

**FREE**  
GUIDE



**2021/22**



## HOUSTON **END OF LIFE** PLANNING GUIDE



A GUIDE TO HOME CARE,  
HOSPICE, BEREAVEMENT AND  
FUNERAL PLANNING SERVICES  
IN YOUR LOCAL AREA





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## INTRODUCTION TO END OF LIFE PLANNING

The final days of life are precious days, often remembered in detail by those who live on. It is a time when there are so many things to think about that it can often become very overwhelming and emotional, but there is much value in thinking ahead and being prepared for an event that we will all have to face at some point.

If you are caring for someone who may be coming to or who is in the last stages of their life, our two organizations, the **Texas Association for Home Care & Hospice** and the **Texas Funeral Directors Association**, have put this guide together to help educate and advise you on how to plan for your loved one's final arrangements, choosing the right hospice and funeral home for your loved one and guiding you through the decisions that need to be made.

These next steps can be difficult but taking the opportunity now to research the options available, can mean that you and your loved ones are more prepared for the journey ahead. Our organizations' mission is to educate you on your options, so you can maintain in control of your destiny. Thinking ahead to decisions about future care, assigning roles and funeral arrangements, is an important step to ensure a positive memory and a peaceful ending to life's journey.



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#### A message from **Rachel Hammon**, Executive Director

When you hear the term hospice care, dozens of questions might pop into your head. What is it? Who is eligible? How does hospice work?

Currently, most hospice care costs are covered by Medicare, through the Medicare Hospice Benefit. Hospice services are delivered using an interdisciplinary hospice team approach. This means hospice care services are inclusive of the patient, family members, doctors, care givers, etc. Hospice services focus on caring for the patient, the services can include, management of a patient's pain and other symptoms; assisting a patient and family members with the emotional, psychosocial, and spiritual aspects of dying; medication and medical equipment; teaching the family how to care for the patient; help with grief support and counseling. Hospice services are personalized to each patient's needs and wishes.

Hospice care in the home offers a dignified and comfortable solution to end of life, that is person centered and can include family, friends, pets, and all that a person knows and loves. Although Hospice care is primarily provided in the place the patient calls home, services may also be provided in a nursing home or a residential facility, and in freestanding hospice facilities and hospitals. Seeking hospice care isn't about giving up hope, rather a way to get the most appropriate and dignified quality care in the last phase of life, as the final stages of a terminal illness can be a highly challenging, emotional time. We hope you find this guide helpful and that whatever path chosen you will find comfort.

*Rachel Hammon* BSN, RN

Rachel Hammon  
Executive Director  
Texas Association for Home Care & Hospice







#### A message from **Harvey Hilderbran**, Executive Director

We believe that a better understanding of what is involved in the funeral process and the options available, will allow you to make a much more informed decision, saving both confusion and compounded grief at the time of a loss.

Within the second section of this guide, we aim to provide you with many of the resources you need to begin thinking about your funeral options, how to approach getting plans in place and many other end of life decisions that need to be seriously considered.

At your difficult time, it's important to know that the firm you are choosing represents the highest of standards and professionalism. Choosing a funeral home that is a member of the TFDA, shows their deep compassion towards attaining the highest standards for their families and communities.

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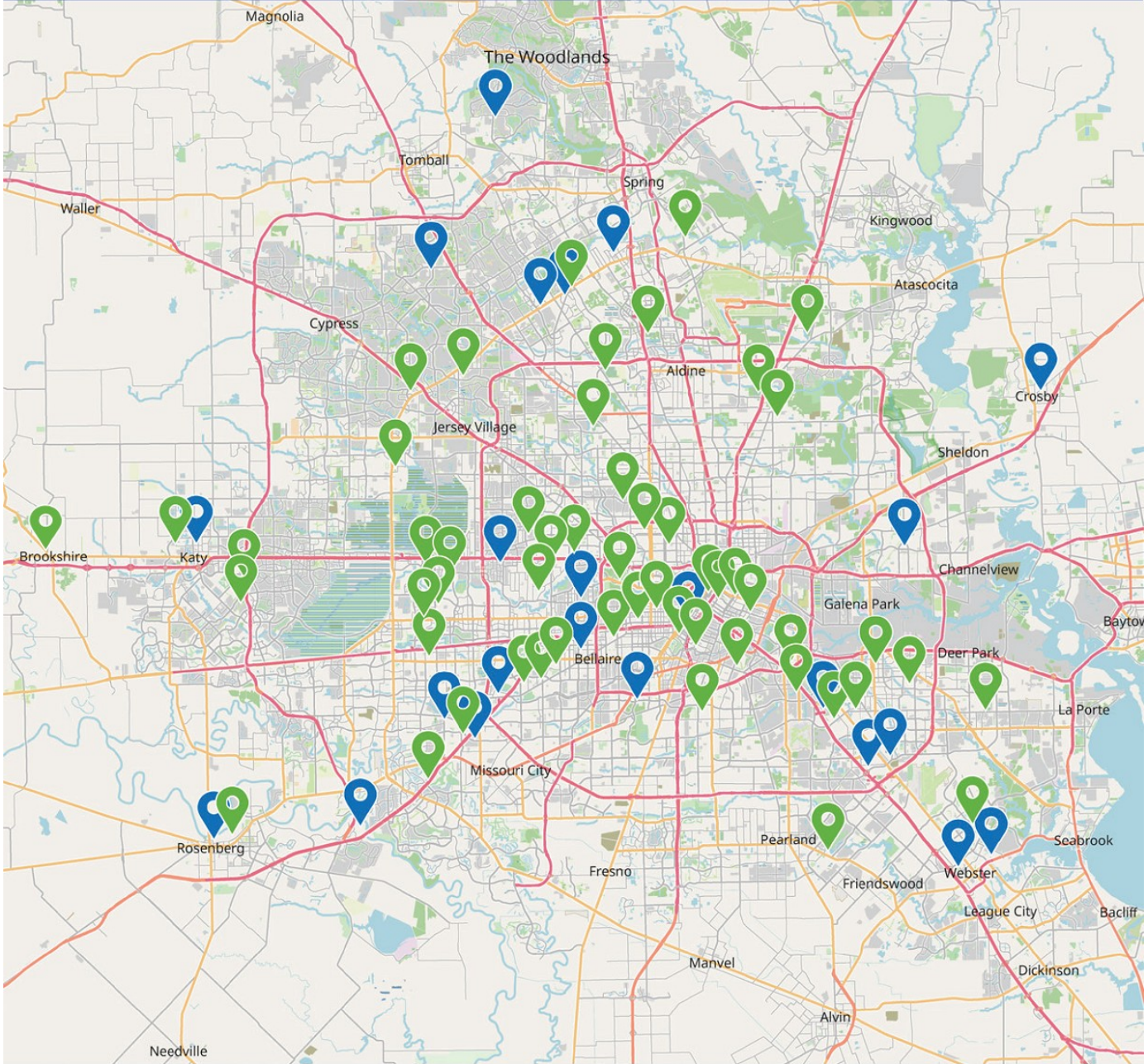
Yours,

*Harvey Hilderbran*

**Harvey Hilderbran**  
Executive Director  
Texas Funeral Directors Association







**HOUSTON**  
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[www.tahch.org](http://www.tahch.org)

Texas Funeral Directors Association  
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# HOUSTON AREA HOME CARE AND HOSPICE SERVICES

## TOPICS AT A GLANCE:

- ✓ CATEGORIES OF CARE
- ✓ FINDING THE RIGHT PROVIDER: HOME CARE
- ✓ FINDING THE RIGHT PROVIDER: CHOOSE A HOSPICE
  - ✓ ADVANCE DIRECTIVES: PRE-PLANNING
    - ✓ STARTING THE CONVERSATION
    - ✓ DISPELLING SOME HOSPICE MYTHS
    - ✓ HOSPICE PRE-PLANNING FORMS
- ✓ DISCUSSING AND DEFINING PALLIATIVE CARE
  - ✓ HOW TO ACCESS CARE
- ✓ MEDICARE AND MEDICAID: PAYING FOR CARE



**A message from Becky Campbell**  
*CMP, Director of Member Recruitment*

Our mission at the Texas Association of Home Care & Hospice is to join together member organizations and individuals in a shared commitment to every citizen in need of quality, affordable in-home care and hospice services. Over the last 12 months, our members have stepped up to shape the direction of change, offering better alternatives for end of life care that has become part of the future to transform the lives of others.

In this first section of the guide we include the contact details for our member providers and a wealth of information to help you make decisions about your home care and hospice decisions. Thinking about the end of life journey can be a thought many of us put off, but in order to embrace those changes, we are here to offer the resources you need, ahead of this difficult time.

Caring for your health or that of a loved one is one of the most important decisions you make. We are very proud of the advocacy efforts of our members, and by choosing a home care agency or hospice that is a member of our association you can feel assured that they are committed to high standards, cutting-edge methods and ready to take the best care of you or your loved one.

Yours,

*Becky Campbell*

**Becky Campbell, CMP**  
 Director of Member Recruitment







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**T**exas Association for Home Care & Hospice is one of the largest associations for the industry in the U.S. with over 1,300 organizations representing over 6,200 professionals who work, administer or own agencies.

Providing expert support and resources to our members, we keep them in the forefront of emerging trends and knowledge. TAHC&H leads the industry, enhancing the value of the association management model and drives increased demand for members.

By becoming a member, agencies gain access to a vast body of industry knowledge, high-quality training programs, the latest tools and tactics for running an agency, exposure to leading-edge thinking, and opportunities to interact with industry peers around the state.

Caring for your health or that of a loved one is one of the most important decision you make. Association membership is an indication that the agency is continually informed and actively involved in the care industry.

TAHC&H offers benefits and savings to agencies all across Texas. Unite with your industry and join the Texas Association for Home Care & Hospice!



# CATEGORIES OF CARE

In Texas, home and community support service agencies are licensed by Texas Health & Human Services to provide services in one or more of the following categories: Licensed and Certified Home Health; Licensed Home Health; Hospice or Personal Assistance Services.

## LICENSED AND CERTIFIED HOME HEALTH

This type of agency must provide skilled nursing services and at least one of the following services:

- Physical therapy
- Speech therapy
- Occupational therapy
- Medical social services
- Home health aide services

Services must be provided in a person's place of residence that is used as a patient's home. Services are provided in accordance with Medicare certification standards. Only certified agencies may provide services for reimbursement by Medicare and certain Medicaid programs.

## LICENSED HOME HEALTH

This type of agency must provide one or more services required by an individual in a residence or independent living environment such as: nursing, physical, occupational, speech, or respiratory therapy; medical social service; intravenous therapy; dialysis; service provided by unlicensed personnel under the delegation of a licensed health professional; the furnishing of medical equipment and supplies (excluding drugs and medicines); or nutritional counseling. Skilled nursing must be provided in accordance with a physician's plan of care. If only personal care services are provided to a client, physician's orders are not required; however, the personal care services must be supervised by a registered nurse.

## HOSPICE

This type of agency provides a coordinated program of hospice and palliative care to terminally ill patients, and supportive services to patients, their families and significant others, in both home and facility settings, through a physician-directed plan of care. Specialized services include medical, nursing, home health aide, social services, spiritual care, bereavement services, volunteer services, and other appropriate counseling services. The hospice philosophy of care provides support for persons in the last phases of incurable illness so that they may live as fully and comfortably as possible. Hospice care seeks to enable patients to lead an alert, pain-free life and to manage symptoms so that their last days may be spent at home or in a home-like setting.

## PERSONAL ASSISTANCE SERVICES

This type of agency provides routine, ongoing care or services required by an individual in a residence or independent living environment that enable the individual to engage in the activities of daily living or to perform the physical functions required for independent living, including respite services. Personal care (feeding, transferring, walking around and exercise, bathing, dressing, grooming, meal preparation, and assistance with medications normally self-administered) may be provided by unlicensed personnel without nursing supervision. Other services and administration of medications may be performed by unlicensed personnel under RN delegation and supervision. No physician's orders are required.



# FINDING THE RIGHT PROVIDER: HOME CARE

Home care provides services to persons of all ages and includes preventive, acute, sub-acute, rehabilitative, and long-term care. Services range from simple assistance with activities of daily living to highly skilled IV therapy.

**Y**ou have the right to choose any home care provider who is qualified to provide the services you need, although that choice may be restricted somewhat if you are enrolled in a managed care plan. Here are some questions to consider when deciding which home care provider is best for you:

- How long has the provider been serving the community and what services do they offer?
- Is your physician acquainted with the quality of the home care provider?
- Is the provider certified by Medicare? Only Medicare-certified agencies can provide services covered by Medicare.
- Is the agency willing to work with you if you must pay out of pocket?
- Is the provider licensed? In Texas, any agency providing hands on personal assistance or skilled care services must be licensed by Texas Health & Human Services as a Home & Community Support Services Agency.
- Is the agency a member of a state and/or national home care organization? Association membership is an indication that the agency is continually informed, values compliance and is actively involved in the home care industry.
- Persons with limited mobility who need assistance with activities of daily living.
- Families who need respite from caregiving and emotional support in dealing with a loved one who needs special care.
- A child with a medically complex condition, or that requires therapy services or has specific life-sustaining equipment who can thrive at home and school with nursing or therapy support.

## WHY USE HOME CARE?

## WHO USES HOME CARE?

- It allows for early discharge from hospitals and prevents or postpones institutionalization.
- It can be the physician's "eyes and ears" in the home, providing confidence and peace of mind.
- It is personalized one-to-one, tailored to the needs of each individual allowing maximum freedom and independence for the client.
- It is cost effective when compared to hospital or nursing home care.
- Home care supplements the family's resources and efforts in caring for loved ones at home, keeping families together and individuals involved in their community.
- Home care allows persons to remain in their own homes, proud and independent.
- Persons discharged from the hospital who are not fully recovered.
- Persons with chronic conditions who require frequent monitoring and can no longer meet their needs alone.
- Persons with a terminal disease, such as cancer or AIDS, who need skilled and personal care, pain management, and emotional support.

