more expensive casket)
- Use of the mortuary chapel for a funeral service during normal business hours Monday-Friday
- Provide a hearse to the cemetery
- Notify the Social Security Administration, and if appropriate, the Veteran's Administration

#### Plan 3 does NOT include:

- Burial plot or opening/closing of the grave, grave liner/vault or marker/headstone
- Burial clothing, clergy fees, viewing, flowers, police escort services or anything not listed above
- Extra days of visitation

\*Please note that there are additional county and state fees and taxes.

Funeral Consumers Alliance of Arizona P.O. Box 12661, Tucson, AZ 85732-2661 (520) 721-0230 www.FCAAZ.org FCAofAZ@gmail.com



#### Funeral Consumers Alliance of Arizona 2019 Funeral Home Price Comparison Survey Southern Arizona

Provider by City

Owner

#### <u>TUCSON</u>

Abbey Funeral Chapel	Douglas Mostyn
3435 N 1st Avenue	(520) 888-1111
*Adair Dodge Chapel	Adair Family
1050 N Dodge Blvd	(520) 326-4343
Angel Valley Funeral Home	Mike Orcutt
2545 N Tucson Blvd	<b>(</b> 520) 327-6341
*Avenidas Cremation & Burial	Anthony Cerullo
1376 W St. Mary's Rd.	(520) 305-4740
Bring's Broadway Chapel	Foundation Partners
6910 E Broadway Blvd	(520) 296-7193
Carrillo's Tucson Mortuary	Leo A Carrillo
204 S Stone Ave	(520) 622-7429
Desert Rose Cremation & Buria	I SCI
1040 N Columbus Blvd	(520) 322-6131
Desert Sunset Funeral Home	Adair Family
3081 W Orange Grove Rd	(520) 297-9007
East Lawn Palms Mortuary	SCI
5801 E Grant Road	(520) 885-6741
Evergreen Mortuary	Addison Family
3015 N Oracle	(520) 888-7470
Funeraria Azahares	SCI
1110 E Pennsylvania St	(520) 822-8281
Funeraria del Angel	SCI
7 E University Blvd.	(520) 624-8685
Funeraria del Angel South Lawr	
5401 S Park Ave.	(520) 294-2603
Hudgel's Swan Funeral Home	Hudgel Family
1335 S Swan Road	(520) 747-2525
Martinez Funeral Chapels	Martinez Family
2580 S 6th Ave	(520) 547-3400
Neptune Society	SCI
6781 N Thornydale Rd.	(520) 624-2726
Sensible Cremation & Funeral L	•
103 W Grant Rd	(520) 622-2262
AJO	
Douglass Funeral Home	Brandon Warren
11 W Pajaro St.	(520) 387-7863
BENSON	
Richardson's Remembrance	Phillip Brown
725 E 4th St	(520) 586-2288
BISBEE	
Alex Espinosa Funeral Home	Alex Espinosa
- 1094 Highway 92	(520) 432-2491
DOUGLAS	
Brown-Page Mortuary, Inc.	David Escarcega

Direct Cremation	Direct Burial	Full Funeral Services
\$1,100	\$2,100	\$3,150
\$1,100	\$2,090	\$3,885
\$ 425	\$1 <i>,</i> 840	\$3,405
\$ 655	\$965	\$2,520
\$1,890	\$2 <i>,</i> 885	\$5,145
\$2,208	\$3,271	\$5,471
\$ 660	\$2,110	\$3 <i>,</i> 680
\$1,035	\$1 <i>,</i> 490	\$3 <i>,</i> 470
\$2,120	\$4 <i>,</i> 235	\$6,390
\$1630	\$2 <i>,</i> 570	\$6 <i>,</i> 870
\$1,055	\$2 <i>,</i> 495	\$4 <i>,</i> 620
\$1,120	\$3 <i>,</i> 400	\$4 <i>,</i> 615
\$2,120	\$4 <i>,</i> 165	\$4 <i>,</i> 990
\$ 966	\$2 <i>,</i> 040	\$4 <i>,</i> 145
\$1,950	\$3,190	\$5,810
\$2,022	N/A	N/A
\$995	\$2,795	5,165
\$3,130	\$4,170	\$7,030
\$1,610	\$3,370	\$3,885
\$1,800	\$3,170	\$3,740
\$960	\$1,545	\$3,475

