



CREATIVE CHOICES

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Summer 2016

The Newsletter of the Funeral Consumers Alliance of Central Texas

2016 Cemetery Survey Reveals Need for Pricing Regulations



Every other year, Funeral Consumers Alliance of Central Texas publishes a cemetery survey listing prices at a **representative sampling** of hundreds of city-owned and privately-owned cemeteries in Bastrop, Caldwell, Hays, Travis, and Williamson counties.

For those of you preferring cremation, the survey includes information about columbaria and burial plots for cremation urns.

For veterans and their spouses, the survey also includes information about the Texas State Cemetery in Killeen and the national Veterans Cemetery at Fort Sam Houston in San Antonio.

Data for the current survey were collected in July and August, 2016, by FCACTX volunteers, who went to cemeteries in person or gathered information by email or phone. In some instances – primarily city cemeteries and Eloise Woods – prices were available online.

Unlike funeral home price lists, cemetery price lists are not regulated by any state or federal agency. Without regulation, consumers may be given different prices for the same item or service at a cemetery. For example, on August 1, when two FCACTX volunteers visited Cook-Walden Capital Parks in person, a salesperson told them that the charge for opening and closing an adult casket plot is \$1,595, seven days a week. In a subsequent email, he affirmed no additional charges on weekends. However, Capital Park's cemetery price list, which was emailed to another FCACTX volunteer a few days earlier, shows an additional charge of \$500 to open and close a plot on Sundays.

Without price list regulations for cemeteries, we have no way of knowing if cemetery prices vary at other cemeteries, depending on a variety of factors.

Finally, as you look at our [2016 cemetery survey](#), keep in mind that it is intended to illustrate a wide variety of choices among the hundreds of cemeteries in our five-county service area. Your own research will expand your options.

FIVE DONATED PLOTS AVAILABLE AT CAPITAL PARKS

Several years ago, Maurine Kocurek donated to our organization five plots at Cook-Walden Capital Parks. Four of the donated plots are Graves 1, 2, 3, and 4 in Section H, Block 90-C. The fifth plot, located across a walkway, is Grave 1 in Section H, Block 90-D.

Cook-Walden is currently selling plots in Section H for \$5,295. FCACTX is offering the donated plots at more than a 50% discount at \$2,500 each, plus deed transfer/administrative fees.

For details, contact Lamar Hankins at 512-396-0317.


**FCACTX
ASKS FOR
DONATIONS
ONLY ONCE
A YEAR.**

NOW IS THE TIME.

President's Message



A hearty and heartfelt hello to all!

I am eager to become more acquainted with you. Our Annual Meeting in February with Keynote Speaker Elder Law Attorney Clyde Farrell was a whirlwind of "new" to me. I was new to the presidency, new to the annual meeting, and still fairly new to the growing community of advocacy for informed end-of-life options. Attending the national FCA 2016 Biennial Conference in June with other affiliate members fueled my commitment to our cause. We are all working to increase transparency in both the funeral industry and the medical community about end-of-life options. Our FCACACTX board has exciting news for you in this newsletter.

New Website!

Funeral Consumers Alliance of Central Texas has a new website at fcactx.org!

One of our new member volunteers, Judy Mataya, who has 40 years' experience as a graphic designer, offered to help with our website when Betsy LeClair, who has been our volunteer webmaster, became unable to give the time this project requires. Congratulations to Betsy, who is now Director of the Graphics Department at Minuteman Press. Thank you, Judy, for the many hours already spent. We appreciate that Judy and her husband, David Moore, donated the money to purchase the Weebly platform for the new site.

We are eager for you to see our new website! Be sure to check out the [Join / Donate](#) buttons on our homepage and in the black footer at the bottom of every page. There is also a Join/Donate Page in the menu across the top. Prospective members can now join online in a process that allows them to enter their personal information along with their online payment. If they prefer to join by mail, the printable forms are still posted and can be filled out electronically.

