

FUNERALS

One of the most expensive purchases many consumers will ever make is the arrangement of a funeral. No one wants to think about death any sooner than they must, but planning your funeral services in advance may help reduce stress for your grieving loved ones. A traditional burial, including a casket and vault, is estimated to cost around \$7,000. Extras such as flowers, obituary notices, cards, and limousines can add thousands of dollars more. At such a highly emotional time, many people are easily swayed to believe that their decisions reflect how they feel about the deceased and wind up spending more than necessary.

A preplanned funeral is a way to remove this burden from a spouse or other family members. Making these decisions now about your final arrangements can help assure those left behind that your wishes are being honored.

Most funeral providers are professionals who work to serve their clients' needs and best interests. Unfortunately, some do not. They may take advantage of clients by insisting on unnecessary services, marking up prices and overcharging. That's why there is a federal law, called the Funeral Rule, which regulates the actions of funeral directors, homes and services.

Avoid emotional overspending. By communicating exactly which merchandise and services you want, you can keep your family from purchasing unnecessary additions to your services. You have the right to buy separate goods (such as caskets) and services (such as embalming or memorial services). You do not have to accept a package that may include items you do not want.

Find the value and quality you want. Considering different funeral homes and cemeteries is an important part of making final arrangements. Comparison shopping allows you to find the value and quality of service that's right for you. Funeral homes must provide you with an itemized statement of the total cost of the funeral goods and services you have selected when you are making the arrangements.

Lock in today's prices. If you choose to fund your prearranged funeral plans, you can lock

SOUTH DAKOTA OFFICE OF ATTORNEY GENERAL

**CONSUMER
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This handout is for informational purposes and should not be construed as legal advice or as a policy of the South Dakota Attorney General. If you need advice on a particular issue, you should consult a private attorney or other experts.

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in today's prices for products and services that likely will be more expensive in the future. It is important to work with a funeral professional to understand your options. Under state law when purchasing a prepaid plan the funeral home is required to deposit at least 85% of the money into a trust. The law also restricts how the trust funds may be invested. The trusts may be revocable or irrevocable. Any contract should be reviewed carefully by your attorney.

Revocable Trust – a type of trust that can be changed at any time. A revocable living trust will become irrevocable upon the trustmakers death.

Irrevocable Trust – a type of trust that typically can't be changed after the agreement has been signed.

Preadvanced funeral contracts and trusts, especially irrevocable ones, are not for everyone. Individuals who contemplate a move to a different town or state may find out that the money in the trust cannot be moved prior to death. Asking questions beforehand will help ensure that problems do not arise.

Specific Considerations

Find out if there are restrictions or requirements the cemetery places on burial vaults, the type of monuments or memorials it allows, and whether flowers or other remembrances may be placed on graves.

Perpetual care on a cemetery plot sometimes is included in the purchase price, but it's important to clarify that point before you buy the site or service.

Cremation

Cremation is becoming more widely used as more service options are being given. Cremation allows flexibility and no longer discards some of the traditional funeral services such as visitation and memorial services, funeral services at a place of worship or other special location, and participation by friends and family. Remains can be placed in an urn or scattered by the family.

Veteran Burials

State Burial Benefits. A payment of up to \$100 may be paid by the state to help defray the burial and funeral expenses of any honorably discharged veteran or the wife, widow or widower of a veteran when the estate, or immediate family, of the deceased is lacking in funds to pay the expenses. The veteran must have been a citizen of the United States for one year preceding entrance into military service or one year preceding the death. This payment CANNOT be made to another unit of government. The surviving spouse, or relatives, must furnish an affidavit to the County or Tribal Veteran Service Officer (C/TVSO) that sufficient funds are not available for payment of the expenses.

Application for the Burial Allowance and a copy of the funeral bill must be submitted to the Pierre office within one year from the date of the burial.

Federal Burial Benefits. To be eligible for VA burial benefits, the veteran must have been discharged or released from military service under conditions other than dishonorable. Additionally, the burial and plot allowance entitlements differ according to whether the veteran's death was service connected or non-service connected. The monetary burial benefits that are payable upon the death of an eligible veteran can be provided for any or all three (3) of the following:

1. **BURIAL ALLOWANCE:** A reimbursement for expenses incurred in the burial of an eligible veteran. The amount of payment is as follows:
 - If the death is service connected, the maximum payment is \$2,000.
 - If the death is non-service connected, the maximum payment is \$300.
 - If death is non-service connected and occurs while hospitalized by the VA, the maximum payment is \$700.

If the veterans' death was not service connected, one (1) of the following eligibility requirements must be met. The veteran must have:

- Been in receipt of VA disability pension or compensation at the time of death.
- Been in receipt of military retirement pay in lieu of VA compensation.

Had a claim pending with the VA for disability benefits and was subsequently determined to be eligible from a date prior to the date of his or her death.

- Died while hospitalized by the VA or while on approved travel for VA medical care.
- Been indigent. (An indigent veteran must have been a veteran of a war, or discharged from active duty for a disability incurred or aggravated in the line of duty).

2. **PLOT/INTERMENT ALLOWANCE:** A reimbursement of plot or interment expenses to a maximum of \$700. The plot allowance is **not** payable when burial is in a national cemetery. To qualify for the plot allowance the veteran must have:
 - Met any of the above basic eligibility requirements for the burial allowance, OR
 - Been discharged from active duty for a disability incurred or aggravated in the line of duty.

3. **TRANSPORTATION COSTS:** The actual amount of payment is based on a "reasonable charge" for transportation service from the place of death to place of burial. The VA may pay a transportation allowance if one (1) of the following requirements is met:
 - The veteran died under VA medical care or on authorized travel for such care, OR
 - The deceased veteran is to be buried in a national cemetery and he or she died of a service connected condition or, at the time of death, had a compensable service connected disability.

National Cemeteries. Veterans who were discharged under conditions other than dishonorable and, members of the Armed Forces who die while on active duty, are eligible for burial in a National Cemetery. Those who first entered active duty after September 7, 1980 must meet the minimum active duty requirement which states that the veteran must have completed at least:

- 24 months of active duty, OR
- The full period for which “called” or ordered to active duty.

National Guard or Reserve members may be eligible if they meet one (1) of the following criteria:

- Was eligible for military retirement pay based on service in the Selected Reserve.
- Was disabled or died from a disease or injury incurred or aggravated in the line of duty while on active or inactive duty for training.
- Died while hospitalized or undergoing treatment at VA expense for an injury or disease contracted or incurred while performing active duty for training, or inactive duty for training, or while hospitalized by the government for that treatment.

A veteran’s spouse and certain dependent children may also be eligible for burial in a national cemetery.

Headstones and Markers. Both veterans and deceased members of the Armed Forces are entitled to a Government headstone or marker regardless of the place of burial. The basic requirements are:

- The veteran’s service could have been either during peacetime or wartime.
- The veteran’s discharge must have been under conditions other than dishonorable.
- If the deceased was serving in the US Armed Forces at the time of death, his or her service must have been under honorable conditions.
- If the veteran’s active duty began after September 7, 1980, the minimum active duty service requirement must be met.

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- Died while hospitalized or undergoing treatment at VA expense for an injury or disease contracted or incurred while performing active duty for training, or inactive duty for training, or while hospitalized by the government for that treatment.

For further information regarding VA burial benefits contact the SD Department of Veterans Affairs, 1-877-579-0015 (In-State Only) or 605-773-3269.