MARANA	Δ				
Marana MortuaryElizabeth Van Meter\$855\$3,590\$5,615	-		\$855	\$3,590	\$5,615
12146 W Barnett Rd (520) 682-9900		520) 682-9900			
NOGALES			4	** ***	to 00-
*Adair's Caroon Mortuary Arthur Adair \$1,100 \$2,090 \$3,885			\$1,100	\$2,090	\$3,885
1050 N Dodge Blvd (520) 281-2424			ć1 050	ća 100	ćr 010
Martinez Funeral ChapelCharles Espinosa\$1,950\$3,190\$5,810201 W(Marinage Bd)(530) 381 4480	-		\$1,950	\$3,190	\$5,810
891 W Mariposa Rd (520) 281-4489 ORO VALLEY		520) 281-4489			
			ć1 100	¢2,000	60.00F
Adair's Avalon FH & Chapel Arthur Adair \$1,100 \$2,090 \$2,885 8090 N Northern Ave (520) 742-7901			\$1,100	\$2,090	ŞZ,885
	•		¢1 079	¢2.20E	¢2 E0E
Vistoso Memorial Chapel Douglas Harpold \$1,078 \$2,295 \$3,585 2285 E Rancho Vistoso Blvd (520) 544-2285			\$1,078	ŞZ,Z95	22,202
SAFFORD		(320) 344-2283			
McDougal's Caldwell Jason McDougal \$1,515 \$2,890 \$4,530		son McDougal	¢1 515	\$2 800	\$4 530
112 E Main St (928) 428-1740	-	•	Ş1,313	JZ,090	J4,JJ0
Vining Funeral Home         Mark Vining         \$1,445         \$2,025         \$4,270	•	•	\$1 445	\$2.025	\$4 270
1940 S 20 <sup>th</sup> Ave (928) 428-4000	-	0	Ŷ1,443	<i>72,023</i>	<b>Υ</b> <sup>-</sup> ,270
SAHUARITA/GREEN VALLEY	•				
Green Valley Mortuary Mary Triano \$1,315 \$2,265 \$4,385		Aary Triano	\$1 315	\$2 265	\$4 385
18751 S La Canada Dr (520) 625-7400		•	<i><b>Y</b>1,<b>S</b>15</i>	<i>YZ,203</i>	,505
SIERRA VISTA	•				
Hatfield Funeral Home Ryan Jensen \$1,220 \$2,190 \$4,065		van lensen	\$1.220	\$2.190	\$4.065
830 S Hwy 92 (520) 458-5120			+-)	<i>+_)_</i>	+ .)
Jensen's Mortuary Pamela Cope \$1,160 \$2,045 \$4,260			\$1,160	\$2,045	\$4,260
830 S Hwy 92 (520) 378-4895	-	520) 378-4895	. ,	. ,	. ,
SOMERTON	TON				
Desert Valley Mortuary Frank Acuña \$ 975 \$2,755 \$4,025	Desert Valley Mortuary F	rank Acuña	\$ 975	\$2 <i>,</i> 755	\$4 <i>,</i> 025
138 N Ave. B (928) 627-7600	138 N Ave. B (9	928) 627-7600			
WILCOX	<u>×</u>				
Westlawn Chapel Gordon Douglas \$1,452 \$2,095 \$3,673	Westlawn Chapel G	iordon Douglas	\$1,452	\$2 <i>,</i> 095	\$3,673
105 S Arizona Ave (520) 384-2413	105 S Arizona Ave (S	520) 384-2413			
YUMA					
Funeraria del Angel KammannSCI\$1,630\$2,985\$5,555	-	CI	\$1,630	\$2 <i>,</i> 985	\$5 <i>,</i> 555
795 W 28 <sup>th</sup> St (928) 344-0000	795 W 28 <sup>th</sup> St (9	928) 344-0000			
Johnson Mortuary SCI \$2,130 \$3,685 \$5,100	-		\$2,130	\$3,685	\$5,100
1415 S 1 <sup>st</sup> Ave (928) 782-4384	````	•	4	<b>1</b>	4
Sunset Vista Funeral HomeAndrew Gonzalez\$1,148\$4,330\$4,605			Ş1,148	Ş4 <i>,</i> 330	Ş4 <i>,</i> 605
11357 E 40 <sup>th</sup> St. (928) 342-2800	· ·	•	64.205	64.005	<u> </u>
Yuma Mortuary         Darren Mattice         \$1,305         \$1,895         \$3,980           551 W 16 <sup>th</sup> St.         (928) 782-9865         \$1,305         \$1,895         \$3,980	-		\$1,305	\$1,895	\$3,98U
551 W 16 <sup>th</sup> St. (928) 782-9865 * Select funeral homes where FUNERAL CONSUMERS ALLIANCE members pay these prices:			IANCE mamba	re now those no	ricos:

