



## Regulated Industries Complaints Office

235 S. Beretania Street, Ninth Floor

Honolulu, Hawaii 96813

[cca.hawaii.gov/rico](http://cca.hawaii.gov/rico)

# PLANNING AHEAD: INFORMATION FOR CONSUMERS ABOUT FUNERALS

**WHAT IS THE DIFFERENCE BETWEEN A CEMETERY AND A MORTUARY?** When arranging for services, it's important to note you may be dealing with separate entities. A **cemeter**y is a burial space, and may offer to take care of opening and closing a grave, perpetual care of the cemetery plot, markers, plaques, and other items needed for interment. A **mortuary** may offer to handle the funeral service, including preparation of remains, the funeral service, the casket or urn, death certificates, obituaries and notices, and other funeral items. In the State of Hawaii, a mortuary must be licensed to sell pre-need funeral services and to perform other services.



**PAYING IN ADVANCE.** Some consumers who make arrangements in advance may pay in advance or make arrangements for monies to be available to cover final expenses. Some companies offer final expense policies (small life insurance policies) that are designed to leave a little money behind to cover final expenses. With a pre-need insurance policy, you chose the services you want and buy a policy to cover the cost. *More information about insurance is available from Hawaii's Insurance Division at [cca.hawaii.gov/ins](http://cca.hawaii.gov/ins).*

Another option is to open a trust or savings account, and to let family members know about the money in the account and what you would like it to be used for. Some accounts can be set up to be payable upon death. Check with your bank or financial institution.

You can also enter into a contract with a cemetery for pre-need services. By law, a licensed cemetery authority must hold your money in trust until it is needed.

If you are considering entering into a contract for pre-need services, make sure the cemetery is licensed in Hawaii to sell pre-need services. You can check licensing and prior complaints by calling the Regulated Industries Complaints Office.

**MAKING YOUR WISHES KNOWN.** In 2013, Hawaii passed a law which allows you to name a person to carry out your funeral arrangements. You can also provide written directions about your final wishes. According to the law, your directions must be in writing, executed before a notary public, and must substantially follow this form:

If you do not leave written directions, the following people can make those decisions: (1) A person you name before your death, (2) Your spouse, civil union partner, or a reciprocal beneficiary, (3) Your child or a majority of your children if you have more than one, (4) Your parents, (5) Your sibling or a majority of your siblings, (6) Your grandparent or a majority of your grandparents, (7) Your grandchild or a majority of your grandchildren.

For a complete list and for more information, review Hawaii Revised Statutes Chapter 531B.

State of \_\_\_\_\_

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

I, \_\_\_\_\_ do hereby designate \_\_\_\_\_ as the sole person who will have the right to determine and decide the disposition of my remains upon my death and the arrangements for funeral goods and services.

I \_\_\_ have/ \_\_\_ have not attached specific directions concerning the disposition of my remains. If I have attached specific directions, the designee shall substantially comply with the specific directions, provided the directions are lawful and there are sufficient resources in my estate to carry out the directions.

SIGNATURE: Sign and date the form here:

\_\_\_\_\_  
(sign your name)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(print your name)

[NOTARY SIGNATURE AND SEAL]

## **OTHER IMPORTANT QUESTIONS TO ASK**

- Are you a cemetery or a mortuary?
- What services do you provide?
- What am I paying for? *Cemetery services*, (like the plot, crypt, opening and closing, grave marker or perpetual care), *merchandise* (like a casket, programs, thank you notes), or *funeral services* (like embalming or cremation fees, transfer costs, hearse fees, or the service itself)?
- If I pay in advance or put aside a set sum of money, when the time comes, will there be any additional expenses?
  - If I pay in advance, where does the money go and how can I be sure it will be available when I need it?
    - Am I protected if your company goes out of business?
  - If I change my mind, can I cancel the contract and get a refund?
  - What happens if I move or relocate?

**ADDITIONAL TIPS.** Be an informed consumer. Take time to shop around before making a purchase. Consider bringing a family member or friend who can help make difficult decisions. Note: A casket is not required for direct cremation, and, under Hawaii law, embalming is not required for direct cremation either.

## **ADDITIONAL THINGS TO THINK ABOUT**

When the time comes, there is a lot for family and friends to do. Preparing some information in advance may make the process easier. For example:

Contact information for family and friends. Consider making a list of telephone numbers, addresses, and other contact information, like email addresses.

Other notification information. Contact information for your employer, bank and other financial institutions, credit card companies, insurance companies, and the like.

Information about where to find key documents. Such as trust documents, insurance policies, bank, credit card, mortgage and loan documents, and safe deposit box keys.

Any written directions or pre-need funeral arrangements you may have. Including information about funeral or burial arrangements in a will is fine, but a will may not be read until later.

Email and social media accounts. Email accounts and accounts on social media sites, like Twitter and Facebook, may remain dormant until deleted due to inactivity or family or friends take action. Make a list and be sure to include password information.

**WHAT IS THE FUNERAL RULE?** The Funeral Rule, enforced by the Federal Trade Commission, requires funeral directors to give you certain information like itemized prices over the phone or in writing. More information is available about the Funeral Rule at [www.consumer.ftc.gov](http://www.consumer.ftc.gov). ***Remember, you have the right to choose the goods and services you want.***

## **RESOURCES**

The Department of Commerce and Consumer Affairs (DCCA), and its Regulated Industries Complaints Office (RICO), offer tools, tips, and services you can use to check out an individual or business. Information is available by calling (808) 587-4272 or online at [cca.hawaii.gov/businesscheck](http://cca.hawaii.gov/businesscheck). For information about filing a complaint or to report unlicensed activity, call RICO's Consumer Resource Center at (808) 587-4272 or visit us online at [cca.hawaii.gov/rico](http://cca.hawaii.gov/rico).

To call Oahu-RICO, dial the following toll free numbers: Kauai 274-3141, extension 74272; Maui 984-2400, extension 74272; Big Island 974-4000, extension 74272; Molokai and Lanai 1-800-468-4644, extension 74272, followed by the # sign.

RICO is the enforcement arm for over forty-five professional boards, commissions, and programs that are administratively attached to the DCCA. RICO receives complaints, conducts investigations, and prosecutes licensing law violations. RICO also prosecutes unlicensed activity through the issuance of citations and by filing civil lawsuits in the Circuit Courts. RICO works to resolve consumer complaints where appropriate and provides consumer education about various issues relating to licensing and consumer protection. RICO also administers the State Certified Arbitration Program (SCAP) for "lemon" motor vehicle claims.

*This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change. This material is available in alternate formats, including large print. Submit requests to the RICO Complaints and Enforcement Officer at 586-2666.*