Send us an email to let us know what you think by clicking on the blue link for our email address in the black footer area at the bottom of each web page. Or, if you prefer clicking on icons, send us an email by clicking on the little over to the right. Hey! And while you're there, see how easy it is to jump over to our Facebook page by clicking on the next to the envelope icon. Take a look!

(President's Message continued on page 3)

 Send address, email and phone number changes, editorial items, testimonials, letters, and inquiries to: office@fcactx.org ~ OR ~  Mail to: FCA of Central Texas 3710 Cedar Street, Mailbox 13 Austin, TX 78705-1449  Visit us at www.fcactx.org * To join or donate to FCACACTX * To download advance-planning forms, newsletters, surveys, and other items of interest  Follow us on Facebook at http://tinyurl.com/gbupvud to read a variety of interesting articles. (Please LIKE us, too!)	<p>2016 Board of Directors:</p> <ul style="list-style-type: none">President: Sarah RevesVice President: Gene SchneiderTreasurer: Jesse SouthSecretary: Julia Houston RectorDirectors: Sabiha Bandali Sherman Lemuel Bradshaw Cate Smith <p>President Emeritus: Lamar Hankins</p> <p>President Emeritus: Leon Lebowitz</p> <p>Executive Director: Nancy Walker</p> <p>Office Volunteers: Frances Allen, Clint Henderson, Karen Larson, Nancy Walker</p> <p>Newsletter: Nancy Walker, Editor; Lamar Hankins, June Chase Hankins, Jo Schneider</p> <p>Notary Services: Clint Henderson</p> <p>Webmaster: Judy Mataya</p>
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Mission Statement: Our mission is to help people make educated, practical choices that will meet their needs at the end of life.

President's Message (continued from page 2)

Increasing Communication!

I'm eager to share with you that board members now have a way to share documents so that our committee work can be done online without having to arrange a meeting around everyone's busy schedules.

We would like to increase our online communication with you by sending you an occasional email update. If you aren't sure that we have your email, please click on that little envelope in the footer and send us an email with your member name, and then we will have it for sure. And this brings me to my last point . . .

We Need You!

We need your help. We need board members and volunteers. I feel certain that we have members who are tech savvy. Perhaps you would like to join our board and/or work with us to increase our outreach and organize community events. Maybe you could help us with some technology training. If you want to contribute to this fine organization, email or call us. Contacting us does not obligate you; it is just a starting point for a conversation to see what we have to offer one another.

Looking forward to hearing from you,
Sarah Reves
president@fcactx.org



Coming of Age Honors Two FCACTX Volunteers

On Friday, May 6, longtime FCACTX volunteer Jo Schneider and Executive Director Nancy Walker were among nine Coming of Age volunteers who received the President's Volunteer Service Award in recognition of their outstanding service to our community.

The President's Volunteer Service Award, established in 2003 by the President's Council on Service and Civic Participation, recognizes U. S. citizens and lawfully admitted permanent residents who have achieved 4,000

hours or more of volunteer service over the course of a lifetime. The President's Award program was created to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service.

Regulations for Traveling by Plane with Cremated Remains



Before you make your reservation, check to see the airline(s) rules and regulations for traveling with an urn containing cremated remains.

Some airlines may want you to check the urn, while others will accept it as a carry on.

Inform the airline at your check-in that you have an urn with cremated remains so that they can explain any necessary boarding policies.

Security Check-In: The Transportation Security Administration allows you to carry on a crematory container, but it MUST pass through the x-ray machine. Materials that can be x-rayed: wood, plastic, non-lead lined ceramic.

If the container is made of a material that generates an opaque image and prevents the security screener from clearly seeing what is

inside, the container will not be allowed through the security checkpoint. Under NO circumstances will a screener open the container at any time, even if the passenger requests that this be done.

If the x-rayed image is opaque, the next option is to transport the remains in the belly of the plane as checked baggage. The crematory container will undergo testing for explosive devices and, if cleared, will be permitted as checked baggage.

No paperwork related to the cremated remains is required.

If you plan to travel internationally, you will have to go through Customs. Check with Customs before you travel even though their policies are similar to TSA's.