\* Select funeral homes where FUNERAL CONSUMERS ALLIANCE members pay these prices: \$395-\$475 \$790-\$895 **Funeral Consumers Alliance** nonprofit, (member pricing) \$1,590-\$1,395

Other funeral homes may match our member prices. You may always ask.

While price is an important factor when choosing a funeral home, reputation and quality of service also should be given consideration. Unfortunately, those are more difficult to measure. Is the mortuary a local family business or owned by a large corporation? Will you be expected to sit through a high pressure sales routine? Are the funeral directors straight with you in answering questions or do they use a lot of smoke and mirrors? Will they support you in having just the type of arrangements you want and can afford or are they trying to meet their sales quota for the month? Ask clergy, social workers, neighbors and friends for their recommendations. We encourage you to shop around and plan ahead when you are not under any pressure. That way you can be assured of final arrangements that are consistent with your values as well as your budget. (SCI is Service Corporation International based in Houston, TX. Foundation Partners Group is based in Tampa, FL) Rev. 01MAR2018

Methodology

In compiling data for the 2019 funeral home price survey, we gathered General Price Lists (GPL) from funeral homes in Southern Arizona between January and August of 2019. In order to enable consumers to make as fair a price comparison as possible, we made every attempt to try to ensure that we were indeed comparing "apples to apples" for the three most common types of final arrangements. Our goal was to calculate the minimum "out the door" price for these services at each funeral home.

We calculated total prices based on what was printed in each mortuary's most recent GPL. While all funeral homes are required to comply with the Federal Trade Commission's (FTC) Funeral Rule of 1984 regarding disclosure of costs, the reality is that some price lists are more complete and readable than others. Many GPLs contained blatant violations of the Funeral Rule. If it was unclear whether costs such as refrigeration or crematory fees were included in package prices, we added them into the total we used for comparison purposes. For calculating the cost of direct burial or a complete funeral service we included the price of a simple cloth-covered casket, if offered, or, otherwise, the least expensive metal burial casket listed on the printed GPL or casket price list. A funeral establishment may change its prices at any time and the actual price you pay for services and merchandise at any of these funeral homes may vary.

For comparison purposes, the descriptions of the services and merchandise included in each of the three plans compared in this survey are as listed below. Included in the cost calculation for each of the three plans are the following Basic Services: 1) Removal of the deceased 24 hours a day from either a home or health care setting and delivery to the funeral home within a service area of no fewer than 25 miles; 2) Arrangements conference with the survivors; 3) Filing of necessary permits and death certificate; 4) Procuring death certificates for family, filing notice of death to Social Security, securing a veteran's flag and interment rights at a veteran's cemetery if applicable; 5) sheltering and refrigeration of the body for at least 3 days; 6) Non-declinable fee for the funeral home overhead.

#### **Direct Cremation**

Basic services listed above, plus; 1) delivery of the body to the crematory (if not performed onsite); 2) the cost of the actual cremation; 3) basic alternative container; and 4) basic cardboard or plastic urn to hold the cremated remains for pickup by the survivors.

#### **Direct Burial**

Basic services listed above, plus; 1) minimum cloth covered casket; 2) preparation of the body including casketing; 3) delivery to a local cemetery for burial at an unscheduled time. No ceremonies are included. **Full Funeral Service** 

Basic services listed above, plus 1) minimum cloth covered casket; 2) embalming, dressing cosmetology, and casketing; 3) at least a 1/2 day visitation and a chapel service at the funeral home, Mon-Fri during regular business hours, 4) handling of flowers; 5) delivery of casketed remains to a local cemetery, but not a procession or graveside ceremony.

