

The logo for the City Bar Justice Center features the text "CITY BAR JUSTICE CENTER" in a bold, black, serif font, centered between two horizontal blue bars. The top bar is slightly wider than the bottom bar.

**CITY BAR  
JUSTICE  
CENTER**

**A GUIDE TO FUNERAL  
AND BURIAL OPTIONS  
IN NEW YORK**

**A PUBLICATION OF THE  
CANCER ADVOCACY PROJECT  
CITY BAR JUSTICE CENTER**

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## **INTRODUCTION**

The City Bar Justice Center's Cancer Advocacy Project provides cancer patients and survivors with no-cost legal information and advice. Experienced volunteer attorneys counsel clients on issues relating to life-planning, such as wills and advance directives, unjust treatment by insurance companies and discrimination in the workplace.

Thoughts of end-of-life planning are often prompted by advancing age or a serious illness. While some people are able to prepare advance directives and organize a burial plan, others are understandably focused on the day-to-day challenges of combating ill health. Unfortunately, many people find themselves dealing with funeral arrangements as a matter of urgency, either on their own behalf, or on behalf of a loved one. Contemplating where to start can seem overwhelming. It often requires decisions to be made quickly about matters that are unfamiliar to most people, during a very emotional time. If circumstances permit, discussing your funeral and burial wishes in advance could provide loved ones with guidance and comfort in knowing that they have followed your wishes.

The purpose of this Guide is to serve as a reference tool that can be accessed when needed. It provides a general overview of the funeral industry, pre-paid plans, burial options, sources of burial assistance and consumer rights.

## **ABOUT THIS GUIDE**

This guide is not intended to serve as legal advice or a recommendation of any specific business mentioned herein. The Cancer Advocacy Project is not responsible for the accuracy or adequacy of any of the information contained in the guide or your reliance on the information.

## **FUNERALS**

### **Consumer Rights and the Funeral Rule**

There is no law requiring the use of a funeral home, though many people choose to do so because they do provide a full range of services and can make the entire burial process a little easier. Researching funeral homes is highly recommended and can help ensure that the chosen funeral home will provide high quality services.

Funeral providers are required to abide by the Federal Trade Commission's Funeral Rule, which is designed to protect consumer rights. You should be aware of the following:

- A written, itemized price list must be furnished upon request
- Entitlement to see a funeral home's price list before looking at any of their merchandise
- The right to an itemized, written statement for the items purchased, including any special legal, cemetery, or crematory requirements that compel purchase of any goods or services for which a charge appears; any mandated goods or services should be referenced with the specific statute or guideline so mandating
- Funeral homes are allowed to charge a basic services fee, which will cover costs such as planning, permits, copies of death certificates, and other standard services. Customers are not permitted to decline this fee when using a funeral home's services
- Certain goods that funeral homes have available for purchase can instead be purchased from a third party. Funeral homes are not permitted to charge any extra fees if goods are purchased from a third party, nor can they refuse to permit use of such goods
- There are no laws requiring the use of a casket for cremation. Funeral homes must inform you of, and provide, less costly alternatives.
- Embalming is not necessarily required for every death. No charge can be imposed by a funeral home for embalming unless permission is given
- Claims that caskets or other burial containers will preserve remains indefinitely are strictly prohibited. No casket or container will preserve remains indefinitely.

### **New York State Funeral Home Rules**

In addition to the nationwide Funeral Rule, New York has additional rules regulating funeral homes. Some of these are listed below.

- embalming, if requested, may not be refused by the funeral home
- renting caskets is not allowed

- funeral home employees may not comment on choices regarding goods or services
- no fee may be charged for filing a death certificate or having it medically certified
- if the customer is providing the casket, the funeral home may not charge a handling fee
- brief viewings of the body are allowed even if no viewing is chosen. Be careful however, since the home may charge if the viewing is prolonged.
- funeral homes cannot charge interest on any outstanding bill. However, such charges may be allowed if indicated on an earlier itemized statement.

