Pre-Arranged Funeral Plans

Preplanning a funeral can offer family members peace of mind, as well as the opportunity to plan a meaningful funeral that reflects the unique life of the individual. Meeting with a local funeral director is a good way to ensure you have all of the information you need to make informed decisions, and that your wishes are carried out.

A Nebraska funeral home will ensure the following rights and protections:

- Provide you with detailed price lists of goods and services before you make your selections.
- Provide to you, at the conclusion of the funeral arrangement conference, a written statement listing all of the goods and services you have purchased and the price.
- Give you a written preneed funeral contract explaining, in plain language, your rights and obligations.
- Guarantee in the contract that if any of the goods or services you have selected are not available at the time of need, goods and services of equal or greater value will be substituted at no extra cost.
- Inform you if the funeral home will guarantee the price of goods and services you are purchasing. If the prices are not guaranteed, the contract will explain who is responsible for any additional amounts that may be due at the time of the funeral.
- Explain under what circumstances you may cancel your preneed contract and how much of the funds you paid will be refunded.

There are several methods available to pre-pay for a funeral:

- A regulated trust can be established by a licensed funeral director.
- A life-insurance policy can be purchased, equal to the value of the funeral.
- Individuals can establish a savings or certificate of deposit account for funeral expenses payable on death to the funeral home.

Why “preplan” your funeral arrangements?

- Prearrangements provide a record of your wishes that will be accessible to surviving family members.
- Allows for a less stressful environment, without time constraints, to make important decisions.
- Allows for surviving members to concentrate on the memories of a lifetime rather than the details surrounding death.

To Check the License of a Funeral Director/Embalmer

Visit our web-site at:
http://www.nebraska.gov/LISSearch/search.cgi

For More Information Contact:

Nebraska Department of Health and Human Services, Division of Public Health
Licensure Unit
PO Box 94986
Lincoln, NE 68509

Telephone Number: 402-471-2117
Fax Number: 402-471-3577

or visit our Web site at:

http://dhhs.ne.gov/publichealth/Pages/crl_mhcs_fun_funeraldirecting.aspx

To Make a Complaint
Contact:

Nebraska Department of Health and Human Services, Division of Public Health
Investigations Unit
301 Centennial Mall South
Lincoln, NE 68509

402-471-0175

or visit their Web site at:

www.hhs.state.ne.us/reg/investi.htm

The Nebraska Department of Health and Human Services is committed to affirmative action/equal employment opportunity and does not discriminate in delivering benefits or services.

A Consumer’s Guide

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Funeral Directing & Embalming in Nebraska

Board of Funeral Directing & Embalming
and
Department of Health
and Human Services
Division of Public Health
Licensure Unit

2014

What is Funeral Directing?

Counseling families/next of kin in regard to the conduct of a funeral service for a dead human body for burial, disposition, or cremation or directing or supervising burial, disposition, or cremation of dead human bodies. There are only 2 options for disposition of a dead human body: Cremation or Burial.

What is Embalming?

The practice of preparing a dead human body for burial or other final disposal by a licensed funeral director and embalmer or apprentice, requesting/obtaining burial or removal permits, or assuming any of the other duties incident to the practice of embalming.

What is Cremation?

The technical process that uses heat and evaporation to reduce human remains to bone fragments.

Cremation Requirements

All Crematories must be licensed by the Department of Health and Human Services.

No person can be in a crematory, unless authorized by the crematory authority, while any human remains are in the crematory awaiting cremation, being cremated, or being removed from the cremation chamber. The human remains of more than one person cannot be simultaneously cremated within the same cremation chamber unless the crematory authority has received specific written authorization from the authorizing agent for the human remains to be so cremated.

Caskets

Are not required by State Law for burial or cremation, however, a cemetery may require a casket or other receptacle in order to bury within the cemetery.

Rights to Control the Disposition (cremation/burial)

38-1425 (1) Except as otherwise provided in subsection (2) or section 71-20,121, the right to control the disposition of the remains of a deceased person, except in the case of a minor subject to section 23-1824 and unless other directions have been given by the decedent in the form of a testamentary disposition or a pre-need contract, vests in the following persons in the order named:

(a) Any person authorized to direct the disposition of the decedent's body pursuant to a notarized affidavit authorizing such disposition and signed and sworn to by the decedent. Such an affidavit shall be sufficient legal authority for authorizing disposition without additional authorization from the decedent, the decedent's family, or the decedent's estate. Such person shall not be considered an attorney in fact pursuant to sections 30-3401 to 30-3432;

(b) The surviving spouse of the decedent;

(c) If the surviving spouse is incompetent or not available or if there is no surviving spouse, the decedent's surviving adult children. If there is more than one adult child, any adult child, after confirmation in writing of the notification of all other adult children, may direct the manner of disposition unless the funeral establishment or crematory authority receives written objection to the manner of disposition from another adult child;

(d) The decedent's surviving parents;

(e) The persons in the next degree of kinship under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may direct the manner of disposition;

(f) A guardian of the person of the decedent at the time of such person's death;

(g) The personal representative of the decedent;

(h) The State Anatomical Board or county board in the case of an indigent person or any other person the disposition of whose remains is the responsibility of the state or county; or

(i) A representative of an entity described in section 38-1426 that has arranged with the funeral establishment or crematory authority to cremate a body part in the case of body parts received from such entity described in section 38-1426.

(2) If the decedent died during active military service, as provided in 10 U.S.C. 1481 (a)(1) through (8), in any branch of the United States armed forces, United States reserve forces, or national guard, the person authorized by the decedent to direct disposition pursuant to section 564 of Public Law 109-163, as listed on the decedent's United States Department of Defense record of emergency data, DD Form 93, or its successor form, shall take priority over all other persons described in subsection (1) of this section.

(3) A funeral director, funeral establishment, crematory authority, or crematory operator shall not be subject to criminal prosecution or civil liability for carrying out the otherwise lawful instructions of the person or persons described in this section if the funeral director or crematory authority or operator reasonably believes such person is entitled to control the final disposition of the remains of the deceased person.

(4) The liability for the reasonable cost of the final disposition of the remains of the deceased person devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent and, in cases when the county board has the right to control disposition of the remains under subdivision (1)(h) of this section, upon the county in which death occurred from funds available for such purpose.

Donation of the Body

For information relating to donation, contact:

Anatomical Board of the State of Nebraska
986395 Nebraska Medical Center, Omaha, Nebraska 68198-6395
Voice (402) 559-6249 Fax (402) 559-3400

Principal Services; Statement of Costs

38-1428 A written statement, signed by the funeral director and embalmer or legal representative, of all principal services and furnishings to be supplied by the funeral director and embalmer for the preparation and burial or cremation of the deceased, together with the actual cost of the services including the total actual costs, shall be given to the next of kin or other person responsible for the making of the funeral arrangements prior to the burial or disposition of the deceased. For purposes of this section principal services shall include, but not be limited to, the casket, outer receptacle, facilities and equipment, professional services, nonlocal transportation, clothing, an itemization of all cash advances, and sales tax. A copy of such statement, signed by the person to whom it was tendered, shall be retained in the records of the funeral director and embalmer for a period of at least two years.

Cemetery Requirements

Cemeteries are not regulated by the Department of Health and Human Services or the Board of Funeral Directing and Embalming. For assistance, contact your attorney or the Consumer Advocate for Cemeteries, who is Greg Easley, at 402-451-1000.