After we calculated the total costs for each of the three types of services, they were reviewed by our Executive We have made a good faith effort to assure that these numbers are accurate and comparable; however, we cannot

Director and the final worksheet was faxed to each funeral home for verification. We updated our numbers in cases where the funeral home could justify, based on their GPL, that our calculations were inaccurate. In situations where the funeral home disputed pricing based on numbers which were different than the printed price list, we stayed with the printed number in calculating our totals. According to the FTC Funeral Rule, the prices or price range for all merchandise and services offered are to be listed on the General Price List. We don't assume, nor should you, that anything not on the GPL is included. quarantee that the actual price you would pay at any of these funeral homes is exactly as listed on our Price Comparison Survey. This survey is a starting point to help you make funeral arrangements that are consistent with your values and beliefs as well as within your budget.



(520) 721-0230 FCAofAZ@gmail.com

#### FUNERAL CONSUMERS ALLIANCE OF ARIZONA

#### 2221 E. Broadway Blvd, Suite 106, Tucson, AZ 85719

#### www.FCAAZ.org

#### ARIZONA DEPARTMENT OF HEALTH SERVICES BUREAU OF VITAL RECORDS DEATH REGISTRATION WORKSHEET

This form is for the collection of the data needed to complete the Arizona Certificate of Death. This is not a death certificate.

Arizona Revised Statute §36-342. Disclosure of information; prohibition

A. The state registrar may provide information contained in vital records to persons, including federal, state, local and other agencies, as required by law and for statistical or research purposes. B. Except as authorized by law, a local registrar, a deputy local registrar or the state registrar or their employees shall not:

1. Permit inspection of a vital record or evidentiary document supporting the vital record.

- 2. Disclose information contained in a vital record.
- 3. Transcribe or issue a copy of all or part of a vital record.

1A. DECEDENT'S LEGAL FIRST NAME			1B. DE	1B. DECEDENT'S LEGAL MIDDLE NAME			
1C. DECEDENT'S LEGAL LAST NA	ME		1D. SL	JFFIX (Jr, II, e	etc)		1E. AKA'S IF ANY
□ Female Male None □ Not Yet Determined <sup>-</sup> Unkn			(mm/dd/yyyy)	Years		ars Months Days urs Minutes	
6A. DECEDENT'S BIRTH CITY OR			6C. DECEDENT	'S BIRTH ST/	ATE		I'S BIRTH COUNTRY
7. EVER IN U.S. ARMED FORCES? □ Yes □ No □ Unknown						⊓ Yes⊓ No	an Remains Release Form)
10A. DECEDENT'S RESIDENCE S		10B. ZIP CODE 10C. RESIDENCE C			10D. RESIDENCE COUNTY 10E. RESIDENCE STATE		
10F. RESIDENCE COUNTRY		□ Days □ Ho		Hours ⊓ Minutes <sup>−</sup> Years		COMMUNITY?    Yes    No	
					lf yes, list name	of Arizona Tribal (	Community on the line above
14. MARITAL STATUS  ☐ Married	$\sqcap$ Widowed $\sqcap$ Divorced	□ Never Married	$\sqcap$ Married but S	eparated	Not Obtainable	e <sup>–</sup> Unknown	
15A. FIRST NAME OF SURVIVING SPOUSE	15B. MIDDLE NAME OF SURVIN		ST NAME OF SUR PRIOR TO FIRS		15D. SUFFI	X 15E. LAST SPOUSE	NAME OF SURVIVING
16A. FATHER'S FIRST NAME	16B. FATHER'S MIDDLE NAME		16C. FATHER'S LAST NAME			16D. SUFFIX (Jr, II, etc)	
17A. MOTHER'S FIRST NAME	17B. MOTHER'S MIDDLE NAME		17C. MOTHER'S LAST NAME PRIOR TO FIRST MARRI		RST MARRIAGE		
18A. INFORMANT'S FIRST NAME	18B. INFORMANT MIDDLE NAM	ME	18C. INFORMANT LAST NAME		18D. SUFFIX (Jr, II, etc)		