Sources: <https://www.iccfa.com/cremation/tools/tsa-rules-transporting-urns-carry-luggage>

<http://blog.tsa.gov/2012/06/traveling-with-crematory-remains.html>

<http://www.artisurn.com/pages/what-is-tsa-procedure-for-traveling-with-cremation-urns>

Petition Requiring Funeral Homes with Websites to Post Prices

FCACTX President Sarah Reves

Kudos to Josh Slocum, Executive Director of our national Funeral Consumers Alliance (FCA,) who announced at the Biennial Conference that FCA and the Consumer Federation of America (CFA) would petition the Federal Trade Commission (FTC) on July 12 to revise the Funeral Rule to give consumers online access to prices at every funeral home with a website.

This petition is a follow-up to a nationwide funeral home price [survey](#) released in October, 2015 by FCA and CFA. As noted in our [fall 2015 newsletter](#), the survey received significant attention from national media, including **Forbes**, **The New York Times**, **Time**, **The Washington Business Journal**, **The Washington Post**, and **Yahoo Finance**.

The following excerpts from the July 12 press release explain why FCA and CFA are urging the FTC to revise the Funeral Rule before its scheduled review date in 2019:

The Funeral Rule has protected consumers for over 30 years by requiring funeral homes to disclose price information in a meaningful fashion. The Funeral Rule currently mandates that any person who asks for a general price list, an itemized list of funeral products and services, be furnished with complete and accurate price information via telephone or in person, but not online. Today, the function of the telephone in the Funeral Rule has been augmented, if not supplanted, by the Internet.

The petition makes a compelling case for online price disclosure, refutes common misconceptions about extending the Funeral Rule, and shows that consumers will be harmed if the FTC waits until 2019 to review the rule.

Stephen Brobeck,
Executive Director,
Consumer Federation
of America

In the 1980s, consumers were prepared to comparison shop by phone and even to visit funeral homes to collect price information, but commerce has been revolutionized because of the Internet. In almost every other market information is just a click away and that intensifies competition, drives down prices and improves services. Especially for such an expensive purchase by vulnerable consumers, quick access to price information is vital. Consumers expect to get information online, which is why we undertook this survey and are urging the FTC to update the rule.

"We hope that the FTC acts promptly upon our request," says Slocum. "Grieving families don't have time to wait."

Texans Have the Legal Right to Authorize Cremation Prior to Death

Lamar Hankins, FCACTX President Emeritus

Texas allows a person to sign his or her own cremation authorization prior to death.

The normally required post-death Cremation Authorization Form is NOT required if the decedent left written instructions as provided by the law regarding pre-death authorizations. (See the Texas Health and Safety Code at <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.716.htm>.)

Completion of the authorization form in Texas does not require the involvement of a funeral director.

The Texas form can be found on the new FCACTX website at <http://fcactx.org>. Click on the **Resources** tab. Then click on the link to **Advance Directives**, where you'll find the **Body Disposition Authorization** ready to download and print.

Also, in Texas, a disposition agent can be appointed with the power to approve a cremation after one's death. The **Appointment of Agent to Control Disposition of Remains** at <http://fcactx> is also under Resources / Advance Directives.

Debts and Deceased Relatives

Source: <https://www.consumer.ftc.gov/articles/0081-debts-and-deceased-relatives>

After a relative dies, the last thing grieving family members want are calls from debt collectors asking them to pay a loved one's debts. As a rule, those debts are paid from the deceased person's estate.

According to the Federal Trade Commission (FTC), the nation's consumer protection agency, family members typically are not obligated to pay the debts of a deceased relative from their own assets. What's more, family members – and all consumers – are protected by the federal Fair Debt Collection Practices Act (FDCPA), which prohibits debt collectors from using abusive, unfair, or deceptive practices to try to collect a debt.

Under the FDCPA, a debt collector is someone who regularly collects debts owed to others. The term includes collection agencies, lawyers who collect debts on a regular basis, and companies that buy delinquent debts and then try to collect them.

Does a debt go away when the debtor dies?