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Welcome to my Keller Williams family!

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I am a Certified Negotiation Expert, Senior Real Estate Specialist, Resort and Second Property Specialist, Seller Representative Specialist, Certified Luxury Home Marketing Specialist and Certified Probate Real Estate Specialist.

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# FINDING THE RIGHT PROVIDER: CHOOSE A HOSPICE

Choosing the best hospice provider for the patient is very important, although not necessarily as difficult as you might think. It just requires a little preparation to ensure that you can ask relevant questions that may affect the experiences of those involved.

**H**ospices that participate with Medicare, and most do, provide the same basic services. However, there may still be differences between providers that might make one a better choice for you over another. The best way to really know is to compare.

Generally, with Medicare, the choice is limited only by the location of the patient. In many communities, this means there may be several providers from which to choose. However, some insurers other than Medicare may require you to first consider a “preferred provider” with which the insurance company has negotiated favorable rates, in order to receive the full financial benefit of your policy.

## QUALITY CARE

Under the Affordable Care Act, Medicare-certified hospices must collect and report quality measures to the federal government, and the federal government is to make data on hospices available to consumers. Although this process has begun, the data may not be publicly available yet.

At present, a hospice must meet state and local regulations for operating as a business but accreditation for the quality of the care and services it provides is voluntary.

**Many hospice programs seek accreditation by the Joint Commission or by the Community Health Accreditation Program, agencies that measure a provider's quality of care against best practices and standards. However, lack of accreditation does not necessarily mean the quality of care is substandard.**

## CONDUCT INTERVIEWS

You should expect any potential hospice provider to send a representative to meet with the patient (if he/she is able) and the family/loved one/main caregiver in order to discuss the services provided and answer questions. Make sure there will be no charge for this visit and no obligation to choose that provider. If at all possible, prepare questions before the meeting so that you can concentrate on the answers.

## NARROW DOWN THE CHOICES

There are many ways to determine which provider(s) to consider. One of the best is by word-of-mouth, particularly if a relative or trusted friend will share their hospice experience. Often, the hospital discharge planner or social worker will have a list of local providers. Your physician may not only have a list of providers, he/she may offer to share their professional experience with the hospice provider for you to take into consideration.



## ACTIVE MEMBERS

Being an active member of a leading industry association boosts professional credentials for an agency. Membership speaks volumes about the commitment made in developing skills and expertise to improve the industry as a whole. Aligning with an association enhances the organizations professional reputation and helps them stand out as a quality provider of services in their respective field. Statistics show that the better known you become by other association members, the more referrals you will have as well.

TAHC&H members have a collective voice to advocate for the industry, the economy, and society. This doesn't just benefit the industry. As an engaged association member, you can truly make a difference in how your industry impacts the well-being of people in your community and around the world. Many opportunities for investing in lives and communities come with association membership

### *Hospice Provider*

#### **Affinity Hospice PRN**

Phone: 713-947-2277 Fax: 713-947-2292  
350 N. Texas Ave, Ste B, Webster 77598

#### **Amazing Grace Hospice**

Phone: 832-437-2089 Fax: 832-437-2090  
5502 4th St, Katy 77493-2427

#### **Ameripro Hospice Care, Inc.**

Phone: 832-461-1123  
14511 Falling Creek Dr, Ste. 509, Houston 77014-1281

#### **Anarcare Home Health & Hospice Agency, Inc**

Phone: 713-330-4325 Fax: 713-330-1910  
13601 Woodforest Blvd, Houston 77015

#### **Del Cielo Hospice & Palliative Care**

Phone: 361-723-0210 Fax: 361-723-0212  
9888 Bissonnet St, Ste 450-E, Houston 77036-8247

#### **Elysian Hospice**

Phone: 281-333-2458 Fax: 281-335-5539  
11104 W Airport Blvd, Ste 255B, Stafford 77477

#### **Encompass Health Hospice**

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12727 Featherwood Dr, Ste 295, Houston 77034

#### **Essential Hospice and Palliative Services**

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#### **Hospice Compassus - The Woodlands**

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1770 St James Pl, Ste 330, Houston 77003-5004

#### **IPR Healthcare System, Inc.**

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8830 Interchange Drive, Houston 77054-2502

#### **Kindred Hospice**

Phone: 281-568-5548 Fax: 713-669-1104  
6700 W Loop S, Ste 250, Bellaire 77401-4134

#### **Memorial Hermann Hospice**

Phone: 713-338-7400 Fax: 713-338-7401  
902 Frostwood, Ste 288, Houston 77024

#### **New Light Hospice**

Phone: 281-481-5100 Fax: 281-481-5102  
12550 Fuqua St, Ste 300, Houston 77034-4900

#### **Nurses Night & Day, Inc.**

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4310 Austin Street, Houston 77004-4827

#### **Omealife Hospice of Texas, Inc.**

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#### **Omnix Health Care Services**

Phone: 281-328-5869 Fax: 281-328-5950  
5503 First Street, Crosby 77532-8723

#### **Pax Et Vita Hospice Agency LLC**

Phone: 346-901-0194 Fax: 281-239-0543  
2223 River Lodge Ln, Sugar Land, 77479-8982

#### **Siercam Healthcare Services, LLC**

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812 3rd St., Rosenberg 77471-2508

#### **Silver Spring Healthcare Services**

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25420 Kuykendahl Rd F400, Tomball 77375

#### **Texas Home Health**

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8876 Gulf Freeway, Ste. 410, Houston 77017-6544

#### **The Providence Hospice, Inc.**

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11420 Dairy Ashford Rd, Ste 108, Sugarland 77478-6215

#### **Traditions Health**

Phone: 281-333-4048 Fax: 281-333-4341  
1120 Nasa Parkway, Ste 340A, Houston 77058-3320

#### **Traditions Hospice**

Phone: 281-919-1780 Fax: 281-781-7112  
17070 Red Oak Dr, Ste 105, Houston 77090-2615

#### **Traditions Hospice of Tomball, LLC dba Traditions Health**

Phone: 281-646-9900 Fax: 281-646-9910  
16730 N Eldridge Pkwy, Tomball 77377

#### **Unity Hospice**

Phone: 281-967-7791 Fax: 832-284-4145  
450 N Texas Ave, Ste A, Webster 77598

## WHAT'S IMPORTANT TO YOU

Besides the answers to your specific questions, consider the “chemistry” (or lack of) with the hospice representative. Although that individual may not be someone directly involved in your care, you should feel comfortable with whomever the hospice has sent to make a first impression. As with any other important decision, try to take time to make an informed choice.

## SPECIAL CONSIDERATIONS

One of the (many) reasons hospice providers have earned a reputation is their commitment to serving anyone medically eligible for their services. This first became evident decades ago when hospices rose above the predominance of fear and ignorance of HIV and compassionately served people dying from AIDS. Today, you should expect a hospice to routinely care for people in the LGBT community, those with intellectual or developmental disabilities, and those who do not speak English.

## HOW TO PREPARE

If you or a loved one is living with an advanced, life-limiting illness and want to know if or when a hospice is an option, you should discuss the idea with the attending physician or another clinician providing care. A physician must determine whether someone meets the medical eligibility requirements for hospice services, but there is no rule against the patient or a loved one bringing up the subject. Some people have even mentioned hospice right after receiving a diagnosis so that their physician knows they would be interested in learning more about hospice care at the appropriate time.

It is important to know that anyone - patient, loved ones or others involved in providing care - can make the first contact with a hospice to help determine if the patient meets medical eligibility requirements.

## STARTING THE PROCESS

The next step is to request that the hospice send a representative to meet with the patient and family/caregiver. This request may be made by the individual's physician, the staff at an assisted living community, nursing home or hospital, or you can initiate a call to a hospice provider yourself. There should be no charge for this visit, no obligation to choose that provider, and no pressure to make a choice immediately.

## WHAT TO EXPECT DURING THE INTRODUCTORY VISIT

When the hospice's representative meets with you, he/she can:

1. Discuss the hospice's services, including Medicare and insurance options, and answer your questions.
2. Do a comprehensive assessment of the patient's condition.
3. Complete the admission into the hospice's program.

Some hospices divide these tasks into separate visits.

The admission is complete when required paperwork is signed by the patient or someone legally authorized to make such decisions on their behalf.

The hospice team reviews each patient's care plan regularly and updates it as necessary to address changes in the patient's needs.

Also, hospice care that is provided in hospitals, nursing homes and other residential facilities does not include room and board, and is not a substitute for long-term care or adult day care.





# ADVANCE DIRECTIVES: PRE-PLANNING

The best time to begin making your pre-arrangements is now, while you're thinking about it.



**A** Robert Wood Johnson Foundation study found that the vast majority of Americans would prefer to die at home rather than in a hospital or institutional setting, yet only about 30% actually do so. And a national survey by The Conversation Project found that 90% of people know they should discuss their end-of-life care preferences with family and loved ones, but again, only about 30% actually do.

Advance care planning is the process of ensuring your end-of-life care wishes are honored if you're unable to communicate them yourself. Thinking about this type of care isn't easy, but it's the first step to securing the peace of mind that comes with knowing your wishes will be carried out by the people you choose.



### What are advance directives?

Advance directives are documents known as a living will (different than a last will and testament) and a healthcare proxy. Together, they make up “advance directives” in which you:

- Clearly state your preferences for the health care you wish to receive, or not receive.
- Give someone of your choosing the authority to make decisions on your behalf if you are unable to communicate your preferences on your own when decisions must be made.



Here are three main steps to help you navigate the process:



#### THINK

Think carefully about the type of end-of-life care you want.



#### DISCUSS

Discuss with those who are most important to you and will honor your choices.



#### DOCUMENT

Document your wishes and provide copies to anyone who needs them.

### Why do you need advance directives?

Completing advanced directive forms allows your family, loved ones, and healthcare team to share the same understanding of your wishes. It provides you with the reassurance that your wishes are heard, understood, and will be carried out if you are unable to communicate them yourself.

### How do you access advance directive documents?

Advance directives are intended to provide documentation of your healthcare wishes and preferences regardless of where you reside, but the actual documents often differ from state to state.

Some states now offer the ability to create or modify advance directives online and some also have an option to store the documents in an online registry. No matter how you create your advance directives, please remember that the documents can be updated at any time and as often as you choose.

### What should you do with your completed advance directives?

Once your advance directives are complete, we recommend that you:

- Provide a copy to whomever you chose to make decisions on your behalf.
- Provide a copy to those important to you; loved ones, friends, and physician.
- Place the documents somewhere easily accessible if needed in an emergency, not locked away somewhere. Consider keeping a copy in the car along with your automobile registration.

### STARTING THE CONVERSATION

As with any important decision, an open, frank discussion that isn't occurring in the midst of a crisis can be helpful. If you plan a discussion with loved ones about your preferences regarding medical care, should you become unable to make decisions for yourself - called an advance directive - we recommend expanding the discussion to include your preferences for end-of-life care.

Many experts recommend having such a conversation around holidays, when family is gathered together. And some people may find it easier to skip the conversation altogether and to record their preferences in a living will, dated letter, other legal document, or even an email. You can also speak with your healthcare provider about your preferences and options during a routine appointment. As long as you can competently communicate, none of your decisions are permanent; you can always change your mind about your course of treatment and type of care at a later date.

If the conversation does not happen until an advanced serious illness or condition exists, which is often the case, you (as either a patient or a surrogate) or a healthcare provider may initiate the discussion about treatment and care. Sometimes, a healthcare provider does not suggest alternatives to curative efforts. It is then incumbent on you to raise the issue with your provider. Remember that anyone associated with your care may be helpful in this case. If you are more comfortable discussing these issues with a nurse, a nurse's aide, or a physician's assistant than with your physician, start there and ask them to help.







## LOOKING AT HOSPICE OPTIONS

There are four basic care options to consider if you or a loved one is facing a diagnosis that has a poor prognosis. **Spiritual, cultural, social and economic** diversity may influence your thinking and preferences. Yet often, it is a lack of information that precludes an informed conversation and decision. Understanding options informs both a conversation and a decision, whether you decide to:

### Continue efforts to cure.

Some people do not want to stop attempts to cure or treat an illness or condition until death occurs, although there is a chance that such attempts may become emotionally and financially stressful and physically intolerable. At some point in the course of illness, curative treatment may need to come to a halt because the person cannot physically withstand, for example, additional surgery or chemotherapy.

### Receive palliative care alongside of curative care or receive palliative care alone.

Palliative care, or pain and symptom management and relief, can be administered in conjunction with curative treatment if palliative care expertise is available in your area. This may be a good option for individuals uncertain of prognosis or not ready or willing to stop curative efforts. Some people may need or opt for palliative care early in their illness while they are receiving curative treatment and move later into hospice care.

In fact, hospice clinicians are expert palliative care providers and many hospices now offer palliative care services that are distinct from their hospice services. Palliative care may also be provided if curative efforts stop, and it may be administered in an outpatient or inpatient basis, including at a patient's residence.

### Choose hospice care, opting for comfort measures that support both you and your family.

Hospice care provides care to the patient and the entire family unit. With a hospice, curative attempts are replaced by palliative care to eliminate or greatly reduce pain and symptoms associated with the illness. Hospices also provide supplies and equipment (such as a hospital bed or oxygen), seeking to improve the quality of life of the patient while also supporting the family helping to care for the patient. Most hospice care is provided at a person's residence, which is broadly defined. Hospice care offers its range of services for a variety of illnesses and conditions through a team approach, offering a package that is physically, psychologically, socially and spiritually supportive. Patients and families can choose to use some or all of the services offered.