18E. RELATIONSHIP TO DECEDENT	18F. INFORMANT'S EMAIL ADDRESS		18G. INFORMANT'S PHONE NUM	/BER
18H. INFORMANT'S MAILING ADDRESS			ORMATION PROVIDED ON THIS FOR EST OF MY KNOWLEDGE.	ORM IS ACCURATE, TRUE
		Informant's Signature		Date Signed
19A. METHOD OF DISPOSITION	on II Entombment Donation		ation II Donation/Entombment	19B. DATE OF DISPOSITION
Removal:  From State Burial Crem	ation $\ \ $ Donation $\ \ $ Entombment $\ \ $ Dor	nation/Burial L Donation/Cren	nation 🛛 Donation/Entombment	
II Unknown Other (Specify)				
20A. PLACE OF DISPOSITION - NAME OF	FIRST DISPOSITION FACILITY	20B. PLACE OF DISPOSITIO	ON - NAME OF SECOND DISPOSITIO	ON FACILITY
21A. NAME OF FUNERAL DIRECTOR (firs	t, middle, last, suffix) 21B. LICENSE N	UMBER 21C. NAME OF FL	INERAL HOME	
22. ADDRESS OF FUNERAL HOME OR O	THER RESPONSIBLE PARTY	23. OTHER RESPONSI	BLE PARTY RELATIONSHIP	
24A. DECEDENT'S OCCUPATION	25. EDUCATION (SELECT ONE 8th grade or less; none Some college credit, but not a	9th through 12th degree Associate degree		l graduate or GED completed degree (e.g.: BA, AB, BS)
24B. DECEDENT'S INDUSTRY	Master's degree (e.g.: MA, MS <sup>-</sup> Doctorate (e.g.: PhD, EdD, or _ Unknown ∟ Refused	Professional Degree e.g.: MD, I	Not Classifiable	
26. DECEDENT'S HISPANIC ORIGIN (Che □ No, Not Spanish/Hispanic/Latino □ Yes,				Latino
□ Not Obtainable □ Unkno	own <sup>–</sup> Re	fused   Other (Spec	cify)	
27. DECEDENT'S RACE (Select all that Ap - White Black, African American - American Indian/ Alaska Native (Specify) Enrolled Tribe Secondary Tribe _ Asian Indian	Chinese <sup>–</sup> Nativ Filipino Guar Japanese <sup>–</sup> Sam	re Hawaiian nanian or Chamorro oan r Pacific Islander (Specify)	<ul> <li>Other (Specif</li> <li>Refused</li> <li>Not Obtainab</li> <li>Unknown</li> </ul>	
28A. TYPE OF PLACE OF DEATH ☐ Dead on Arrival _ Emergency II Inpatient II Decedent's Residence II Hospice II Nursing Home/Long Term Cal ☐ Other; Specify		28B. PLACE OF DEA	TH FACILITY NAME	

28C. PLACE OF DEATH FACILITY ADDRESS		28D. SPECIFY OTHER INSTITU OCCURRED	ITION OF	R ADDRESS WHERE DEATH		
29A. CERTIFIER TYPE						
□ Physician <sup>-</sup> Medical Examiner □ Nurse Practition	er 🛛 Physician's Assis	stant 🛛 Tribal Autho	rity 🛛 Unknown, Not Classified			
29B. CERTIFIER'S LICENSE NUMBER	29C. CERTIFIER'S	S NAME (first, middle	, last, suffix)			
29D. CERTIFIER'S TITLE						
II Doctor of Medicine I Doctor of	Doctor of Medicine Doctor of Osteopathy C.N.			M./C.M Physician Assistant (PA)		
	Tribal Law Enforcement     Naturopathic Physician     Nurse			Midwife Medical Doctor Intern/Resident		
□ APRN □ Other (S	pecify)					
29E. CERTIFIER'S ADDRESS					29F. CERTIFIER'S ZIP CODE	
29G. CERTIFIER'S CITY, TOWN, OR LOCATION			29H. CERTIFIER'S STATE	291.	CERTIFIER'S COUNTRY	
30A. NAME OF ALTERNATE CERTIFIER			30B. TELEPHONE NUMBER		30C. FAX NUMBER	
30D. EMAIL ADDRESS			CTOR'S SIGNATURE - I ATTEST IE AND VALID TO THE BEST OF I		ORMATION PROVIDED ON THIS FORM WLEDGE.	
		Signature			Date Signed	



## **Application Instructions** (Please Read Prior to Completing Application)

Please accept our sincerest condolences concerning the loss of your loved one. You will find the four page Pima County Indigent Interment Program (IIP) Assistance Application following this cover page. A fully completed, signed and submitted application with supporting documents are required to consider your application for interment assistance. Please contact our IIP coordinator if you have any questions concerning the application process.