No. The estate of the deceased person owes the debt. If there isn't enough money in the estate to cover the debt, it typically goes unpaid. But there are exceptions to this rule. You may be responsible for the debt if you

- co-signed the obligation
- live in a community property state, such as California
- are the deceased person's spouse and state law requires you to pay a particular type of debt, like some health care expenses, or
- were legally responsible for resolving the estate and didn't comply with certain state probate laws.

If you have questions about whether you are legally obligated to pay a deceased person's debts from your own assets, talk to a lawyer.

Who has the authority to pay the deceased person's debt out of the estate's assets?

The person named in a will who is responsible for settling a deceased person's affairs is called the executor. If there is no will, the court may appoint an administrator, personal representative, or universal successor, and give them the authority to settle

the affairs. In some states, others may have that authority, even if they haven't been formally appointed by the court.

Whom may a debt collector talk to about a deceased person's debt?

Under the FDCPA, collectors can contact and discuss the deceased person's debts with that person's spouse, parent(s) (if the deceased was a minor child), guardian, executor, or administrator. Also, the FTC permits collectors to contact any other person authorized to pay debts with assets from the deceased person's estate. Debt collectors may not discuss the debts of deceased persons with anyone else.

If a debt collector contacts a deceased person's relative, what can they talk about?

Collectors are allowed to contact third parties (such as a relative) to get the name, address, and telephone number of the deceased person's spouse, executor, administrator, or other person authorized to pay the deceased's debts. Collectors usually are permitted to contact such third parties only once to get this information. The main exception is if a collector reasonably believes that the information provided initially was inaccurate or incomplete, and that the third party now has more accurate or complete information. But collectors cannot say anything about the debt to the third party.

Even if I am authorized to pay a deceased person's debt, can I stop a debt collector from contacting me about the debt?

Yes. To exercise this right, you must send a letter to the collector stating that you do not want the collector to contact you again. A telephone call is not enough. Make a copy of your letter for your files, send the original by certified mail, and pay for a "return receipt" so you can document what the collector received and when. Once the collector gets your letter, he cannot contact you again except to confirm that there will be no further contact or that he or the creditor plans to take a specific action, like filing a lawsuit to collect the debt. Keep in mind that even if you stop collectors from communicating with you, you are still responsible for the debt.

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Debts and Deceased Relatives

(continued from page 6)

For Complaints and More Information

Report any problems you have with a debt collector to your state Attorney General's office at naag.org and the Federal Trade Commission at ftccomplaintassistant.gov. Many states have their own debt collection laws that are different from the federal FDCPA. Your Attorney General's office can help you determine your rights under your state's law.

Highlights of 2016 Funeral Consumers Alliance Biennial Conference

FCACTX President Sarah Reves

This is an exciting time to be involved in the Funeral Consumers Alliance of Central Texas (FCACTX). Our society is opening up to the possibility of discussing death openly. Many options are available for body disposition. More important, people are returning to the ancient and especially human consideration of death as part of living and the possibility of embracing death as a final healing. And yet, it is helpful to take care that we not create new "shoulds."

In June I had a wonderful time at our national Funeral Consumers Alliance (FCA) Biennial Conference in Atlanta. It was a singular experience to be with so many people involved in educating consumers about the increasing options available for end of life planning.

During the conference, the right of common law to care for our dead was emphasized. Tanya D. Marsh, Professor of Law, Wake Forest University School of Law, gave the presentation, "*Who Owns Our Dead: How the Long Arm of the Law Reaches into our Most Private Funeral Choices*." Marsh told about Samuel B. Ruggles, a New York lawyer and politician, who issued a judicial common law ruling in the 1850s that still holds today except in the ten states that require the use of a funeral home. Those of you who have attended local home funeral classes and workshops taught by Sandy Booth, Donna Belk, and Sandy Pedrazas know that Texans maintain the common law right to care for our dead.

Although home vigils are legal in all 50 states, the ten states that are required to use a funeral home for some portion of the final

disposition are AL, CT, IA, IL, IN, LA, MI, NE, NJ, and NY.