**Hospices also offer bereavement counseling to family members for at least a year following a death. Studies have shown that in some cases, hospice care can extend a person's life expectancy.**

At the present time, curative treatment cannot be provided with hospice care, but the federal government is running trial programs to test the idea. Hospice Foundation of America (HFA) supports this effort.

#### **Speaking with loved ones.**

Discussing a care path or a change in the goal for care may be difficult for family members and close friends. Unless they have had a previous experience with someone living with an advanced, progressive illness, they may be frightened, stressed and exhausted. Your family and friends may not be familiar with the hospice and all that it can do for both the patient and the caregiver(s). Hospice professionals are experienced in dealing with such circumstances and can help facilitate such discussion. It is better to initiate such discussions as soon as possible. The most common comment that HFA hears from patients and families is that they wish they had experienced hospice care earlier in the illness.



## **DISPELLING SOME HOSPICE MYTHS**

### **MYTH**

**A hospice is giving up.**

---

### **TRUTH**

A hospice is medical care toward the goal of comfort and dignity for someone whose life is drawing to a close. It is, in fact, the “something more” for someone who has been told nothing more can be done for them.

### **MYTH**

**A hospice is only for cancer patients.**

---

### **TRUTH**

Not anymore. When hospices began in the U.S. in the mid-1970s, most hospice patients had cancer. Today, while many hospice patients have cancer, the majority have other life-limiting illnesses such as end-stage heart, lung or kidney disease, or Alzheimer’s and other dementias.

### **MYTH**

**A hospice is where you go to die.**

---

### **TRUTH**

The vast majority of hospice patients receive care in whatever setting they call ‘home’ - which includes private residences, assisted living communities, hospitals and long-term care facilities. In some instances hospice is a ‘place’ for people whose pain cannot be adequately managed in their home setting.

### **MYTH**

**Going in to a hospice means I’m going to die soon.**

---

### **TRUTH**

Studies show exactly the opposite. Although hospice care neither hastens death nor prolongs life, patients with certain illnesses actually live somewhat longer with hospice care than those with the same illness who don’t choose hospice care. And regardless of the illness, patient/family satisfaction with services received are consistently higher when a hospice is involved.



**MYTH**

**You can't keep your own doctor if you enter a hospice program.**

---

**TRUTH**

Your family doctor or specialist is encouraged to remain engaged in your care. The hospice physician works closely with your doctor - who knows you better (medically) than anyone else - to determine the specific medical needs that will be addressed in your individual plan of care.

**MYTH**

**It is the doctor's responsibility to bring up hospice.**

---

**TRUTH**

While it is the physician's responsibility to determine whether a patient meets the medical eligibility criteria to receive hospice services, it is appropriate for the patient (or caregiver) to initiate the discussion if they choose. Since hospices consistently hear from their patients/families that they wish they had gotten hospice care sooner, it is a good idea to let the physician know **AT THE TIME OF DIAGNOSIS** that you are open to discussing hospice care at the appropriate time.

**MYTH**

**Once you choose hospice care there is no turning back.**

---

**TRUTH**

You are free to leave a hospice program at any time for any reason without penalty. You can re-enroll in a hospice program any time that you meet the medical eligibility criteria.

**MYTH**

**If you choose hospice care you won't get other medical care.**

---

**TRUTH**

While the hospice team will provide all aspects of care for the illness that qualifies you for hospice services, you are still free to seek treatment for unrelated illnesses or conditions. For example, if you are receiving hospice care for heart disease, you can still get treatment for a broken bone.

**MYTH**

**Hospice requires a DNR (Do Not Resuscitate) order.**

---

**TRUTH**

The purpose and benefit of hospice care is to allow for a peaceful passing in a comfortable and familiar setting like home with loved ones near. While many people wish to have a DNR to avoid unnecessary medical intervention and hospitalization, you are not required to have a DNR to receive hospice care.

**MYTH**

**All hospices are the same.**

---

**TRUTH**

There are thousands of hospices in the United States. If they participate with Medicare, as most do, they are required to provide certain services to the patient and documentation to the government. In that respect, they are the same. However, hospices may be non-profit or for-profit; they may be community-based or serve many communities, cities or states from a central location; they may be independent or part of another organization such as a hospital, health system or private company. The point is that all hospices (that participate with Medicare) meet the same basic requirements although there are likely differences from one provider to the next.

**MYTH**

**Disabled people can't receive hospice care.**

---

**TRUTH**

Individuals with Intellectual and Developmental Disabilities (I/DD) live much longer today and generally die of the same illnesses and conditions present in the general population. While state and local regulations may be barriers in some locations, the same hospice care provided to any patient/family is generally available to those with I/DD, whether in a group home or another residential setting, and can include support for direct care staff. Also, it is important to recognize and respect that many individuals with I/DD have the capacity to participate in decisions about their end-of-life care, whether through an advance directive or in conversation.

### How is a Probate Started in Texas?

Although any beneficiary or creditor can initiate probate, normally the person named in the Will as the Executor starts the process by filing the original Will with the court and filing an application with the probate court. If there is no Will, typically a close relative of the decedent who expects to inherit from the estate will file the Petition. This is normally the surviving spouse, a child, parent, or sibling.

### How is the Executor Chosen?

If the decedent had a Will, the person named in the Will as the Executor will serve, if eligible. If that person is unable or unwilling to serve as Executor, or if there is no Will, then any interested family member or person can petition the Court to be the administrator of the estate.

### How is Distribution of the Estate Handled if there is no Will?

If there is no Will or trust, the estate will be distributed according to Texas Estates Code rules of intestacy, which state that a person's estate will be distributed in the following order: 1. Spouse 2. Children 3. Parents (if you have no children) 4. Siblings (if you have no children or parents).

### How Long Does Probate Take?

The length of time of a probate will depend on several factors. It usually takes a minimum of 3 months and can take up to two years or even longer for complex cases.

### How Much Does Probate Cost?

Probate fees are different depending on a variety of factors. However, at our firm, generally there is a flat fee option if there is a Will or the estate is simple enough for a small estate affidavit or so other probate alternative.

### Getting Help: Choosing the Right Attorney for Your Probate Case

The best way to ensure your probate is done right is to choose your attorney wisely. Do not assume that all attorneys are the same! Too many lawyers only "dabble" in probate or trusts. Don't choose a lawyer who does probate as a sideline because these lawyers often blunder causing real problems for their client and their cases often take longer than those handled by experienced probate lawyers.

You don't have to use the attorney who prepared the Will either! Just because a particular attorney prepared the Will, this does not mean that attorney must handle the probate, nor are they necessarily the right person for the job. You need to be comfortable with the attorney and confident that they are the right attorney for you. Choosing your probate or trust lawyer is one of the most important decisions you will make. If you put in the time and effort to find the right lawyer, you will be rewarded with a skillful guide who will help you navigate the probate process.



## Joel Norris

Board Certified in Estate Planning and Probate Law  
Managing Attorney

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Email: joel@norriskgolubovic.com | Website: www.norriskgolubovic.com





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### ***Insurance Policy Information***

Each company requires a certified copy of the death certificate when application is made for life insurance benefits.

#### ***Life Insurance***

Company	Location	Policy No.	Amount
Agent	Phone Number	Primary Beneficiary	
Company	Location	Policy No.	Amount
Agent	Phone Number	Primary Beneficiary	
Company	Location	Policy No.	Amount
Agent	Phone Number	Primary Beneficiary	

#### ***Accident and Health Insurance***

Company	Location	Policy No.	Covered
Agent	Phone Number	Primary Beneficiary	
Company	Location	Policy No.	Covered
Agent	Phone Number	Primary Beneficiary	
Company	Location	Policy No.	Covered
Agent	Phone Number	Primary Beneficiary	

#### ***Property Insurance***

Company	Location	Policy No.	Property Covered
Agent	Phone Number	Primary Beneficiary	
Company	Location	Policy No.	Property Covered
Agent	Phone Number	Primary Beneficiary	



### ***Vital Information***

Name: \_\_\_\_\_  
First Middle Initial Last

Social Security: \_\_\_\_\_

#### ***Please State Location of***

Birth Certificate: \_\_\_\_\_ Marriage License: \_\_\_\_\_

Children's Birth Certificate: \_\_\_\_\_ Will: \_\_\_\_\_

Military Discharge: \_\_\_\_\_ Stocks and Bonds: \_\_\_\_\_

Mortgage: \_\_\_\_\_ Deeds or Notes: \_\_\_\_\_

Automobile Titles: \_\_\_\_\_ Income Tax Returns: \_\_\_\_\_

Valuables: \_\_\_\_\_ Other: \_\_\_\_\_

Safety Deposit Box: Bank: \_\_\_\_\_ Number: \_\_\_\_\_ Key: \_\_\_\_\_

#### ***Banking and Investment Information***

Type of Account: \_\_\_\_\_ Account No.: \_\_\_\_\_ Bank: \_\_\_\_\_

Type of Account: \_\_\_\_\_ Account No.: \_\_\_\_\_ Bank: \_\_\_\_\_

Type of Account: \_\_\_\_\_ Account No.: \_\_\_\_\_ Bank: \_\_\_\_\_

Investments: \_\_\_\_\_ Certificate No.: \_\_\_\_\_ Location: \_\_\_\_\_

Investments: \_\_\_\_\_ Certificate No.: \_\_\_\_\_ Location: \_\_\_\_\_

Investments: \_\_\_\_\_ Certificate No.: \_\_\_\_\_ Location: \_\_\_\_\_

#### ***Charge Accounts and Credit Cards (List company, account number and phone number)***

1. \_\_\_\_\_ 4. \_\_\_\_\_

2. \_\_\_\_\_ 5. \_\_\_\_\_

3. \_\_\_\_\_ 6. \_\_\_\_\_

#### ***Real Estate Owned***

Location: \_\_\_\_\_ Mortgagee: \_\_\_\_\_

Location: \_\_\_\_\_ Mortgagee: \_\_\_\_\_

#### ***List of Valuable Personal Effects***

Item: \_\_\_\_\_ Location: \_\_\_\_\_ Designated Person: \_\_\_\_\_

Item: \_\_\_\_\_ Location: \_\_\_\_\_ Designated Person: \_\_\_\_\_

Item: \_\_\_\_\_ Location: \_\_\_\_\_ Designated Person: \_\_\_\_\_

### Personal Statistics

Name: \_\_\_\_\_  
First Middle Initial Last

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Years at Present Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Citizen Of: \_\_\_\_\_

Naturalization No. (if not born in U.S.): \_\_\_\_\_

Name of Father: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Name of Mother: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Marital Status: ☐ Married ☐ Divorced ☐ Widowed ☐ Single

Schools Attended: { \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Degree: \_\_\_\_\_  
\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Degree: \_\_\_\_\_  
\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Degree: \_\_\_\_\_

Fraternities of Honor Societies: { \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Position Held: \_\_\_\_\_  
\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Position Held: \_\_\_\_\_

Civic or Public Offices Held: { \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Where: \_\_\_\_\_  
\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Where: \_\_\_\_\_  
\_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_ Where: \_\_\_\_\_

Organization Affiliations: { \_\_\_\_\_ Office Held: \_\_\_\_\_ Benefits Due: ☐ Yes ☐ No  
\_\_\_\_\_ Office Held: \_\_\_\_\_ Benefits Due: ☐ Yes ☐ No  
\_\_\_\_\_ Office Held: \_\_\_\_\_ Benefits Due: ☐ Yes ☐ No

Professional Statistics: { Company: \_\_\_\_\_ Job Title: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
Company: \_\_\_\_\_ Job Title: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
Company: \_\_\_\_\_ Job Title: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

Professional Achievements: { \_\_\_\_\_  
\_\_\_\_\_

Military Statistics: Branch: \_\_\_\_\_ Serial No.: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

Theater of Service: \_\_\_\_\_ Grade, Rank, Rating: \_\_\_\_\_

Citations, Recognition, Awards: \_\_\_\_\_

Name of Veteran's Organizations: \_\_\_\_\_



## ***Family Registry***

### ***Registry of Children***

Given Name	Address	Date of Birth	Place of Birth

### ***Registry of Brothers and Sisters***

Given Name	Address	Date of Birth	Place of Birth

### ***Other Friends and Advisors***

Name	Relationship	Address/Phone No.

### ***Deceased Members of the Family***

Name	Relationship	Date of Passing	Cemetery

# DISCUSSING AND DEFINING PALLIATIVE CARE

Palliative care aims to control pain and manage symptoms. In the context of hospice, palliative care focuses on quality of life rather than curing disease. All hospice care is palliative, but not all palliative care includes a hospice.

**P**ain during terminal illness can be physical, emotional, and/or spiritual in nature and origin. In a hospice, palliative care aims to relieve suffering by managing physical symptoms such as nausea, shortness of breath and constipation that may be caused by the illness or result from side-effects of medication. Hospice-based palliative care also addresses other issues such as anxiety, insomnia or depression. Some hospices offer complementary therapies such as healing touch, meditation, aroma therapy, music therapy and pet therapy. Non-denominational, non-judgmental hospice chaplains offer opportunity for spiritual exploration and discussion.

Many hospice physicians, nurses, social workers, and home health aides have advanced training and specialized certifications in the provision of palliative care.

## **PALLIATIVE CARE WITHOUT A HOSPICE**

Palliative care outside of hospice may be used during any point in the illness. Patients may receive palliative care while they receive treatment aimed at curing or slowing the progression of their disease. Sometimes such treatments (e.g. chemotherapy, radiation, etc.) can be better tolerated with the help of palliative care, making it a good option for people who are not in the final stages of illness but who desire expert pain management.

Although transitioning to a hospice program is not mandatory, many patients elect to do so to access the additional practical, spiritual and psycho-social support offered in hospice care.