#### Submitting the application

The fully completed and signed application may be submitted to the IIP coordinator via email, mail, fax or in person.

Lorenia Ton Pima County Indigent Interment Coordinator Pima County Office of the Medical Examiner 2825 East District Street Tucson, Arizona 85714 Lorenia.Ton@pima.gov 520-724-8610 (f) 520-724-8600 (p)

#### Signing the application

The application must be **signed and notarized twice**. Once for certification of the application on page three (3) and once for certification of the affidavit on page four (4) of the attached application.

#### Required documents that must accompany the completed application

- 1) Current bank statement(s)
- 2) Clear and legible copy of photo ID of applicant
- 3) Current pay stubs for household for the last thirty (30) days and/or;
- 4) Any other form of income documentation such as social security or public assistance statements



# Indigent Interment Program Assistance Application

of Decedent:	
Applicant's Name:	
Relationship to Deceden	t:
Birth date:	Social Security #:
Single 🗌 Divorced 🔲	Widow 🗌 Married 🔲 Separate 🗌
List All Dependents & A	ges
Income for the Last Thr	ee Months:
Monthly Amount:	Date Last Received:
Monthly Amount:	Date Last Received:
	Social Security Disability Benefits and or SSI benefits? ate: City/County:
• 1	y applied for or received Aid? (Food Stamps, AFDC, stance, etc?) Yes 🗌 No 🦳
If Yes:	
Date, Eligibility Site, Wor	
Plan:	Amount:



#### 10. Do you own or are you in the process of buying any real estate?

Yes 🗌 No 🗌		
If Yes, what/when:		
Location		
Use (own/home/rental)		
Amount Owed:	Co-Owners:	

#### 11. Do you pay?

Yes	No	Amount
	Yes	Yes No

#### 12: Name of Landlord:

Address of Landlord:	
Phone #:	

#### 13. Do you own any of the following personal property?

Cash: \$
Checking Account: \$
Account #:
Bank Name:
Location:
Savings Account: \$
Account #:
Bank Name:
Location:
$\underline{Stocks/Bonds} \ (shares \ and \ company/amounts \ and \ names)$



#### **CERTIFICATION**

I declare under penalty of perjury that the foregoing statement of fact is true and correct.

I understand that each statement is subject to investigation and verification that proof is required for each statement and my signature constitutes authorization for such investigation.

Applicant's Name (Plea	ase Print):	
Applicant's Signature:	Dat	e:
	SUBSCRIBED AND SWORN to me th	iis

day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_

Notary Public



#### **Affidavit for Indigent Interment**

#### **STATE OF ARIZONA)** ) ss **COUNTY OF PIMA**)

being sworn, states:

of the decedent.

2. Affiant is aware of the need to provide for interment of the decedent; Affiant lacks sufficient means to pay for the interment.

3. Affiant has been advised that he or she may have a statutory duty to make the final disposition arrangements and that failure to do so may result in civil penalties up to two times the actual cost of interment, and/or the prosecution of criminal misdemeanor charges.

4. Affiant has read and understands the description of a county interment service.

5. Affiant supports \_\_\_\_\_\_ other person(s) besides himself/herself.

6. Affiant is employed by \_\_\_\_\_\_ as \_\_\_\_\_.
7. Affiant's total net monthly family income from all sources is \$\_\_\_\_\_\_.

8. Affiant has funds on deposit in checking and/or savings accounts in affiant's name, jointly or individually as follows:

9. Affiant requests that final disposition arrangements be arranged by Pima County and understands that remains will be interred at the Pima County Cemetery unless other arrangements are made.