Finally, beyond the provisions of the Funeral Rule, here are a few additional considerations to take into account when choosing a funeral home:

- sensitivity to religious beliefs
- policies and practices associated with prepaid funerals
- reputation in the community in which they do business
- professionalism of the staff
- cleanliness of their facilities
- availability of all information related to prices, services, and policies

The New York State rules are enforced by the New York Department of Health, Bureau of Funeral Directing. To file a complaint, or request more information, contact the Bureau by writing to them at:

New York State Department of Health  
 Bureau of Funeral Directing  
 Hedley Park Place  
 433 River Street Suite 303  
 Troy, New York 12180-2299

## **Making Funeral Arrangements in New York State**

A licensed, registered funeral director must be present at all funerals. He/She assists with transportation of the remains, obtains death certificates, and acts as a liaison between the deceased's loved ones and cemeteries, crematories, and other service providers.

Certain documents should be provided to the funeral director, including:

- the deceased's Social Security number
- if deceased was a veteran, his/her Military Service Record
- cemetery deeds
- insurance policies
- other personal information about the deceased such as date and place of birth, parent's names, next of kin, survivors, etc.

A death certificate will be required and obtaining several copies is strongly suggested. Funeral homes can obtain death certificates and may or may not charge an additional fee. If you would like to get one on your own for deaths in any of the five boroughs of New York City, copies are available through the New York City Department of Health and Mental Hygiene. The cost of each certificate is \$15.

### **New York City Department of Health and Mental Hygiene**

Room 133, 125 Worth Street, lower Manhattan. (use the entrance on Lafayette or Center Street)

(212) 788 4820

<https://www.vitalchek.com>

For counties outside of New York City, certificates can be obtained through the New York State Department of Health for \$30 per certificate plus mailing fee. Applications may be made by telephone, mail or online.

### **New York State Department of Health**

(877) 854 4481

<http://www.health.state.ny.us/vital-records/death.htm>

## **Disposition of Remains**

A person may also want to appoint an agent to be in charge of funeral and burial arrangements. This can be achieved by completing an Appointment of Agent to Control Disposition of Remains document. By designating an agent, a person can avoid misunderstandings and arguments among friends and/or family members about what the funeral and burial arrangements should be. Appointment of an agent is not compulsory and if it is not done then the first next of kin who claims the body will likely be the one to make any burial or funeral decisions. However, particularly for non-traditional relationships, it may be advisable to consider appointing an agent.

A part of the disposition of remains form deals with special arrangements. This is where a person would designate any specific wishes with regard to their funeral or burial (type of service, location, cremation, etc.). The document is not complicated and a sample can be found at the end of this guide.

## **FUNERAL AND BURIAL OPTIONS**

### **Full Service Funeral**

A full service funeral consists of a viewing, a service where the deceased is eulogized, transportation of the deceased to the burial site, and the burial. For those interested in cremation instead of burial, transportation to a crematory and the scattering of ashes can also be arranged. While this may be the most familiar option, it also tends to be the most expensive. However, there are certain ways to reduce the costs associated with a full

service funeral, such as, buying certain items separately from a third party dealer. Funeral goods supply companies typically sell caskets, urns, flower arrangements, and grave markers for lower prices than funeral homes. Shopping around to compare prices for services at different funeral homes is a good idea since there can be a good deal of variance in pricing. Reputable funeral homes should be willing to give you a sense of their pricing over the phone, to facilitate easier comparison-shopping. Many funeral service providers have reduced rates available for those who are unable to pay the full price. Asking a few questions about options, prices, and services in general can help to reduce the overall cost of a full service funeral.

## **Direct Burial**

A direct burial is when the deceased is buried shortly after death without the funeral home providing an extended viewing or service. In some cases, a short graveside service will replace a regular service. This option is typically much less costly than a full service funeral. There may be some costs still for embalming and purchase of caskets, but no funeral service provider can embalm a body without the customer's consent, nor can the provider require the purchase of a casket. If you did not wish to have a viewing, embalming may not be necessary. With that said, a provider can refuse to perform certain services, if the customer does not allow the deceased to be embalmed. However, funeral providers must disclose which services will be withheld in the absence of consent to embalm. If this becomes an issue during the funeral or burial process, the customer is always free to take their business elsewhere.