## **ACCESSING PALLIATIVE CARE**

When someone enrolls in a hospice, they automatically receive palliative care. But if you think you might benefit from palliative care outside of a hospice program, ask your physician, nurse practitioner, or physician's assistant for a referral to a palliative care provider. Many hospitals now offer palliative care services, and many hospices have palliative care groups that operate separately from their hospice services.



## HOW TO ACCESS CARE

Many individuals and families could benefit from hospice care but are unaware of how to access hospice services. Some are afraid to discuss it, some wait for a physician to suggest it, and some don't know that they can initiate hospice care on their own, as long as eligibility standards are met. It's important to remember that a hospice does not extend or shorten life expectancy, but seeks to improve the quality of time that is left. If you can, it's important to let healthcare providers know early on in a life-limiting illness if you or your loved one would want hospice care when and if it makes sense. If you think a hospice may be the right choice at this time, here's how to proceed:

### STEP 1

Discuss the option of a hospice with a healthcare provider and ask whether you or your loved one is hospice-eligible. Generally speaking, it's time to consider a hospice when you or your loved one has a serious, incurable illness or condition that no longer responds to treatment aimed at cure. It may also be time if you, your friend or your family member with a life-limiting illness refuses or discontinues treatment because treatment is physically incapacitating, intolerably debilitating, or ineffective. In cases of Alzheimer's disease or dementia, hospice care is appropriate at the end stage of the disease process.

### STEP 2

If your physician agrees that hospice medical eligibility requirements have been met for the illness or condition and hospice care would be beneficial, ask the physician to recommend a hospice provider or several hospices with whom you can meet to discuss care. You may also want to ask family, friends or anyone whose opinion you respect about their experience with a local hospice provider. If your physician does not agree that a hospice is the right choice at this time (or ever), you can contact a local hospice directly for help with a referral.

### STEP 3

Request a no-cost, no-obligation visit by the hospice provider(s) you are considering. The hospice(s) will send a clinician to the home, hospital, assisted living facility or nursing home to make a clinical assessment and to answer questions. Usually, staff at a hospital, physician's office, assisted living facility or nursing home can help set up the appointment with a hospice representative. During the assessment visit with the hospice representative, the individual needing care or someone legally authorized to act on their behalf can choose to proceed with admission into the hospice program.

### STEP 4

Hospice care and services can begin as soon as the patient's consent form and other required documents are signed. At that point, any necessary medical equipment will be discussed and arrangements will be made to have items such as a hospital bed, oxygen, and other supplies delivered. The hospice may also make arrangements to transport the individual from the hospital to home or another setting. An initial meeting at the place of residence will be arranged where a comprehensive care plan is developed by the hospice team. Such a meeting may include discussion of caregiving responsibilities by family and friends, pain control approaches if necessary, and any dietary concerns.

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# The probate process: What to expect

Probate is a court proceeding in which a deceased individual's property is transferred to the beneficiaries identified in his or her will or to the heir(s) if the individual died without a will.

Some types of property (sometimes called non-probate assets) pass automatically to specific beneficiaries without a court's involvement. Examples of non-probate assets include transfer on death accounts, 401(k)s, IRAs, and insurance policies and annuities for which beneficiaries were designated by the deceased person. In addition, assets that are titled to pass to a joint owner "with rights of survivorship" are non-probate assets.

If the deceased loved one owned property that is not legally designated to pass to designated beneficiaries or surviving joint owners, then such property must be "probated." The property is probated regardless of whether there is a will. In general, the purpose of probate is for the court to ensure the deceased person's debts are paid, and the assets are re-registered with the clear title to the new owner(s).

## Overview of the probate process

1. If the deceased person left a will, then the original is filed with the probate court in the county where the deceased person was a resident at time of death.
2. An attorney prepares a petition to the court so that the court can determine whether to admit the will to probate.
3. Notice of the probate proceeding is sent to all of the deceased person's heirs-at-law and to the named beneficiaries under the will, if there is one. This is done to ensure that everyone who might have an interest in the estate knows about the court proceedings.
4. The court appoints a fiduciary for the estate (i.e., an executor, personal representative or administrator). The court may require the appointed fiduciary to post a bond.

5. The appointed fiduciary must collect and "inventory" information about the deceased person's assets and debts.
6. The fiduciary will manage the property of the estate, determine its liabilities and pay the debts of the deceased person and his or her estate. The court may require that the fiduciary file reports about the estate to the probate court. Depending on the circumstances surrounding the probate proceedings, the fiduciary may need the court's approval before making distributions from the estate.
7. The fiduciary is responsible for filing the final income tax return of the deceased person. In addition, the fiduciary may be required to file income, inheritance and/or estate tax returns on behalf of the probate estate.
8. The fiduciary will make distributions to the beneficiaries under the will (if there is one) or to the deceased person's heirs-at-law (if there is no will). This is typically done after all debts and taxes are paid.
9. After obtaining certain documentation from the fiduciary, the court may close the estate and relieve the fiduciary of his or her position.

## Understand and meet probate requirements

Probate can be a cumbersome, costly and time-consuming process. We understand that there are legal documents necessary to re-register assets under each state's requirements. Edward Jones can provide assistance as you work through this process with your attorney and tax professional.

Edward Jones, its employees and financial advisors are not estate planners and do not provide tax or legal advice. The information and services described in this document do not constitute legal advice. Such information is offered to provide the reader with general information about available resources. You should consult a qualified legal or tax professional for specific recommendations.



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# MEDICARE AND MEDICAID: PAYING FOR CARE

Most hospice patients are eligible for Medicare, which covers all aspects of hospice care and services. There is no deductible for hospice services although there may be a very small co-payment for prescriptions and for respite care. In most states, Medicaid offers similar coverage.



**I**t is important to note that Original Medicare covers a hospice even if you're in a Medicare Advantage Plan. Many health insurance plans you obtain privately, such as the kind provided by an employer, offer a hospice benefit but the extent to which they cover hospice care and services may differ from Medicare as well as from one another. Military families have hospice coverage through Tricare and hospices will accept private payment, referred to as "self-pay."

## CHARITY CARE

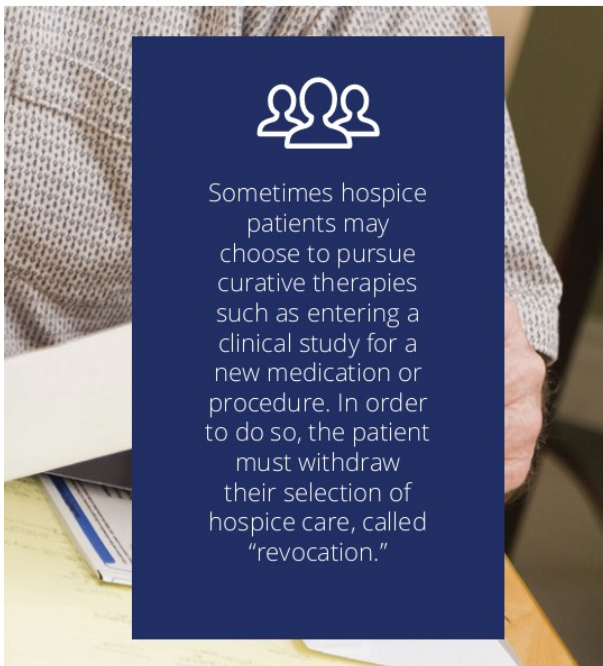
Sometimes a person who needs a hospice has no way to pay for it. Fortunately, many hospices have some mechanism by which they can provide services to people who are medically eligible but have neither insurance nor the resources to pay for their care.



## EXTENSIONS, DISCHARGE AND REVOCATION

Hospice care is given in benefit periods. You can get hospice care for two 90 day periods followed by an unlimited number of 60 day periods. Although medical eligibility generally relies on the physician's opinion that the patient's life expectancy is six months or less, neither the patient nor the physician is penalized if the patient lives longer than six months. The patient can be re-certified for as long as he/she continues to be medically eligible.

Sometimes with hospice care, a patient's condition stabilizes or may even improve sufficiently so that they no longer meet medical eligibility for hospice services. At such time, the patient is "discharged" from the hospice program and their Medicare benefits revert to the coverage they had before electing hospice care.



Sometimes hospice patients may choose to pursue curative therapies such as entering a clinical study for a new medication or procedure. In order to do so, the patient must withdraw their selection of hospice care, called "revocation."



Patients who are discharged as well as any who choose to leave hospice care can re-enroll without penalty at any time they meet the medical eligibility criteria.

## YOU CAN ALWAYS ASK

If you have any questions about costs, coverage, out-of-pocket expenses, most hospices have someone on staff who can help you understand coverage provided by whatever insurance you have. They also can help arrange for charity care, if available.

# HOUSTON AREA **FUNERAL** SERVICES

## TOPICS AT A GLANCE:

- ✓ THINGS TO CONSIDER: SELECTING A FUNERAL HOME
- ✓ FREQUENTLY ASKED QUESTIONS: FUNERAL PROCESS
  - ✓ TFDA LOCAL FUNERAL HOMES
- ✓ A DEATH HAS OCCURRED: WHAT TO DO FIRST
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Since 1886, the Texas Funeral Directors Association (TFDA) has provided education and support to members of the funeral service profession across the Lone Star State as they serve their neighbors and communities during one of life's most difficult times.

Continuing this proud tradition, the duly licensed funeral directors in your community have answered a unique calling to selflessly serve humanity with unbounded compassion every day of the week, year in and year out.

As Executive Director of TFDA, it is my honor to represent the outstanding men and women of funeral service in Texas, the essential workers and front-line responders who personally sacrifice to serve families in times of peace, natural and man-made disasters and in the trying times of pandemics.

In this End of Life Guide, you will find the names of licensed funeral directors in your area -- all TFDA members -- who are sworn to uphold the TFDA Code of Ethics in their practice of their profession.

As you may know, funeral directors stand ready as team members with hospice, medical personnel, clergy and families to make the difficult journey through loss easier, less confusing and comforting for the family.

Every day of the year, including holidays, our TFDA members help families celebrate the lives of loved ones, while meeting licensing and college and continuing education requirements, guided by strict laws and regulations from the Texas Funeral Service Commission, iron-clad rules and regulations from the Federal Trade Commission and other agencies as well as strong network of professional colleagues.

I welcome you to use this guide as an educational resource to enable you to make informed and important decisions for family or friends.

I also encourage you to call on your local funeral director, my office and/or the Texas Funeral Service Commission if you should have any questions.

*Harvey Hilderbran*  
**Executive Director**  
**Texas Funeral Directors Association**



# THINGS TO CONSIDER: SELECTING A FUNERAL HOME

Funeral homes and cremation services offer many different options to choose from. Their professional experience and training have prepared them to help, to reassure, and to understand when a family faces the loss of a loved one. They are here to replace confusion with calm, doubts with certainty, and questions with answers.



## CONSIDER THE SERVICES OFFERED

### DIRECT CREMATION

#### NOTE:



This simply means that an immediate cremation is conducted with no service, and minimal services and intervention by a funeral home. The deceased is generally collected and transferred to the crematory.

### IMMEDIATE BURIAL

#### NOTE:



Immediate burial does not include a grave space, opening and closing the grave, a grave liner (if desired by the family or required by the cemetery), or any type of grave marker. Immediate burial is usually done within 48 hours of death.



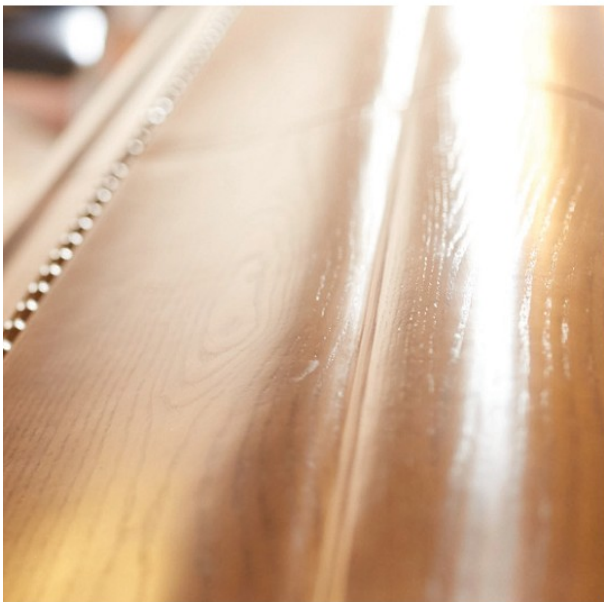
Celebrating the life of a loved one with a lasting impression of their memory is an excellent way to honor them with the respect and dignity they deserve. The goods and services offered by each funeral home or cremation service should only be those they can provide to customers. You may choose any of the items you or your loved one desires. However, any funeral arrangements you select will usually include a charge for their basic services and overheads where applicable. If legal or other requirements mean you must buy any items you did not specifically ask for, they should explain the reason in writing on the statement they provide describing the funeral goods and services you selected.

Become an informed consumer now and discuss various disposition options with your family and close friends so they will be prepared to follow your wishes.



### BEING A MEMBER OF THE TFDA IS IMPORTANT

Choosing a funeral home that is a member of the TFDA represents a commitment to professionalism and the highest of standards. When thinking about end of life arrangements, you want to rest assured that the funeral home you choose are going to offer you the highest level of service, compassion and respect. Our members are committed to excelling in their profession through a dedication to learning and continually improving their practice. Choose a TFDA member funeral home with confidence.



### THE FUNERAL SERVICE

#### NOTE:



The full non-declinable fee for the basic services of the funeral director and staff, include costs of overheads, transport, visitation but very rarely includes the cost of a casket, plot or marker or opening and closing of a grave etc.

### CASKET SELECTION

#### NOTE:



Casket prices can vary between funeral homes and are available in many different materials and gauges from 16 and 18 up to 20-gauge (usually with or without a casket).

# FREQUENTLY ASKED QUESTIONS: FUNERAL PROCESS

## **What purpose does a funeral serve?**

It is the customary way to recognize death and its finality. Funerals are recognized rituals for the living to show respect for the dead and to help survivors begin the grief process.