Affiant Name (Please Print)

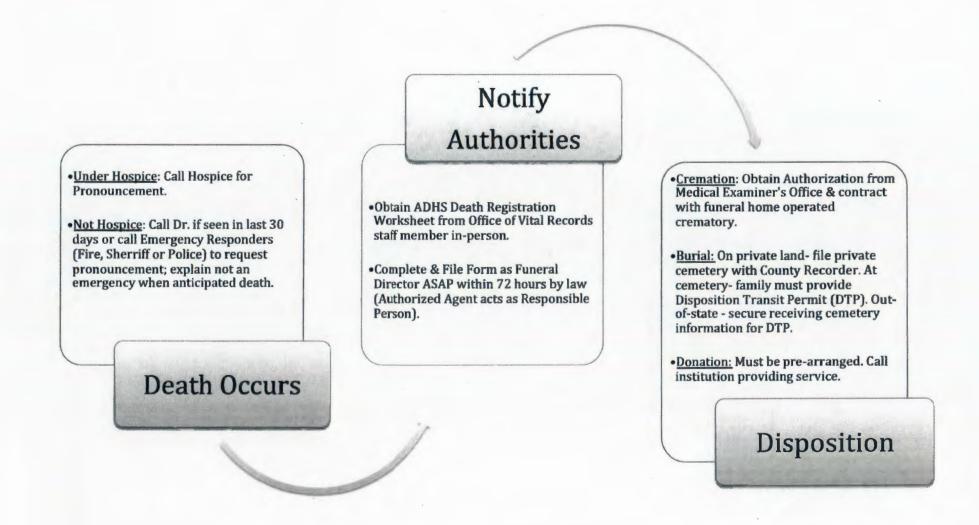
Affiant Signature

Date

## SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ SUBSCRIBED AND SWORN to before the time\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_\_

Notary Public

## Caring for our Own in Pima County, Arizona Steps + Resources for Family-led Death Care



Caring for our Own in Pima County, Arizona Steps + Resources for Family-led Death Care

# Legal BasisDis• Arizona Revised Statutes (ARS)• R• Final Rights: visit FCA National<br/>website to download AZ Caring<br/>for our Own laws• T

# Dispostion

- Responsibility: ARS Title 36, Ch. 7, Article 2 - 36.831
- Transit Permit: ARS Title 36, Ch. 3, Article 3 - 36.326

# Definitions

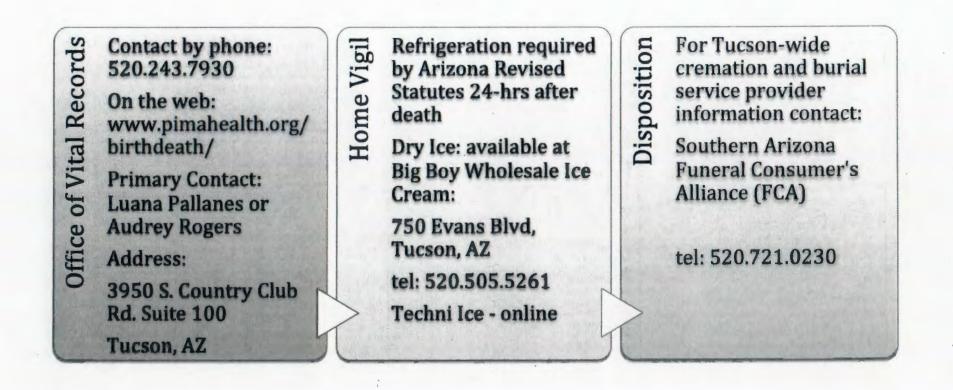
- ARS Title 32, Ch 12, Article 1 -32-1301
- Authorizing Agent or Responsible Person defined

# **Personal Preference Law**

- ARS Title 32, Ch. 12, Article 3 -32-1365.01
- Setting final wishes in writing

Provided by Kristine Bentz, Sweetgrass Ceremonies, LLC | Tucson, Arizona | 520.609.8396

Caring for our Own in Pima County, Arizona Steps + Resources for Family-led Death Care



Provided by Kristine Bentz, Sweetgrass Ceremonies, LLC | Tucson, Arizona | 520.609.8396