## **Environmentally Friendly/Green Burials**

Recently there has been increasing interest in green burials, as well as in other kinds of environmentally sustainable death and funeral choices. For a green burial, typically the deceased is not embalmed, no metal or other decomposition-resistant caskets, burial urns, concrete burial vaults, or grave liners are used, and instead of a grave marker, a tree may be planted above the gravesite as a memorial. The Green Burial Council, a non-profit organization founded in 2005, is dedicated to making burial arrangements more sustainable. They have developed certain standards and categories to make green burial options more easily navigable and accessible for consumers. There are four tiers to consider:

- Hybrid Burial Grounds – Conventional cemeteries offering the option for burial without the usual vault or liner and with no requirements for embalming or casketing of the remains.
- Low-Impact Burial Grounds – Traditional cemeteries with a dedicated section and/or green cemetery which have adopted non-toxic, energy-conserving practices, prohibiting the use of vaults, grave liners, embalming with toxic chemicals, and burial in non-natural containers. To be certified under this category, the facility must also have an Integrated Pest Management program.
- Natural Burial Grounds – These facilities adhere to the same requirements for Low-Impact Burial Grounds, with an additional commitment creating a natural



- appearance for the grounds using native plants, materials, and landscaping from local ecosystems.
- Conservation Burial Grounds – Facilities meeting all the requirements of the Natural Burial Grounds, with an additional dedication to conservation through a conservation easement or a deed restriction that guarantees the long-term stewardship of the area by a conservation organization.

The Green Burial Council has also developed an eco-friendly certification process for funeral service providers, cremation disposition programs, and scattering grounds. The certification process is also available for various types of burial products such as caskets, urns, shrouds, and post-mortem chemicals. You can find out more about which providers in your area have been certified through the Green Burial Council by going to their website at <http://www.greenburialcouncil.org> or by calling 1-888-966-3330. In New York State there is one certified cemetery:

**Greensprings Natural Cemetery** (Natural Burial Ground)  
293 Irish Hill Road  
Newfield, NY 14867  
(607) 564 7577

Beyond green burials, other environmentally friendly options you can consider are:

- Organ, tissue, and/or body donation – recycles body parts to ensure the continued well-being of others and the expansion of medical science for future generations.
- Cremation – an efficient process, which reduces the remains to basic elements. After cremation, the ashes can be scattered in a natural setting or you can use a disposition program.

### **Approved Green Funeral Homes**

**Eternal Light**  
60 Brighton 11th Street  
Brooklyn, New York 11235  
(888) 377-2020  
[www.EternalLightNewYork.com](http://www.EternalLightNewYork.com)

**Frank A. Patti**  
New Jersey location, but serves New York  
327 Main Street  
Fort Lee, NJ 07024  
(888) 700-3336  
[www.frankpatti.com](http://www.frankpatti.com)

## Home Funerals and Burial

A home funeral consists of a funeral service planned by loved ones that is held in the home. Naturally, families can also make arrangements for memorial services at a local church, a park, or other places that hold importance for the deceased. New York state law does require the use of a funeral director, even with a home funeral arranged by the family, to oversee the state-mandated aspects of funerals (signing and filing death certificates, obtaining transit and burial permits, and being present at the final point of disposition).

A home funeral usually results in significant cost savings when compared to the services of a funeral home. It also gives the family much more control over how the funeral will proceed, how long viewing and visitation can last, and exactly how a body will be displayed. Some important things to remember if a home funeral is desired are:

- caskets are large and may not fit through all doorways;
- metal caskets may not be used if a body is to be cremated;
- remains which have not been embalmed or refrigerated should be cremated or interred within 3 days;
- if a body needs to be moved, the family must comply with New York State's requirements for obtaining a transit permit. The funeral director can typically assist with the transit permitting.