## **What do funeral directors do?**

Funeral directors are caregivers and administrators. They make the arrangements for transportation of the body, complete all necessary paperwork, and implement the choices made by the family regarding the funeral and final disposition of the body.

Funeral directors are listeners, advisors and supporters. They have experience assisting the bereaved in coping with death. Funeral directors are trained to answer questions about grief, recognize when a person is having difficulty coping, and recommend sources of professional help. Funeral directors also link survivors with support groups at the funeral home or in the community.

## **Do you have to have a funeral director to bury the dead?**

Texas state law does not prevent a family from burying a member of the family without using a licensed funeral director. However, most places where people die, such as a hospital, hospice, nursing home or other legitimate facility will not release a body to anyone other than a licensed funeral director or someone representing a licensed establishment.

Also, most people find it very trying to be solely responsible for arranging the details and legal matters surrounding a death.

## **Why have a public viewing?**

Viewing is part of many cultural and ethnic traditions. Many grief specialists believe that viewing aids the grief process by helping the bereaved recognize the reality of death. Viewing is encouraged for children, as long as the process is explained and the activity voluntary.

## **What is the purpose of embalming?**

Embalming sanitizes and preserves the body, retards the decomposition process, and enhances the appearance of a body disfigured by traumatic death or illness.

Embalming makes it possible to lengthen the time between death and the final disposition, thus allowing family members time to arrange and participate in the type of service most comforting to them.

## **Does a dead body have to be embalmed, according to law?**

No, embalming is not required by state law, unless the body is held in any place or in transit for more than 24 hours and not refrigerated at a temperature within the range of 34°F - 40°F.

Most funeral establishments will require that the body of a deceased person be embalmed if the family chooses a service or ceremony that includes visitation or an open casket.

Most states require embalming when death was caused by a reportable contagious disease. Some states require embalming when remains are to be transported from one state to another by common carrier.



**Isn't burial space becoming scarce?**

While it is true some metropolitan areas have limited available cemetery space, in most areas of the country, there is enough space set aside for the next 50 years without creating new cemeteries. In addition, land available for new cemeteries is more than adequate, especially with the increase in entombment and multi-level grave burial.

**Is cremation a substitute for a funeral?**

No, cremation is an alternative to earth burial or entombment for the body's final disposition and often follows a traditional funeral service. Texas law prohibits cremating any dead human body within 48 hours after death. The County Medical Examiner or Justice of the Peace may waive this time requirement.

**Is cremation as a means of disposition increasing?**

Yes. The latest statistics available from the Cremation Association of North America (CANA) show that cremations nationally increased from 19.2% of all deaths in 1995 to 34.34% in 2007. Cremation rates in Texas and other southern states tend to be lower than the national average.

**How can cremated remains be disposed of or kept?**

Cremated remains pose no health hazard and may be scattered in any place that such activity is not otherwise forbidden by local ordinances or Texas law. Most cemeteries provide columbariums with niches or the container can be interred in a grave site. Urns can be purchased to keep the remains of a loved one at home.

New ways of disposing of or keeping cremated remains are being developed all the time. Check with your funeral director or the internet to discover the various possibilities.

**Why are funerals so expensive?**

When compared to other major life cycle events, like births and weddings, funerals are not expensive. A wedding costs at least three times as much; but because it is a happy event, wedding costs are rarely criticized. A funeral home is a 24-hour, labor-intensive business, with extensive facilities (viewing rooms, chapels, limousines, hearses, etc.), these expenses must be factored into the cost of a funeral.

Moreover, the cost of a funeral includes not only merchandise, like caskets, but the services of a funeral director in making arrangements; filing appropriate forms; dealing with doctors, ministers, florists, newspapers and others; and seeing to all the necessary details.

**What recourse does a consumer have for poor service or overcharging?**

Funeral service is regulated by the FTC and, in Texas, by the Texas Funeral Service Commission. In most cases, the consumer should discuss problems with the funeral director first. If the dispute cannot be solved by talking with the funeral director, the consumer may wish to contact the Funeral Service Commission at 888-667-4881 or visit their website.

**Who pays for funerals for the indigent?**

Other than the family, there are veteran, union, and other organizational benefits to pay for funerals, including, in certain instances, a lump sum death payment from Social Security. In most states, some form of public aid allowances are available from either the state, county, or city or a combination.

Most funeral directors are aware of the various benefits and know how to obtain them for the indigent. However, funeral directors often absorb costs above and beyond what is provided by agencies to insure the deceased a respectable burial. It is best to contact the funeral home of your choice and ask them to assist you in obtaining benefits from various agencies.

# TFDA LOCAL FUNERAL HOMES:

## **Advantage Funeral & Cremation Service**

713-662-2030  
7010 Chetwood, Houston 77081

## **American Heritage Funeral Home**

281-445-0050  
10710 Veterans Memorial Dr, Houston 77038

## **Bill Clair Family Mortuary**

713-522-9030  
2603 Southmore Blvd. Houston 77004

## **Bradshaw-Carter Memorial & Funeral Services**

713-521-0066  
1734 W. Alabama Street, Houston 77098

## **Brookside Funeral Home**

281-449-6511  
13747 Eastex Freeway, Houston 77039

## **Brookside Funeral Home - Champions**

281-397-0800  
3410 F.M. 1960, West Houston 77068

## **Brookside Funeral Home - Cypress Creek**

281-345-6061  
9149 Highway 6, North Houston 77095

## **Calvary Hill Funeral Home**

281-443-3340  
21723 Aldine - Westfield Rd. Humble 77338

## **Carl Barnes Funeral Home**

713-869-4529  
746 W. 22nd, Houston 77008

## **Carnes Funeral Home - South Houston**

713-943-2500  
1102 Indiana St, South Houston, Texas 77587

## **Chapel of Eternal Peace at Forest Park**

281-531-8180  
2454 South Dairy Ashford Rd, Houston 77016

## **Compean Funeral Home**

713-924-6900  
2102 Broadway Street, Houston 77012

## **Crespo Funeral Home**

713-225-9567  
2516 Navigation Blvd., Houston 77003

## **Crespo Funeral Home**

713-644-3831  
4136 Broadway, Houston 77087

## **Cristo Rey Funeral Home**

713-237-1777  
235 N. Sampson, Houston 77003

## **Crowder Family Funeral Home**

281-412-3000  
2422 Broadway, Pearland 77581

## **Crowder Funeral Home**

281-280-9000  
111 East Medical Center Blvd., Webster 77598

## **Cypress Fairbanks Funeral Home**

281-897-9823  
9926 Jones Rd., Houston 77065

## **Dettling Funeral Home**

281-497-2121  
14094 Memorial Drive, Houston 77079

## **Earthman Bellaire Funeral Directors**

713-667-6505  
4525 Bissonet St, Bellaire 77401

## **Earthman Funeral Directors - Hunters Creek**

713-465-8900  
8303 Katy Freeway, Houston 77024

## **Earthman Resthaven Funeral Directors**

281-443-0063  
13102 North Freeway, Houston 77060

## **Earthman Southwest Funeral Home**

281-240-3300  
12555 South Kirkwood, Stafford 77477

## **Felix H. Morales Funeral Home**

713-223-1167  
2901 Canal Street, Houston 77003

## **Forest Park Lawndale Funeral Home and Cemetery**

713-928-5141  
6900 Lawndale Avenue, Houston 77023

## **Forest Park Westheimer Funeral Home**

281-497-2330  
12800 Westheimer Rd., Houston 77077

## **Funeraria del Angel**

713-695-6881  
5100 North Freeway, Houston 77022

## **Funeraria del Angel**

713-589-1599  
901 Main Street, Pasadena 77506

## **Garden Oaks Funeral Home**

281-530-5400  
13430 Bellaire Blvd., Houston 77083

## **Garmany & Carden Funeral Directors., Inc.**

281-342-4671  
1201 4th St, Rosenberg 77471

## **Geo. H. Lewis & Sons**

713-789-3005  
1010 Bering Drive, Houston 77057

## **Grand View Funeral Home**

281-479-6076  
8501 Spencer Highway, Pasadena 77505



**Heights Funeral Home**

713-862-8844  
1317 Heights Blvd., Houston 77008

**Jeter Memorial Funeral Home**

281-992-7200  
311 N Friendswood Dr, Friendswood 77549

**Joseph J. Earthman Generations LLC**

713-802-0000  
234 Westcott Street, Houston 77007

**Katy Funeral Home**

281-395-7070  
23350 Kingsland Blvd., Katy 77494

**Levy Funeral Directors**

713-660-6633  
4539 Bissonnet, Bellaire 77401

**Lockwood Funeral Home**

713-633-1421  
9402 Lockwood, Houston 77016

**McCoy & Harrison Funeral Home, Inc.**

713-659-7618  
4918 Martin Luther King Blvd, Houston 77221

**Memorial Oaks Funeral Home**

281-497-2210  
13001 Katy Freeway, Houston 77079

**National Cremation Society**

281-855-4400  
5400 Highway 6 North, Houston 77084

**Neptune Society**

713-766-6104  
2901 West Loop South, Suite 102, Houston 77027

**Paradise Funeral Home**

281-445-1201  
10401 West Montgomery Road, Houston 77088

**Pasadena Funeral Chapel**

713-473-6206  
2203 Pasadena Blvd., Pasadena 77502

**Pat H. Foley Funeral Directors**

713-869-6261  
1200 W. 34th Street, Houston 77018

**Rosewood Funeral Home - Humble**

281-441-2171  
2602 S. Houston Ave., Humble 77396

**Schmidt Funeral Home**

281-391-2424  
1344 W. Grand Parkway, Katy 77493

**Schmidt Funeral Home**

281-934-2424  
819 Waller Ave, Brookshire 77423

**South Houston Funeral Home**

713-947-7283  
1506 Houston Blvd., South Houston 77587

**The Settegast-Kopf Company at Sugar Creek**

281-565-5015  
15015 Southwest Freeway, Sugar Land 77478

**Troy B. Smith Professional Services**

713-734-8769  
9013 Scott Street, Houston 77051

**Twinwood Mortuary Service Inc**

713-526-1234  
4801 Alameda Road, Houston 77004

**Waltrip Funeral Directors**

713-465-2525  
1415 Campbell Road, Houston 77055

**Winford Funerals**

713-771-9999  
8514 Tybor Drive, Houston 77074

**Woodlawn Funeral Home, Inc.**

713-682-3663  
8010 Katy Freeway, Houston 77024



# A DEATH HAS OCCURRED: WHAT TO DO FIRST

When a death occurs, there are so many things to consider and decisions to make. These lists can help you navigate through them.



## 1. NOTIFY THESE PEOPLE AS SOON AS POSSIBLE



- ✓ Your doctor who may provide a medical certificate of death or request an autopsy to determine the cause of death.
- ✓ The funeral home to arrange for the transfer of the deceased (usually this can be done within 1-2 hours although it may take longer to obtain a release from the hospital) and set an appointment with you to make further arrangements.
- ✓ Relatives, executor/executrix and friends.
- ✓ Employers (the employer of the deceased and relatives who will need time off).
- ✓ Insurance agents (life, health and accident).
- ✓ Religious, fraternal, civic and veterans organizations and unions, if applicable.
- ✓ Lawyer, accountant and financial advisor.



## 2. SECURE THE VITAL STATISTICS OF THE DECEASED



- ✓ Full legal name - other names must be identified by "Also Known As" (AKA)
- ✓ Home address and telephone number
- ✓ Name of business or employer's name, address and telephone number
- ✓ Industry and occupation
- ✓ Military service serial number
- ✓ Date and place of birth/citizenship
- ✓ Father's name and birthplace, mother's name, maiden name, and birthplace
- ✓ Locate the will

## 3. MEET WITH YOUR CHOSEN FUNERAL HOME



- ✓ Clothing that the deceased will be buried or cremated in.
- ✓ Whether your loved one is to be buried, cremated, or entombed.
- ✓ The funeral director will ask if you have made any arrangements with a cemetery or crematorium. If you have not done this, you will need to visit the cemetery.
- ✓ Service details: Would you like a visitation period, formal service, a reception?
- ✓ Whether a member of the clergy will be engaged for the service.
- ✓ Casket selection, pallbearers, music, pictures, flowers, scripture or other readings.
- ✓ If you would like a charity to receive donations in lieu of flowers.

## 4. COLLECT THESE IMPORTANT DOCUMENTS



- ✓ Will
- ✓ Legal proof of age or birth certificate and social insurance number
- ✓ Marriage license, citizenship papers and any insurance policies
- ✓ Bank books, deeds and car ownership papers
- ✓ Income tax returns, receipts or canceled checks
- ✓ Military discharge papers



### ESTATE PLANNING

Estate planning is preparing for what all of us will one day face - our death or incapacity. Whether your estate is \$100 or \$100 million, you need to prepare for that day.

For most people, a proper estate plan consists of a will, statutory power of attorney, medical power of attorney, and directive to physicians. Other estates may need a trust or other document. Whatever your estate planning needs are, you should consult with a qualified attorney to put together a proper estate plan.

#### ESTATE PLANNING INCLUDES:

- Wills
- Medical Powers of Attorney
- Statutory Powers of Attorney
- Directives to Physicians
- Trusts
- Tax Planning
- Business Succession

### PROBATE

Probate is the legal process that takes place after someone passes away to allow an executor or administrator to handle that person's property.

Probate is pretty straightforward in Texas, especially compared to other states, and especially if the decedent has a valid will. But, you do need a capable attorney to guide you through the process, which can be very stressful for a client who is already grieving the loss of a loved one.

We would love to help you through the probate process and make it as painless as possible.