In the Parlor: The Final Goodbye, a beautiful film by Heidi Boucher, was shown at the conference. She filmed deaths and/or funeral services in the homes of three individuals and their families and friends. I was moved by the healing that participants shared by being present at the death of loved ones.

Katrina Spade gave an interesting presentation, *Life After Death: Composting People*. She started the [Urban Death Project](#), which we have posted about on our Facebook page. According to her website, "The Urban Death Project utilizes the process of composting to safely and gently turn our deceased into soil, creating a meaningful, equitable, and ecological urban alternative for the care of the dead."

Karen Smith, a lawyer and ethicist, spoke at the conference about surrogacy; that is, choosing someone to speak for us about medical treatments and interventions in case of incapacity. There are many terms for such a person, including medical agent, surrogate, health-care proxy, health-care attorney-in-fact, patient advocate, and others. If we are unable to speak for ourselves, it is important that we have already chosen such a person and that we have given this advocate the legal authority to speak for us by completing a Medical Power of Attorney (MPOA). Smith said it is equally important that we "Talk, talk, talk to find out what we want in as many situations as possible. Advocates often suffer from not having enough information, when the medical default is 'Do Everything'."



Smile Break!

A reporter recently asked a woman on her 104th birthday, "What do you think is the best thing about being 104?" With nary a pause, she replied, "No peer pressure."



Executive Director's Message Regarding Membership

Warmest greetings to all our members, new and well-seasoned!

With this newsletter, FCACTX is continuing its effort to determine which members are still with us, literally and figuratively. Especially in view of the costs of producing and mailing newsletters to members who prefer print copies, I know you will appreciate the practical wisdom of our sending newsletters only to members who are actively interested in the information we provide.

Of course, when you support our work with a donation, we know you are reading our newsletters because we don't barrage you with fundraising appeal letters. We also know you are with us when you contact us for **any reason**. As we continue our efforts to cull uninterested and deceased members from our database, we want you to understand that **keeping you with us does not mean we require you to make a donation**. Of course, we do need funds to expand our offerings and our reach, but this volunteer-run, nonprofit organization has never denied anything to anyone for lack of funds. More than once, we have been told that we should **sell** our annual funeral home price survey. I cannot imagine requiring anyone to pay for access to funeral home prices. Truth is, I am proud to say we gladly "give it all away."

That said, we do need you to contact us as soon as you can to let us know you are actively interested in hearing from us. Call us, email us, or mail in the form below. Since we ask for your financial support only once a year, we hope you will donate if you can.

With your help, we will begin 2017 with a streamlined membership list. This accomplishment will not only reduce our print media expenses but will also enable us to serve more fully those of you who understand the importance of the work we do.

In the meantime – at any time – don't hesitate to contact me directly if you would like our Speakers Bureau to provide a presentation for your favorite group, you need help with end-of-life planning or funeral arrangements, or you just want to say "Hi!"

Nancy Walker
512-480-0251; execdir@fcactx.org

of
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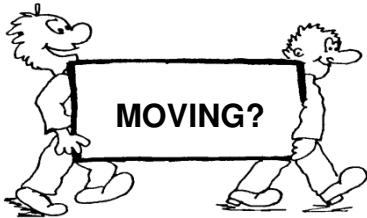
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The Funeral Consumers Alliance of Central Texas (FCACTX) is a tax-exempt charitable organization, and your gift may be tax deductible. FCACTX does not provide tax advice. For questions about this or any other gift to charity, please consult your accountant or attorney.

Please mail this donation slip with your payment to
Funeral Consumers Alliance of Central Texas, 3710 Cedar St., Mailbox 13, Austin, TX 78705-1449

I am not able to donate at this time but I want to continue receiving FCACTX newsletters and other communications. Please keep my membership active.

Summer 2016



Email us at office@fcactx.org, call us at 512-480-0555, or complete and mail this form to our office.

Please update my contact info:

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City, State, Zip _____

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Help me transfer my membership to an FCA affiliate outside the Central Texas area.



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CREATIVE CHOICES

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**Don't miss our
2016 Cemetery Price Survey
and important information
about your membership.**