Home burial may also be an option depending on the circumstances. In New York, a burial permit is required to bury a body and can be obtained from the Registrar of Vital Statistics in the registration district where death occurred. A death certificate must be filed before a burial permit will be issued. Secondly, local zoning laws should be checked to ensure burial is allowed. Contacting the Department of City Planning or town hall is typically the easiest way to find out if there are local zoning laws or other ordinances restricting home burials. The Department of Health for the area can also be a good resource about what restrictions may apply.

As a general rule, the land chosen must not be closer than 1650 ft. (approximately 1/3 of a mile) to a dwelling, the land must be registered with the County Clerk, and any land dedicated for a private or family cemetery must not be greater than 3 acres in size. This is primarily an option for those who live or who have loved ones in rural areas.

As with the scattering of ashes, when burying someone on private property, you must get the permission of the property owner first. One additional aspect to consider is what visitation arrangements and/or maintenance the property owner may or may not allow and what may happen if the property changes owners. In some cases, individuals will create a trust for maintenance of the grave, create easements for rights to access the plot, and/or partition the land so that when/if the property is sold, the plot remains in possession of the deceased's loved ones.

## Cremation

Since 1985, the rate of people choosing cremation instead of burial after death has increased, and figures continue to rise (Cremation Association of North America). Cremation typically costs less than traditional burials, saves land, and can be more environmentally friendly. In the past few years, cremation has become more accepted by certain religious traditions, chiefly Catholicism. Neither a casket nor embalming is required for cremation. Providers of cremation services are required by federal law to offer affordable alternative containers and get permission from the customer before embalming the remains.

On average, the fee for cremation service totals around \$1,200, but it can vary in cost from \$500 to well over \$3,000 depending on who performs the services and what specific services are required. For example, holding a formal funeral service or visitation before cremation will increase the cost. Prices can be reduced in some cases by buying the urn or other items from third party dealers.

Below are several organizations that provide lower cost, direct cremation services to residents in New York City:

- **New York Cremation Service** (877) 274 5152  
<http://www.nycremation.com/>. Price average is \$1,302
- **Direct Cremation Company Ltd.** (212) 532-1870  
<http://directcremationcompany.com>. Final price average \$1,720
- **Metropolitan Funeral Service** (800) 332-1880  
<http://nycdirectcremation.com>. Prices starting at \$1,095

### Tips for Arranging a Cremation

When choosing a cremation provider, it can be helpful to keep the following suggestions in mind:

- Feel free to ask for an itemized list of prices, which funeral directors are required to provide to you upfront, before billing you for any services
- Ask the funeral provider about direct cremation and if the price quote includes a crematory fee
- Find out whether the cremation can be witnessed
- Make sure there are good procedures in place for tracking the body through the process of cremation
- Visit the crematory to ensure comfort and satisfaction with the venue, staff, and policies of the provider
- Caskets are never required for cremation, though some type of container is, and there should be low-cost options available
- Having a funeral service in addition to cremation is an option, although it will raise the overall cost of the burial

## **Scattering the Ashes**

Generally, there are relatively few formal restrictions against scattering ashes in New York State. Any persons in lawful possession of cremated remains, or cremains, may dispose of them by scattering. Ashes are permitted to be scattered at sea or in designated scattering gardens. Scattering of ashes on private property is also permitted, but requires permission of the property owner. Whoever disposes of the cremains must make and retain a record of the disposition. Each individual jurisdiction may have its own area-specific rules and regulations for scattering ashes. To ensure that you are not violating any regulations, you may want to contact the local office of the Department of Health where ashes will be scattered beforehand. Additionally, for persons with a special interest of having their ashes scattered at sea or from a plane, various service providers are available and many crematories will scatter the ashes for you for a fee.

