

Have you made your burial wishes clear?

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It may be difficult to consider, but funeral arrangements are a critical component of your estate plan. Failure to clearly communicate your wishes regarding the disposition of your remains can lead to tension, disputes and even litigation among your family members during what is already a difficult time.

Address these issues

The methods for expressing these wishes vary from state to state, and may include a provision in your will, language in a health care proxy or power of attorney, or a separate form specifically designed for this purpose.

Whichever method you use, it should, at a minimum, state:

- Whether you prefer burial or cremation;
- Where you wish to be buried or have your ashes interred or scattered (and any other special instructions); and
- The person you'd like to be responsible for making these arrangements. Some people also request a specific funeral home.

Beware of prepaid funeral plans

To relieve their families of the burden of the costs of a funeral, some people pay for them in advance. Unfortunately, prepaid funeral plans can be fraught with potential traps. Some plans end up costing more than the benefits they pay out. And there may be a risk that you'll lose your investment if the funeral provider goes out of business or you want to change your plans.

Some states offer protection — such as requiring a funeral home or cemetery to place funds in a trust or to purchase a life insurance policy to fund funeral costs — but many do not. If you're considering a prepaid plan, find out exactly what you're paying for. Does the plan cover merchandise only (casket, vault, etc.) or are services included? Is the price locked in or is there a possibility that your family will have to pay additional amounts?

How the state can intercede

If you fail to make your burial wishes clear, and your family members disagree about how you would want your remains disposed of, the outcome will depend on applicable state law. Absent express instructions from the deceased, some states give priority to the wishes of certain family members, such as spouses or children, over other family members, such as siblings.

To avoid this situation, please talk to us about your wishes. We can help ensure that they're properly documented.

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