#### PROBATE LAW INCLUDES:

- Probating wills
- Heirships
- Small Estates
- Guardianships

*Andrew Dunham has been a licensed Texas attorney for ten years, and he lives in Rosenberg with his wife, Jennifer, and their two sons, Geoffrey and Joseph.*



Telephone: **281-769-1685**

Fax: **281-769-1692**

Email: [Andrew@DunhamProbateLaw.com](mailto:Andrew@DunhamProbateLaw.com)

Website: [DunhamProbateLaw.com](http://DunhamProbateLaw.com)



# PERSONALIZE THE FUNERAL: ARRANGEMENTS

Whether you're planning for yourself or for a loved one, the funeral service is one of the most important elements of a person's final arrangements.



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ith the opportunity for great personalization, the funeral service can truly reflect the uniqueness of the life it honors. At this time of planning, you should try to create a meaningful, affordable service that truly honors your loved one.

Regardless of whether you or your loved one have opted for burial or for cremation, the funeral or memorial service fills an important role. It can:

- ✓ Honor, recognize, and celebrate the life of the deceased.
- ✓ Allow friends and family to say their last goodbyes.
- ✓ Provide closure after the loss of a loved one.
- ✓ Allow friends to console the family of the loved one.
- ✓ Provide a meaningful religious experience.

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So what is a funeral? In general terms, a funeral is a gathering of family and friends after the death of a loved one that allows them the opportunity to mourn, support each other and pay tribute to the life of the deceased.

## BURIAL PLANS

When considering final arrangements for yourself or a loved one, one of the first decisions you might make is whether you prefer burial or cremation. This decision often influences other important considerations, such as elements of the funeral service and type of cemetery property.

## FUNERAL SERVICE

A formal or informal ceremony or ritual prior to burial, a funeral service often provides a sense of closure to family and friends. Although your faith or culture may dictate some elements of a funeral service, you may want to personalize other elements of the service. At a funeral service, a casket or urn is present, though you may choose to have the casket open or closed.

## VISITATION, WAKE OR VIEWING

Held the night before or immediately prior to the funeral service, the visitation - also called a wake or a viewing - provides a way for friends and acquaintances to pay respects and offer condolences to your family. As with the funeral service, you may want to decide if you want an open or closed casket should one be present.

## MEMORIAL OR TRIBUTE SERVICE

At a memorial or tribute service, a casket or urn is usually not present. Otherwise similar to a funeral or visitation, a memorial service gives family and friends a time to come together in your memory and celebrate your life.

## GRAVESIDE SERVICE

As its name implies, a graveside service may be held at the gravesite just prior to burial of a casket or urn, and usually consists of final remarks, prayers or memories. The service may occur after or in place of a funeral service. There's no one, right way to plan a funeral service, each funeral should be as unique and memorable as the life it honors. When planning your own funeral service in advance, think about the way you want to be remembered. Perhaps you'd like a traditional funeral aligned with certain religious or ethnic customs.

Or, a celebration focusing on great memories made with family and friends may be your preference. Maybe it's a combination of both. You can have one service, or several, to honor your life.

Regardless of the service or services you choose to include in your funeral plan, you can personalize them in almost any way imaginable. For example, just consider the following questions:

- Where should the funeral be held? At your place of worship? At the funeral home?
- Who should officiate the service? And will your service adhere to the traditions of your faith or culture?
- Do you want a eulogy, and who'll deliver it?
- Would you like an open or closed casket?
- What music should be played?
- What readings would you like to have?
- Is there a special poem you'd like shared with the guests?
- Are there any special photographs or other memorabilia you would like displayed?
- Should the décor reflect a particular hobby or interest, such as fishing, gardening or music?
- Is there a particular emblem or engraving you want on your headstone or marker?
- Should there be refreshments served or a more elaborate party held after the service?







*Patrice's Estate Sales*  
Family Owned

**Patrice's Estate Sales is a family run operation. We have over 20 years experience in the antique and resale business.**

We know the market and how to price your valuables and work with many collectors and dealers from the Houston and Galveston area to bring the best return for your estate.

Our services include setting up the sale, pricing all items and advertising the sale with signs, advertisement in local papers and email.

For a **free consultation** please call us on  
**713-384-8361**



## **FUNERAL FLOWERS**

As you make funeral arrangements, you can ensure flower arrangements honor, recognize, celebrate and reflect the life and personality of the deceased.

A funeral filled with fresh blossoms provides a dignified final tribute for a life well lived. At Scent & Violet, we understand what a hard time this is. Our floral professionals will gently walk you through the process to select something personal and poignant to express your emotions.

Learn more at  
**scentandviolet.com/funeralplanning**  
or call us at  
**(281) 761-6300**



We will always  
**HONOR AND REMEMBER**

## **REMEMBERING OUR FALLEN HEROES**

The Honor and Remember flag serves as a national symbol of the U.S. Armed Forces service men and women who've paid the ultimate price of their lives in the past two centuries.

We honor their selfless commitment by flying this flag with pride alongside the Stars & Stripes.

We will always honor their sacrifice and remember them by name.

**[www.honorandremember.org](http://www.honorandremember.org)**

## CEMETERY PROPERTY

In addition to funeral services and the choice of burial or cremation, cemetery property, or “interment rights,” is another consideration when you’re making final arrangements, either for yourself in advance, or for a loved one. A common misconception that people often have when they purchase the right of interment in a cemetery is that they have purchased the land itself, when in fact what they have really purchased is the right to be interred (also referred to as buried, entombed, enriched or placed) on or in that particular piece of property.

## BURIAL

Most people are familiar with the concept of burial, or “interment,” but may not be aware of the variety of options that are often available. Many cemeteries offer one or more of the following:

- **Ground Burial:** Burial of the casket below ground. A “vault” or “outer burial container” is required at many cemeteries.
- **Mausoleum, or Community Mausoleum:** A large building that provides above-ground entombments.
- **Private Family Mausoleum:** A small structure that provides above-ground entombment of, on average, two to twelve decedents.
- **Companion Crypt:** Permits two interments or entombments side-by-side.
- **Private Family Estate:** A small section of a cemetery, usually bordered by gates, shrubbery, or other dividers, that allows for ground burial of several members of the same family.

## HEADSTONES

Some cemeteries allow upright headstones, called “monuments,” to be used with ground burials. Headstones that are flat against the ground are called “markers.” In some cemeteries, or sections of cemeteries, only flat markers are used to preserve the natural appearance of the landscape.

## CREMATION

Many people overlook the importance of cemetery property for those who choose cremation, but permanent placement, or “final disposition,” of the ashes or “cremated remains” is an important part of final arrangements. Just consider:

- A permanent site gives loved ones a physical place for visitation and reflection.
- The ceremony accompanying the placement of an urn in a cremation niche or a cremation garden in a cemetery provides family and friends with closure after the loss of a loved one.
- When ashes of a loved one are kept with relatives, they can easily become misplaced or discarded through the years, as future generations may not feel a connection to the deceased.
- A permanent placement provides future generations with a location to visit when researching heritage.

Cremation is an alternative to earth burial or mausoleum entombment: It does not limit the funeral in any way. Should you choose cremation, you will still have the same options for memorialization that any other family has. Cremation can take place before or after the funeral service.

### Is embalming required by law within Texas?

Embalming is not mandatory; however, some circumstances may require it. If you prefer an open casket with a visitation prior to the service, embalming is highly recommended. Speak to your chosen funeral home about your embalming options.





## **CREMATION FAQs**

### **What is cremation?**

Cremation is a process of reducing the body to bone fragments by applying intense heat for a period of two to three hours. The cremated remains, which are commonly referred to as “ashes,” are removed from the cremation chamber. They are then processed into finer fragments and placed in a temporary container. The ashes typically weigh between three and six pounds. An urn may be selected for the final disposition of the cremated remains.

### **Where does cremation take place?**

Cremations occur at a crematorium in a special furnace called a cremation chamber or retort. Regulations allow only one cremation at a time.

### **Do we need to buy a casket?**

A casket is not required however, law states that at a minimum, the deceased must be placed into a rigid combustible container. Many options of caskets and containers are available to you.

### **Can we place personal mementos in the casket prior to cremation?**

Many personal items may be placed in the casket; however, some items may need to be removed prior to the cremation process. All items left in the casket will be destroyed during the cremation. Your funeral director can advise you on what items may stay and what items must be removed from the casket.

### **Do we need to have a funeral if we select cremation?**

Cremation does not limit the type of funeral service that may be chosen. The same options that apply to earth burial are available with cremation. Some of these choices include: casket type, location of the service and visitation, music selection, open casket and the display of personal mementos. Some families elect to have a complete service at the funeral home or place of worship. Others prefer to have a procession to the crematorium, similar to that often done to the cemetery, for an earth burial.

### **What is an urn?**

An urn is a container designed to hold the cremated remains permanently. It may be constructed from a variety of materials such as wood, bronze, copper, steel, pewter, granite, marble, clay pottery or fine porcelain. We have a large selection of urns available designed to reflect the lifestyle of an individual. Urns may also be personalized by engraving and come in a variety of sizes that allow more than one member of the family to have a portion of the cremated remains.



## VETERAN SERVICES

When planning a funeral for a loved one who is a veteran, it is important to consider the specialized services that are offered to veterans.

The basic Military Funeral Honors (MFH) ceremony consists of the folding and presentation of the United States flag to the veterans' family and the playing of Taps. The ceremony is performed by a funeral honors detail consisting of at least two members of the Armed Forces.

The funeral honors rendered to you or your veteran will be determined by the status of the veteran. The type of funeral honors may be Full Military Honors, 7 Person Detail or a Standard Honors Team Detail.

At least one of the funeral honors detail will be from the Armed Force in which the deceased veteran served. Taps may be played by a bugler or, if a bugler is not available, by using a quality recorded version. Military Funeral Honor Teams may act as pallbearers if requested by the veteran/family.

### Who is eligible for Military Funeral Honors?

- Military members on active duty or in the Selected Reserve.
- Former military members who served on active duty and departed under conditions other than dishonorable.

- Former military members who completed at least one term of enlistment or period of initial obligated service in the Selected Reserve and departed under conditions other than dishonorable.
- Former military members discharged from the Selected Reserve due to a disability incurred or aggravated in the line of duty.

### Who is not eligible for Military Funeral Honors?

- Any person separated from the Armed Forces under dishonorable conditions or whose character of service results in a bar to veteran's benefits.
- Any person who was ordered to report to an induction station, but was not actually inducted into military service.
- Any person discharged from the Selected Reserve prior to completing one term of enlistment or period of initial obligated service for reasons other than a disability incurred or aggravated in the line of duty.
- Any person convicted of a federal or state capital crime sentenced to death or life imprisonment.



**How do I establish veteran eligibility?**

The preferred method is the DD Form 214, Certificate of Release or Discharge from Active Duty. If the DD Form 214 is not available, any discharge document showing other than dishonorable service can be used. The DD Form 214 may be obtained by filling out a Standard Form 180 and sending it to:

National Personnel Records Center (NPRC)  
9700 Page Blvd.  
St. Louis, Missouri 63132

The Standard Form 180 may be obtained from the National Records Center or via: [www.archives.gov/research/order/standard-form-180.pdf](http://www.archives.gov/research/order/standard-form-180.pdf)

**Is anyone else eligible to receive funeral honors?**

Yes. Members of the Commissioned Officer Corps of the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA), as members of a Uniformed Service, are also eligible to receive funeral honors.

For NOAA personnel, eligibility is established using NOAA Form 56-16, Report of Transfer or Discharge. If the family does not have a copy of the NOAA Form 56-16, it may be obtained by contacting the Chief, Officer Services Division, NOAA Commissioned Personnel Center at (301) 713-7715 or by writing:

National Oceanic & Atmospheric Administration  
Commissioned Personnel Center  
Chief, Officer Services Division (CPC1)  
1315 East-West Highway, Room 12100  
Silver Spring, Maryland 20910

For PHS personnel, funeral honors eligibility is established using PHS Form 1867, Statement of Service (equivalent to the DD Form 214). If the family does not have a copy of the Statement of Service, it may be obtained by contacting the Privacy Coordinator for the Commissioned Corps at (240) 453-6041 or by writing:

Division of Commissioned Personnel/HRS/PSC  
Attention: Privacy Act Coordinator  
5600 Fishers Lane  
4-36  
Rockville, Maryland 20857

**VETERAN HEADSTONES**

The Department of Veterans Affairs (VA) furnishes upon request, at no charge to the applicant, a government headstone or marker for the unmarked grave of any deceased eligible veteran in any cemetery around the world, regardless of their date of death. For eligible veterans that died on or after Nov. 1, 1990, VA may also provide a headstone or marker for graves that are already marked with a private headstone or marker. When the grave is already marked, applicants will have the option to apply for either a traditional headstone or marker, or a medallion.

Flat markers in granite, marble, and bronze and upright headstones in granite and marble are available. The style chosen must be consistent with existing monuments at the place of burial. Niche markers are also available to mark columbaria used for inurnment of cremated remains.

When burial or memorialization is in a national cemetery, state veterans' cemetery, or military post/base cemetery, a headstone or marker will be ordered by the cemetery officials based on inscription information provided by the next-of-kin or authorized representative.

Spouses and dependents are not eligible for a government-furnished headstone or marker unless they are buried in a national cemetery, state veteran's cemetery, or military post/base cemetery.

Note: There is no charge for the headstone or marker itself, however arrangements for placing it in a private cemetery are the applicant's responsibility and all setting fees are at private expense.



## VETERAN BURIAL FLAGS

A United States flag is provided, at no cost, to drape the casket or accompany the urn of a deceased veteran who served honorably in the U. S. Armed Forces. It is furnished to honor the memory of a veteran's military service to his or her country. VA will furnish a burial flag for memorialization for:

- A veteran who served during wartime.
- A veteran who died on active duty after May 27, 1941.
- A veteran who served after January 31, 1955.
- A peacetime veteran who was discharged or released before June 27, 1950.
- Certain persons who served in the organized military forces of the Commonwealth of the Philippines while in service of the U.S. Armed Forces and who died on or after April 25, 1951.
- Certain former members of the Selected Reserves.