## **PRE-NEED FUNERAL PLANNING**

Planning for a funeral in advance can be a good option. Here is a short list of a few of the potential advantages to consider:

- saves friends and family the stress of making plans during a difficult time
- allows personal choice in the type of service desired
- gives a baseline, based on price lists, of what the service will cost
- allows for comparison shopping
- ensures money is available for the service
- segregates funds from other assets if applying for Medicaid
- provides a safety net if there are no other people to make final arrangements

With that said, it is very important that you keep documentation of your plan and make sure loved ones are aware of where to find the necessary documents, when the time comes.

Several different types of pre-payment plans are available. First, pre-payment plans can be arranged directly with a funeral home. In New York, any money that is paid to a funeral director for the purposes of prepaying for a funeral, whether for goods or services, remains the property of the customer until they are needed. The funeral director must deposit the funds in trust within 10 days of receipt in any of a variety of interest bearing accounts.

If a customer wishes to withdraw from the prepayment arrangement, all the money, including interest must be repaid on demand. The funeral director who deposited, or is now in control of the account, may not charge any administrative fees, or other fees in connection with the return of the funds. However, if the prepayment agreement was an irrevocable one, then some fees may be assessed.

Despite these fees, those who receive SSI and/or Medicaid are likely to choose an irrevocable plan, as it allows a person to establish an account, which does not affect their eligibility for benefits. Such burial accounts can have up to \$1500 in them if the customer is a recipient of SSI, or SSI and Medicaid. If receiving Medicaid only, the customer's burial account can exceed \$1500.

A pre-paid plan through a funeral home can be either guaranteed, or non-guaranteed. The difference between the two options is that a non-guaranteed funeral will be billed according to the costs at the time the funeral is performed. For a guaranteed plan, the funeral home will have agreed to supply services for whatever value the pre-paid account is when the services are rendered. Also important to remember is, the services of the funeral home may or may not cover the cemetery, burial and grave maintenance charges. Always be sure to see an itemized list of the services covered when dealing with a funeral home so you will know if additional planning and funds may be needed.

Totten Trusts or Pay-On-Death Accounts are also available. These are individual trusts or savings plans, which are earmarked for funerals. The owner of the account controls it and can withdraw from it at will. Moneys can be deposited in a passbook, CD, or money market account, for immediate payment upon death to a beneficiary. Accumulated interest on these accounts can offset rises in funeral costs due to inflation, but be aware that the interest is subject to annual income tax.

Lastly, you may be able to use a life insurance or an annuity contract to cover costs. These plans may provide for an ever-increasing death benefit to account for inflation, but they often do not grow at the rate of money in a bank. Some morticians may offer an insurance plan which names them as the beneficiary, while other plans are independent with a beneficiary chosen by the customer. Buying life insurance may be a more easily transferable option for those who die while traveling or move after they've made arrangements.

## **ORGAN AND TISSUE DONATION**

Many people choose to donate organs or tissue upon death for medical research/training and/or to give to persons in need of a transplant. People wishing to make a donation after death should inform any next of kin of such wishes, make notes on hospital documentation, and fill out the organ donation section on a driver's license. However, if at the time of death, a person has "actively spreading cancer (except for primary brain tumors that have not spread beyond the brain stem)", HIV, or certain other types of infections, this would rule out the ability to donate organs. Almost all cancer patients can donate their corneas, except those with certain blood or eye cancers.

It is also possible to donate one's entire body to medical research facilities or educational institutions and there are typically no restrictions regarding the active presence of cancer at the time of death. For those choosing this option, many of the costs associated with transportation, preparation, and disposition of the body will be borne by the institution

receiving the body. In some cases, the remains, typically cremated, will be available for return to the deceased's family if desired.

