



Ask the Undertaker

By Ryan Helfenbein

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Many of you remember the 1950-1960s sitcom *Leave it to Beaver*. It depicted the ideal suburban family. Everyone got along, everyone loved each other and there were no estrangements or broken families. Unfortunately, as hard as we all strive to mimic the Cleavers, we all have our imperfections. As a matter of fact, according to a UK news article published in 2010, one in three children today lives with a single parent or stepparent. And according to *USA Today* more and more Americans are moving from one state to another each year. And now, with the rise of cremation this creates challenges for an undertaker due to a legal document that is necessary before cremation can take place – a cremation authorization. More importantly, who can authorize an undertaker to move forward with cremation?

News articles often warn consumers of the “reluctant approach” a funeral service provider might take when a family chooses cremation. It leads consumers to believe that undertakers are just looking to profit. Reluctance could be more likely due to the finality of cremation. If a family chooses burial, the individual can be disinterred and moved. There is no recourse with cremation. The cremation authorization protects the funeral home and, in turn, protects the family by having them initial and sign off on numerous steps in the cremation process, including a hold harmless agreement in case a family member has a change of mind after the procedure is done. No problem, we sign a document, put a couple of initials down and “voila,” Pop can be cremated. So what is the big issue? The issue lies in who is the appropriate person to sign the authorization.

According to the Maryland State Board of Morticians, if an individual has a prepaid, preplanned contract with a funeral provider designating that the individual has elected the disposition of cremation, the

cremation authorization can be signed by any representative of the family. What if this was not done? Then we have to go down the line of who is legally deemed the authorizing agent. Starting with the actual decedent, via a prepaid preplanned contract, it then would fall on the spouse. After the spouse, the responsibility falls in order on adult children, parent, adult sibling, a person acting as a representative of the decedent under a signed authorization of the decedent, guardian of the decedent at the time of the decedent’s death or, in the absence of any person previously mentioned, any other person willing to assume the responsibility to act as the authorizing agent.

Here’s an example. Mom passes away, without a prepaid preplanned contract. Dad would then sign the cremation authorization. Now when dad passes way without having a prepaid, preplanned contract, each child is going to need to sign the authorization. If children lived in another state or country, the family will need to track them down to acquire their signature or at least a written statement giving authorization to cremate dad. What if a family cannot locate a child? This is where you will begin to see your undertaker begin to sweat a bit. The funeral home can choose to not move forward

with cremation or require that the family sign a document stating they did everything in their power in an attempt to locate this individual and that they will not hold the funeral home or crematory responsible.

If I have cremation listed as the method of disposition in my will, won’t that take care of it? While it is not a bad thought to record your preference in the will, not once have I met with someone who brings the will along to make plans when someone passes away. Regardless of what the will may state, a cremation authorization still must be signed and completed by the designated authorizing agents. If it is documenting plans that you want, my advice would be to acquire a prepaid, preplanned contract from a certified planning counselor. They will be sure that not only are your details planned and paid for, but documented in such a way that they are guaranteed to be carried out exactly as stated in the plan. This would then eliminate the potentially daunting cremation authorization process that is required if this is not carried out in advance.

It’s unfortunate that we all haven’t been blessed with a Cleaver-type family. Even in the closest families, however, we should do all we can to protect each other when final decisions are made, especially when it involves something as permanent as cremation.

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