### Who is eligible to receive the burial flag?

Generally, the flag is given to the next-of-kin, as a keepsake, after its use during the funeral service. When there is no next-of-kin, VA will furnish the flag to a friend making request for it. For those VA national cemeteries with an Avenue of Flags, families of veterans buried in these national cemeteries may donate the burial flags of their loved ones to be flown on patriotic holidays.

### How can you apply?

You may apply for the flag by completing VA Form 27-2008, Application for United States Flag for Burial Purposes. You may get a flag at any VA regional office or U.S. Post Office. Generally, the funeral director will help you obtain the flag.

### Can a burial flag be replaced?

The law allows us to issue one flag for a veteran's funeral. The funeral home cannot replace it if it is lost, destroyed, or stolen. However, some veterans' organizations or other community groups may be able to help you get another flag.

### How should the burial flag be displayed?

The proper way to display the flag depends upon whether the casket is open or closed. VA Form 27-2008 provides the correct method for displaying and folding the flag. The burial flag is not suitable for outside display because of its size and fabric. It is made of cotton and can easily be damaged by weather.

For more information call toll-free at 1-800-827-1000.





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# OBITUARIES AND EULOGIES: HONOR THEIR LIFE

The death of a loved one can often come as a shock, try to remember the good times and how they would like to be remembered when putting this into writing.

**W**riting an obituary is a difficult and emotional task. Think of it as your loved one's life story. First, you will need to gather information from family and friends of the deceased about their childhood, education, career, and hobbies and interests. As well, speak to the funeral home staff to receive any important information on the date, time, and location of any funeral service, or other funeral-related events. Using this template below will help to make the process of writing an obituary easier, please feel free to add further insight into the life of your loved one.

**Instructions: Replace all items in CAPITALS below with the appropriate information.**

[GIVEN NAME] [MIDDLE NAME (AND NICKNAME)] [SURNAME], [AGE], of [CITY], [STATE], passed away on [DATE OF DEATH] in [LOCATION OF DEATH].

[NAME] was born in [LOCATION OF BIRTH] to [PARENT'S NAMES] on [DATE OF BIRTH]. He/she went to high school at [SCHOOL NAME] and graduated in [YEAR]. He/she went on to earn a degree/certificate in [DEGREE TYPE] from [SCHOOL NAME]. He/she worked as a [JOB TYPE] for [COMPANY] for [NUMBER OF YEARS]. He/she enjoyed [ACTIVITIES/HOBBIES]. He/she received [AWARDS/HONORS] and was involved in [CHARITIES/ORGANIZATIONS].

[NAME] is survived by his/her [RELATION], [NAME] of [CITY]. (List all survivors: spouse children, siblings, parents, grandchildren, nieces and nephews). He/she is preceded in death by his/her [RELATION], [NAME]. (List predeceased: spouse, parents, children and siblings).

Funeral service will be held at [LOCATION] on [DATE] at [TIME] with Reverend [NAME] of [CHURCH] officiating. Burial will follow at [CEMETERY NAME], [CEMETERY LOCATION]. Visitation will be held at [LOCATION] on [DATE] at [TIME]. [NAME OF FUNERAL HOME] will be handling the funeral arrangements.

Memorial donations may be made to [ORGANIZATION NAME], [MAILING and WEB ADDRESS].

The family wishes to extend their gratitude to [ORGANIZATION/NAME].

[FINAL WORDS].



## **DELIVERING A EULOGY**

Giving a meaningful, moving eulogy can be a nerve-racking situation for even the most accomplished public speaker, but it need not be. How can you summarize somebody's life in a few short minutes, while being both somber and funny at the same time? Writing and delivering a eulogy is a therapeutic tool to help deal with your grief, and being chosen to give a eulogy is an honor and should be treated that way. Here are some tips for writing and delivering an eloquent and memorable eulogy.

### **GATHER INFORMATION**

Talk with family members, close friends and co-workers to get important information on the deceased. Some important information to include in the eulogy is the persons family and other close relationships, their education/ career, hobbies or special interests, places the person lived or traveled to, and any special accomplishments they had.

### **ORGANIZE YOUR THOUGHTS**

Jot down your ideas by whatever means are most comfortable and familiar to you. Create an outline of your speech, and fill in the information that you gathered about the person.

### **WRITE IT DOWN**

This is not a toast at a wedding where you can make off-the-cuff remarks, and you should not ad-lib a eulogy. Writing it all down allows you to include and remember every detail you wanted in your eulogy. When you bring a copy of your eulogy to the podium make sure it is easy to read, print it out in a large font, or if it's hand-written leave a few spaces between the lines. Keep in mind your time constraints; it's best to keep things on the short side, especially if there are other speakers.

### **REVIEW AND REVISE**

Your first draft will not be the last. When you think you are done, sleep on it and look it over in the morning when it is fresh again, that will be the time to make any necessary revisions.

## **PRACTICE, PRACTICE, PRACTICE**

Read over your eulogy several times to become familiar with it. Practice in front of a mirror, read it over to some friends or family and have them give you feedback. Become familiar with your speech so you can recite it without making it look like you're reading from a script. The more you practice, the more comfortable you will be.

### **MAKE THEM LAUGH, BUT ALWAYS BE RESPECTFUL**

A funeral is not a roast. However, there is room for humor in your eulogy. Fondly remember a story about the person that everyone can relate to. Keep it appropriate; there will be children and the elderly there that may not share the same sense of humor. Laughter is truly the best medicine, and some well-placed humor will help people cope and will bring back fond memories of the deceased.

### **DON'T BE AFRAID TO SHOW EMOTION**

Funerals are an extremely emotional event; nobody expects you not to shed a few tears. However, if you feel that you will be too strongly overcome by your emotions, have a back-up plan in place where someone you trust can deliver the eulogy for you. Give them a copy well in advance if you feel this could be an issue. Have a glass of water as well as tissues handy.





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# FREQUENTLY ASKED QUESTIONS: WILLS

Though most people are aware that they need a will, the majority - about 70% of us - don't have one. People procrastinate for many reasons, but it's important to know that writing a will doesn't have to be complicated or expensive. And once it's done, you can rest a little easier, knowing that your wishes will be followed after your death.



## **What is a will?**

A will is a document that is created to help make your loved ones decision at the time of death. The will contains important direction as to your wishes for your funeral. It can also contain your direction on dispersing the estate amongst your loved ones.

Your will can also help to name someone to be left in charge of your children if something was to happen to you. This very important when there are infants or young children involved in the family.

The will also simplifies the legal process for the lawyer which will result in minimizing the legal costs that your family will encounter.

One of the most important aspects of the will is that it will prevent family bitterness. Your will helps guide your family through all aspects of the death process

## **What if I don't have a will?**

There is no specific person responsible for making your funeral arrangements. This can make co-ordination of funeral details very difficult and often leaves hurt feeling if everyone does not agree.

If you die without a will, you have died in testate. Your property must go through the probate process in order to have the legal title to the property transferred to your heirs at law. Applicable state statutes define your heirs at law. The law of the state where you live controls the distribution of your personal property.

The rules for determining who gets property distributed from an in testate estate have many variations. Subtle differences between the rules can have a material effect on who inherits when there is no will.



### **What is necessary to make a will?**

Making a will that will accomplish what you want it to is not nearly as complicated as many people fear. There are just a few simple rules; follow them and your wishes will be carried out.

- **Age:** To make a will, you must either be at least 18, or an “emancipated” minor.
- **Mental State:** You must be of “sound mind” to make a valid will. It’s not a rigorous requirement. The standard interpretations require that you know what a will is and that you’re making one understand the relationship between yourself and those persons who you would normally provide for, such as a spouse or children understand what you own, and be able to decide how to distribute your property.

### **Do I need a lawyer to make my will?**

Probably not. Making a will rarely involves complicated legal rules, and most people can draft their own will with the aid of a good self-help book or software program. You just need to know what you own, whom you care about, and have a good self-help resource to guide you.

But if you have questions that aren’t answered by the resource you’re relying on, a lawyer’s services are warranted. Even so, you don’t have to turn over the whole project; you can simply ask your questions and then finish making your own will.

### **What makes a will legal?**

Any adult of sound mind is entitled to make a will. (And if you’re reading this article, you’re of sound mind.) Beyond that, there are just a few technical requirements:

- The will must be computer generated (unless it is a valid handwritten will, as discussed above).
- The document must expressly state that it’s your will.
- You must date and sign the will.
- The will must be signed by at least two, or in some states, three, witnesses. They must watch you sign the will, though they don’t need to read it. Your witnesses must be people who won’t inherit anything under the will.

- You don’t have to have your will notarized. In many states, though, if you and your witnesses sign an affidavit (sworn statement) before a notary public, you can help simplify the court procedures required to prove the validity of the will after you die.

### **Do I need to file my will with a court or in public records somewhere?**

No. A will doesn’t need to be recorded or filed with any government agency, although it can be in a few states. Just keep your will in a safe, accessible place and be sure the person in charge of winding up your affairs (your executor) knows where it is.

### **Where should I keep the will?**

Most states in the United States do not have a government department in charge of a general repository for wills. Most wills are retained either by the law firm who prepared the will or at the residence of the person who made the will.

Most law firms that hold the will keep it in safe keeping free of charge. The will can be picked up by you at any time or the law firm will send the will to you upon receiving a written letter to this effect from you or your executor upon your death. This is a relatively safe procedure. You should verify however, in what manner are the wills stored, that is, whether the wills are stored in a vault or in a filing cabinet at the law firm. Your decision should be governed accordingly.



### **What is the basis for a will to be contested?**

Most of the challenges to invalidate wills are by potential heirs or beneficiaries who got little or nothing. Questions on the validity of a will must be filed in probate court within a certain number of days after receiving notice of the death or petition to admit the will to probate.

The typical objections:

1. The will was not properly drawn, signed or witnessed, according to formal requirements.
2. The decedent lacked mental capacity at the time the will was executed.
3. There was fraud, force or undue influence.
4. The will was a forgery.

If the will is held invalid, the probate court may invalidate all provisions or only the challenged portion. If the entire will is held invalid, generally the proceeds are distributed under the laws of intestacy of the probating state or province.

Needless to say, if there is even the possibility of a will contest, an experienced probate lawyer is a must.

### **What if I have children with special needs?**

If you have a child with special needs, ensure that you relay this information to your lawyer. You may wish to set aside a sum of money to deal with this issue. This is often addressed in the will by establishing what is known as a trust fund. After the payment of all debts, the Trustee who is appointed under the will to receive funds will be directed to use a certain amount of money from the estate for the "special needs" person who is referred to as the beneficiary.

It is very important when a trust fund is established under a will that you receive competent legal advice. The amount of the trust fund may be large if the child is to be looked after for an extended period of time. You must be sure that the trustee, (the person who administers the trust), is not only trustworthy but not of an age that the trustee will likely predecease the beneficiary. The trust must have a provision for the replacement or addition of other trustees over time, if required.

### **How do I choose a guardian?**

If you have young children, you should choose a personal guardian - someone to raise them in the highly unlikely event you can't.

If your children are young, you've probably thought about who would raise them if for some reason you and the other parent couldn't. It's not an easy thing to consider. But you can make some simple arrangements now that will allay some of your fears, knowing that in the highly unlikely event you can't raise your kids, they will be well cared for.

All you need to do is use your will to name the person you want to be the "personal guardian" of your children if one is ever needed. Then, if neither you or the children's other parent can raise them and a court must step in to appoint a guardian, the judge will appoint the person you nominated in your wills (unless, for some reason, it is not in the best interests of your children).

If you don't name a guardian in your will, anyone who is interested can ask for the position. The judge then must decide, without the benefit of your opinion, who will do the best job of raising your kids.

We recommend that you do not leave the will at your residence. Not only is it susceptible to theft, but in the event of a fire, you and your will are unavailable. This is clearly not what you intend. We also do not recommend that you keep your will in a safety deposit box, as in some states the safety deposit box is sealed at the time of death. Keep the will in any other secure place and ensure that your executor is aware of its location.



# FREQUENTLY ASKED QUESTIONS: EXECUTORS

Your executor has full responsibility with regards to your funeral arrangements. If so desired your executor can change anything with reference to those arrangements. This is the person all funeral homes take direction from.



Since your personal representative is given access to all property in the probate estate, the selection of a competent and trustworthy person is very important. It is wise to nominate someone who has business experience, intelligence, and the utmost integrity and honesty to serve as your personal representative. Your nomination of personal representative, (along with alternatives who are asked to serve in the event that the prior nominee is unwilling or unable to act), should appear in your will. This is your chance to tell the court whom you think is best to do this job for you (since you can't speak to the court in person).

Most jurisdictions require the personal representative to post a surety bond covering their actions. This requirement can be waived if your will states that you want your nominated personal representative to serve without bond.

## **What is an executor?**

The personal representative of your estate (also commonly referred to as an administrator or executor) is responsible to gather and inventory all of your property at the time of your death, determine all your outstanding debts, pay all of your legitimate debts and then distribute the remaining property in accordance with the instructions provided in your will.

The personal representative is appointed as part of the probate proceeding and has the responsibility for guiding your property through the proceeding, subject to established probate rules and procedures. In many areas, the court has a considerable amount of control over the activities of the personal representative, and prior permission of the court is required for the personal representative to take action with respect to property in the probate estate.

### **What are the responsibilities of the executor?**

The following are some of the general responsibilities of the executor in taking charge of the assets of the deceased, paying the debts, and distributing the assets to the beneficiaries. This list is not intended to be complete but does indicate the type of issues. Your lawyer will provide you with a complete list.