For those interested in organ and tissue donation, you can contact the following for more information:

**New York Organ Donor Network**

**(646) 291-4444**

<http://www.donatelifeny.org/index.asp>

**United Network for Organ Sharing (UNOS)**

**(888) 894 6361 or (804) 782 4800**

<http://www.unos.org>

For information on full body donation:

**Associated Medical Schools of New York**

**(212) 218-4610**

<http://www.amsny.org>

**National Disease Research Interchange**

**(800) 222 6374**

<http://www.ndriresource.org>

**Institutional Institute for the Advancement of Medicine**

**(570) 496 3441**

<http://www.iiam.org>

## **CEMETERIES**

Many people will remember to set aside money for the services of a funeral home, but will not realize that cemeteries are often run separately and have their own costs for various services, which can add up to a lot. Here are some important points to consider, when arranging for a plot in a cemetery:

### **Grave Maintenance**

Grave maintenance is not something that is always included with a plot in a cemetery. Be sure to discuss maintenance with the cemetery before making any purchases. Generally, if perpetual grave maintenance is not included, there will be an additional fee for such a service. If it is included, it will likely already be built into the cost of the plot.

## **Opening and Closing Fees**

These are charges related to having remains interred at a cemetery whether they will be buried, placed in a mausoleum, or cremated. Generally, opening and closing fees are not regulated by a government body. However, if the cemetery is not-for-profit it may be regulated by the New York State Department of State. Religiously owned and publicly owned cemeteries are not subject to regulation.

## **FINANCIAL ASSISTANCE**

There are many costs associated with the funeral and burial process. The fees for various services and options can quickly compound resulting in a staggering total. However, there are many ways to ease the financial toll that a funeral may take. Numerous organizations provide financial assistance for those in need, and there are ways to plan ahead for a funeral to ensure that money is set aside for when it is eventually needed.

- **Government Agencies**

**Social Security Administration**  
**(800) 772-1213 M-F 7a.m.-7p.m.**  
[www.ssa.gov](http://www.ssa.gov)

Certain benefits may be available upon the death of someone who has been collecting social security. A one-time payment of \$255 is available to any surviving spouse who was living with the deceased at the time of death. The surviving spouse can receive benefits even if not residing with the deceased at the time of death, as long as he/she was receiving Social Security benefits on the deceased's account. If they meet the requirements, payment will be made to the children if there is no eligible surviving spouse on record in the month of death.

In addition to the \$255 payment, monthly benefits may be available to family members who meet certain criteria. Among those eligible for the monthly benefits are widows and widowers over the age of 60, any surviving spouse caring for the deceased's child who is under the age of 16, certain unmarried children of the deceased, dependent parents of the deceased, and in some cases a surviving divorced spouse. For more information on exactly who is eligible for the \$255 benefit or continuing Social Security payments, please contact the Social Security Administration directly at 1-800-772-1213, or visit their website at [www.socialsecurity.gov](http://www.socialsecurity.gov).

**United States Department of Veterans Affairs – Veterans Benefits Administration**  
**(800) 827-1000 M-F 8:00a.m.-4:30p.m.**  
[www.vba.va.gov](http://www.vba.va.gov)

Numerous benefits are available to veterans from any branch of the military who received a discharge other than dishonorable. Among the benefits included are burials at national

cemeteries, headstones and markers, monetary assistance, burial flags and bereavement counseling if a loved one has passed away.

**New York City – Burial Financial Assistance**

**(718) 488-5482**

<http://www.nyc.gov/html/hra/html/applications/forms.shtml>

New York City will provide up to \$900 in financial assistance for funeral expenses so long as the total expense of the funeral does not exceed \$1700. This assistance is available for low-income New York City residents.

- **Religious Organizations**

**Society of St. Vincent de Paul for the Archdiocese of New York (Catholic)**

**(212) 755-8615**

The Society provides its services to families in need located in Manhattan, the Bronx, and Staten Island.

**National Philoptochos Society (Greek Orthodox)**

**(212) 744-4390**

**The Hebrew Free Burial Association (Jewish)**

**(212) 239-1662**

[www.hebrewfreeburial.org](http://www.hebrewfreeburial.org)

**The Jewish Heritage for the Blind**

**(718) 338-4999**

Free burial plots for the handicapped. Burial plots are available throughout the United States and abroad.