## **HUMAN REMAINS RELEASE FORM**

FACILITY NAME:		FACILITY ADDRES	FACILITY ADDRESS:		
DECEASED PERSON'S NAME:		DATE OF BIRTH:	SEX:	SOC. SEC. # OR PT. ID #:	
DATE OF DEATH: TIME OF DEATH:		PHYSICIAN OR NURSE PRACTITIONER EXPECTED TO SIGN MEDICAL CERTIFICATION OF DEATH:			
		Name:	-	Phone #.	
PERSON AUTHORIZI	NG RELEASE TO FUNERAL	ESTABLISHMENT OR R	ESPONS	SIBLE PERSON:	
Name:		Phone #.		Relationship to deceased person:	

THE HUMAN REMAINS OF A PERSON WHO DIES UNDER ANY OF THE FOLLOWING CIRCUMSTANCES AS LISTED IN A.R.S. § 11-593(A) ARE REQUIRED TO BE REFERRED TO THE MEDICAL EXAMINER.

#### Did this person: (Check all that apply)

Die while not under the care of a physician or nurse practitioner for a potentially fatal illness

- Die and the attending physician or nurse practitioner is not available to sign the death certificate
- Die as a result of violence

Die suddenly when in apparent good health

Die in a prison

Die while a prisoner

Die in a suspicious, unusual or unnatural manner

Die from a disease or an accident that may be related to the person's occupation or employment

Die and may present a public health hazard

Die during an anesthetic or surgical procedure

□ NONE OF THE ABOVE

WERE T	HE DECE	ASED PERSON	I'S HUMAN REMAINS REFERR	ED TO THE MEDICAL E	XAMINER AS REQUIRED IN A.R.S. § 11-593?
YES D	NO	N/A	ME ACCEPTED	ME RELEASED	ME REFUSED

THE MOST RECENT DIAGNOSIS IN THE PERSON'S MEDICAL RECORD IS:

Provide the following information if the deceased person's human remains are being released to: (1) A funeral establishment, (2) A person authorized under A.R.S. § 36-664 to receive the deceased person's communicable disease related information.

Indicate whether the deceased person had been diagnosed with or was suspected of having any of the following, as stated in the deceased persons medical record at the time of death. Please check all that apply:

Infectious tuberculosis	Creutzfeldt-Jakob disease	Hepatitis C	Other
Human immunodeficiency virus	Hepatitis B	Rabies	D NONE

\* For a death that occurs in a <u>hospital</u>: If the deceased individual's human remains have been accepted for donation by an organ procurement organization under A.R.S. Title 36, Chapter 7, Article 3, and the person authorized in A.R.S. §36-843 has not made or refused to make an anatomical gift, indicate whether the organ procurement organization has been notified that the deceased individual's human remains are being removed from the hospital. YES INO

PERSON REPRESENTING THE HOSPITAL, NURS THE HUMAN REMAINS	SING CARE INSTITUTION	N, OR HOSPICE INPATIENT FACILITY W	HO RELEASED			
Name (please print):	Signature:		te:			
PERSON ACCEPTING THE HUMAN REMAINS						
Name (please print):	Signature:		te & Time:			
FETAL DEATH INFORMATION						
Name of the Mother (please print):	Date of Delivery:	Estimated Gestational age or weight, if unknown:				

\* This item is not required for nursing or in-patient hospice facilities.

Recorded by: Name Address 1 Address 2

Mail to: Name Address 1 Address 2 Docket: Page: No. of Pages:

**Recording of Family Cemetery** 

Amount Paid:

## Recording/Notice of Family Cemetery (Arizona Revised Statute § 36-326(I))

I, [insert name], do hereby record the location of a family cemetery, [insert dimensions] in size, the approximate location of which is identified in Exhibits A and B [Note: exhibits can be plat maps with hand drawings of cemetery location] attached herein, on my land located at [insert address], otherwise recorded as:

[Insert legal description of property]

This is not a transfer of ownership and is thus SUBJECT TO ALL MATTERS OF RECORD and EXEMPT FROM AFFIDAVIT OF VALUE.

DATED:

Property Owner

State of Arizona )

County of \_\_\_\_\_ )

This Recording/Notice of Family Cemetery was acknowledged before me, the undersigned Notary Public, this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_\_.

Seal:

Notary Public