**Edhi International Foundation (Muslim)**

**(718) 639-5120**

- **Other Organizations**

**Actor's Fund of America**

**(212) 221-7300**

[www.actorsfund.org/human/social/burial.html](http://www.actorsfund.org/human/social/burial.html)

People who have worked in the entertainment industry may be able to receive financial assistance from the Actor's Fund of America.

**1199SEIU Benefits and Pension Fund**

**(646) 473-8666**

Qualification is tied to age and length of service.



- **Burial Assistance for Foreign Born Persons**

Several organizations provide burial assistance for foreign born, indigent, New Yorkers. If your nationality is not listed below, try contacting your country's embassy or Consulate for any programs that may exist for those of your heritage.

**GREAT BRITAIN**

**St. George's Society of New York**  
**(212) 682-6110**  
[www.stgeorgessociety.org](http://www.stgeorgessociety.org)

**JAPAN**

**Consular General Of Japan**  
**(212) 371-8222**

**SOUTH AFRICA**

**South African Consulate General**  
**(212) 213-4880**

**SWITZERLAND**

**Swiss Benevolent Society of New York**  
**(212) 246-0655**  
[www.sbsny.org](http://www.sbsny.org)

**FOR MORE INFORMATION**

If you have any questions about this guide, suggestions for improving it, or the names of other organizations that you would like to see included in future editions, please contact the Cancer Advocacy Project at:

City Bar Justice Center  
Cancer Advocacy Project  
42 West 44<sup>th</sup> Street, New York, NY 10036  
Phone: (212) 382 4785  
Fax: (212) 354 7438  
Email: [cap@nycbar.org](mailto:cap@nycbar.org)

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(2013)

# APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS

I, \_\_\_\_\_, of  
(Name)

\_\_\_\_\_,  
(Address)

being of sound mind, willfully and voluntarily make known my desire that, upon my death, the disposition of my remains shall be controlled by

\_\_\_\_\_.  
(Name of Agent)

With respect to that subject only, I hereby appoint such person as my agent with respect to the disposition of my remains.

### **SPECIAL DIRECTIONS:**

Set forth below are any special directions limiting the power granted to my agent as well as any instructions or wishes desired to be followed in the disposition of my remains:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate below if you have entered into a pre-funded pre-need agreement subject to §453 of the General Business Law for funeral merchandise or service in advance of need:

No, I have not entered into a pre-funded pre-need agreement subject to section four hundred fifty-three of the General Business Law.

Yes, I have entered a pre-funded pre-need agreement subject to section four hundred fifty-three of the General Business Law.

\_\_\_\_\_  
(Name of funeral firm with which you entered into a pre-funded pre-need funeral agreement to provide merchandise and/or services).

**AGENT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**SUCCESSORS:**

If my agent dies, resigns, or is unable to act, I hereby appoint the following persons (each to act alone and successively, in the order named) to serve as my agent to control the disposition of my remains as authorized by this document:

1. First Successor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

2. Second Successor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**DURATION:**

This appointment becomes effective upon my death.

**PRIOR APPOINTMENT REVOKED:**

I hereby revoke any prior appointment of any person to control the disposition of my remains.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of person making appointment)

**STATEMENT BY WITNESS:** *(must be 18 or older)*

I declare that the person who executed this document is personally known to me and appears to be of sound mind and acting of his or her free will. He or she signed (or asked another to sign for him or her) this document in my presence.

**Witness 1.** \_\_\_\_\_  
*(Signature)* *(Print Name)*

\_\_\_\_\_  
*(Address)*

**Witness 2.** \_\_\_\_\_  
*(Signature)* *(Print Name)*

\_\_\_\_\_  
*(Address)*

**ACCEPTANCE AND ASSUMPTION BY AGENT:**

1. I have no reason to believe there has been a revocation of this appointment to control disposition of remains.
2. I hereby accept this appointment.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Signature of agent)*