- Ensure that all the real property is protected, including arranging if necessary, fire insurance on buildings, changing locks to protect assets, locate safety deposit boxes and attempt to locate the key.
- Selecting the lawyer to act for the estate and obtaining from them notarial copies of the death certificate. Choose a lawyer who has extensive experience in Wills and Estates work. Pick an accountant to assist you if your lawyer suggests this is appropriate. Discuss the lawyers and accountants fees and disbursements right up front.
- Locate all life insurance policies and notify the insurance company of the death and forward a copy of the death certificate to have the policy paid to the beneficiary.
- Notify all insurance companies including house insurance and car insurance of the death. Ensure that insurance is maintained make a list of all the assets including stocks, bonds, pension funds, bank accounts, government investments, superannuation payments, holiday pay from work, work related life insurance or benefits for the spouse etc.
- Are there any interests in partnerships or companies? Locate shareholders and partnership agreements and provide a copy to the lawyer for his examination. There may be triggering clauses in those agreements that must be met quickly.
- In conjunction with discussions with the spouse, locate the previous several years' income tax returns and provide copies to the lawyer or tax accountant. These must be reviewed quickly to ensure that no filing dates are missed. Government tax authorities do not care that the person is deceased. The executor may be personally liable for any tax penalties that are incurred because filing dates are missed.
- Pay the account of the funeral director. Your lawyer will tell you the priority of paying debts, but normally the funeral director's account is to be paid before most other debts.
- Make a list of all debts. This will include accounts for charge cards, house utilities, property tax arrears, income tax arrears, loan payments, outstanding leases, mortgages on house or vehicles, alimony or prior separation agreement. Provide this list and supporting documentation to the lawyer.
- Once all the assets have been located and the debts paid (including the account of the executor) then the estate will be disbursed in accordance with law and the terms of the will.
- You will need to advertise for creditors in the local newspaper to ensure that all the debts are known and paid.
- Your lawyer will advise whether any court proceeding is required regarding the will. This is called filing for probate. Often if there is adequate tax advice at an earlier date, the requirement for probate can be avoided. This will save the estate considerable money.
- You will need to notify the beneficiaries about their bequest and provided there is money left after the payment of all debts, the beneficiaries will receive their money or assets from you as executor of the estate.



- You may need to open up a bank account in the name of the estate at your local bank using a notarial copy of the will (or probate if required) together with a copy of the death certificate. Use a checking account that you receive the checks back so you can verify that you paid the funds if required at a later date.

#### **Does the executor have to serve?**

No, it is your choice to serve or decline to serve. If you choose to serve as personal representative (Executor) you can later resign, although you may have to provide an “accounting” for the period you served. If you decline to serve, or resign after serving, the alternate executor named in the will typically is then appointed by the probate court. If no alternative is named in the will, or the named alternatives die or are unwilling to serve, or a person dies without a will, the probate court will appoint someone to serve.

Unless local laws require that another family member or beneficiary wishing to serve be appointed, and such family members or beneficiaries are qualified, willing to serve and readily available, it is not unheard of for a probate court to select a “political crony” or a trust company that has made contributions to the judge of their political party to serve as the personal representative as the fees sometimes can be quite lucrative.

#### **Who can be appointed an executor of my will?**

Probably the most important qualification for an executor is to ensure that the person that you select to be your executor under your will be blessed with common sense and a sense of fairness in following through the obligations that the executor has under the will.

As some jurisdictions have residency qualifications for the executor, you may wish to ensure that you select people who reside in the state where you live.

If you have made provision that the executor is to make payments to the trustees for any minor children or grandchildren, then this obligation

may continue for many years. As these are on-going obligations under the trust provisions in the will, make sure that the executors are not too elderly. You do not want the executors to die before the estate is administered and closed.

The naming of an executor under the will does not mean that the nominated person must act. This person may decline to act, as an executor. To protect the estate make sure that you have a back-up executor named in the will. Typical wording is as follows: “In the event that John Smith neglects or refuses to act as my executor, then I nominate John Adams as my executor.” There is no magic in the wording as long as the intent is clear.

Often an accountant, financial advisor, or lawyer is also nominated as a second executor. This joint executor ensures that there is a solid degree of competence and experience which is especially important if there are substantial assets involved or trusts to be administered.

#### **Does the executor get paid?**

Yes. In addition to all out-of-pocket expenses in managing and settling the estate, personal representatives (executors) generally earn a fee of about 2% of the probate estate for their work. (This varies moderately in jurisdictions and generally decreases as a percentage as the size of the estate increases).

All fees and reimbursed expenses are subject to court approval. The court in cases of unusually difficult or extraordinary circumstances may allow additional fees. On the other hand, if a personal representative is derelict in duty, the court may reduce or deny compensation, and the personal representative may be held responsible for any damages they caused.

If a person is both the sole beneficiary of the estate, and the estate is not subject to Federal Estate Tax, it usually does not make sense to take any fees as all fee income is subject to Income Tax. (The money a beneficiary receives from the estate is Income Tax free).

# What happens to your property if you die without a will?

The State of Texas wrote a Will for you in case you do not have one when you die. The Texas Estates Code contains the rules for where your property will go if you die "intestate" a formal way of saying you have died without a will.

Texas is a community property state meaning that property you earn or acquire during your marriage is community property and property you bring into the marriage or someone gifts to you during the marriage is separate property. Community property gets split 50/50 between you and your spouse at death while separate property is 100% owned by the person whose name it is in. This is very important as there are different rules for community and separate property.

## Married Person With Children

(all children are also the children of the surviving spouse)

All of your **separate real estate** all goes to your children subject to your spouse having a life estate in 1/3 of the real estate. This means the real estate belongs to your children equally but your spouse has a right to 1/3 of the real estate while they are alive. All **personal separate property** is split with 1/3 going to your spouse and the other 2/3 split equally between your children.

All **community property** – both real estate and personal property – goes to your spouse.

## Married Person With Children

(at least one child is not from this relationship/marriage)

All of your **separate real estate** goes to your children subject to your spouse having a life estate in 1/3 of the real estate. This means the real estate belongs to your children equally but your spouse has a right to 1/3 of the real estate while they are alive. All **personal separate property** is split with 1/3 going to your spouse and the other 2/3 split equally between your children.

Your half of all **community property** – both real estate and personal property – that you and your spouse have earned and acquired is split equally between your children. Your spouse receives the other half of all community property. Keep in mind this situation will lead to your spouse losing full control of the home if it is community property!

A person's **separate real estate** all goes to their children subject to their spouse having a life estate in 1/3 of the real estate meaning the real estate belongs to the children equally but the surviving spouse has a right to 1/3 of the real estate while the surviving spouse is alive. All other **personal separate property** is split with 1/3 going to the surviving spouse and the other 2/3 split equally between the children.

This is the Will that Texas has written for you. In order to use this Will, we must have a Court determine exactly who your parents, spouse, children, siblings and other heirs are. Of course, following this Will takes lots of time and money when you die. Do not let Texas write your Will. Now is the best time to write your own Will to clearly tell the world who gets your property. Contact **Junker Law, PLLC** today at (281) 342-9476 or [J.E.Junker@junkerlaw.com](mailto:J.E.Junker@junkerlaw.com) to write your Will.

## Married Person With No Children

All **community property** – both real estate and personal property – goes to your spouse. All of your separate personal property goes to your spouse. Your separate real estate is a different story.

If both of your parents are still alive, 1/2 of your **separate real estate** goes to your spouse, 1/4 of your separate real estate goes to your mother and 1/4 of your separate real estate goes to your father.

If one of your parents is still alive, 1/2 of your **separate real estate** goes to your spouse, 1/4 of your separate real estate goes to your surviving parent and 1/4 of your separate real estate goes to siblings.

If both of your parents have passed, 1/2 of your **separate real estate** goes to your spouse and 1/2 of your separate real estate goes to siblings.

If none of your parents or siblings are alive when you pass away, All of your **separate property** – real estate and personal property – goes to your spouse.

## Single Person With Children

All of your property goes to your children equally.

## Single Person With No Children

If both of your parents are still alive, 1/2 of your property goes to your mother and 1/2 of your property goes to your father.

If one of your parents is still alive, 1/2 of your property goes to your surviving parent and 1/2 of your property goes to your siblings.

If both of your parents have passed, all of your property goes to your siblings.



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# ADMINISTERING THE ESTATE: PROBATE, ETC.

**E**state administration is a challenging task for anyone. Wills, probate, administration with no will (intestate), social security or pension plan benefits, veteran's benefits, insurance benefits, joint property, rights of survivorship, community and separate property, beneficiary designations, claims of spouses and creditors, business operations, probate fees, income and estate taxes, and other issues are overwhelming to manage after the death of a loved one. Sorting and settling all the details are often confusing because many of the terms are unfamiliar.



The deceased remains a legal entity through their estate - the assets, debts, and obligations of the individual need to be settled, we can help you complete required paperwork to wrap up the deceased's affairs.

This guide only touches on the estate administration process and is not intended to be a substitute for specific individual tax, legal, or estate settlement advice, as certain aspects of the described considerations will not be the same for every estate. Accordingly, where specific advice is necessary or appropriate, consultation with a competent professional is strongly recommended. Most of all, keep in mind that while it is important to take care of all of these activities, it is more important to move slowly at a pace that is comfortable for you during your grieving process.



## OBTAIN ADVICE AND COUNSEL

Unfortunately, the death of a family member or friend sometimes tends to bring out the very worst in some people. Experience shows that even in close families there is a tendency to get overly emotional about relatively trivial matters after a loved one's death, such as who gets the iron frying pan and who gets the kettle. Such minor matters, or any delays or inconveniences can be upsetting, pose issues of unfairness, and create unfounded suspicion among family members. Thus, it generally is a very good idea for everyone involved to "let a lawyer do it".

While there is no requirement to use a lawyer to transfer certain types of bank accounts and real property to a person's named beneficiaries or joint property owners, in Texas some form of probate is almost always necessary and most court proceedings require a lawyer. Although some property rights can be transferred through affidavits filed in county real property records, more often than not, probate will require a court proceeding appointing someone to handle the estate affairs. These proceedings are rather formal procedures that require a lawyer to represent a proposed executor or administrator in the probate process. One minor omission, one failure to send Aunt Millie a copy of the application, or a missed deadline, can cause everything to come to a grinding halt or expose heirs to liability. Furthermore, Texas requires that a will be offered for probate within four years of death. If this deadline is missed, then someone else might actually own property that some family members believed was theirs.

## LOCATE IMPORTANT DOCUMENTS

First, locate as many of the following documents as possible: wills, deeds, bank statements, stock certificates, military discharge papers, social insurance card, tax forms, vehicle and boat titles, insurance policies, bills, etc...

## OBTAIN DEATH CERTIFICATES

Before the business and legal issues of the estate can be pursued, it will be necessary to obtain certified copies of the death certificate. You can order them from the funeral director or directly from the Registrar of Vital Statistics in your area. It is always better to order a few more than what you think you will need. Most institutions will only accept certified death certificates and not photocopies.

## LEARN WHAT A WILL CONTROLS

Wills are simple, inexpensive ways to control who manages your estate and who receives the property that you've worked hard to build. Spouses with children from a prior marriage should always have a will. Done right, a will is a fantastic tool that saves time and money. However, there are traps for the uninformed. Here are some things that may not be accomplished in a will and that often cause estate administration problems.

A will cannot be used to transfer:

- Real property or bank accounts you hold in joint tenancy rights of survivorship with someone else. At death, the deceased's share will automatically belong to the surviving joint tenant(s). A will provision leaving the deceased's share to someone other than the surviving joint tenant would have no effect unless all joint tenants died simultaneously.
- Property that was transferred to a living trust.
- Money in a bank account or proceeds of a life insurance policy for which there is a named beneficiary.
- Money in a pension plan, Individual Retirement Account (IRA), 401(k) plan, or other retirement plan that has beneficiary designations listed.
- Any property interest owned by your spouse.

A will is a very personal document and may reveal private family and financial issues and concerns. Once a will is entered into the court record, it becomes public and can be inspected by anyone.

## PROBATE

Probate is a formal court estate administration process that pays legitimate debts and transfers legal title of property from the estate of the person who has died (the decedent) to their beneficiaries named in a will or legal heirs, if there is no will.

Probate is not cheap or quick. Because some probates require court approval for actions, the process can tie up property for a year or more. In addition, probate can be expensive. Probate involves specialized paperwork and, if the will is challenged, a court appearance by multiple lawyers. The lawyers and court fees are generally paid from estate property, which would otherwise go to the people who inherit the deceased person's property. Probate and estate lawyers usually handle probate and may charge a flat fee, percentage, or an hourly rate. Their fees and court costs could reach up to 5% of the estate's value or more, if problems or litigation arise.

## PROBATE FAQs

### What is the probate process?

Because the deceased can't take it with them, probate is the process used to determine who legally gets their property and what debts should be paid. The first step in probate is proving to the court either the existence of a valid will or proving who one's legal heirs are if there is no will.

Where a will designates an executor, a named executor should hire an experienced probate lawyer to petition a court to have the will proven as valid and to be given the right to administer estate property according to the terms of the will. If no will exists, then a court will determine one's heirs at law and, if needed, appoint an administrator - instead of an executor - to manage the estate.

Typically, the first person named as the deceased's executor hires a lawyer to prepare an application for the court and files it, along with the will and death certificate, with the probate court.

After initial notices are posted, if no objections are received, and everything else seems in order, the court will hold a hearing to admit the will

to probate and appoint the executor. If there is no will, then the court will hear testimony of witnesses regarding heirs, determine who the person's heirs are under Texas law, and appoint an administrator, if necessary.

After appointment, the appointed executor or administrator will need to give specific notices to beneficiaries and creditors, present the court with the value of your property, pay debts, and then distribute remaining property to the heirs.

### What tasks are involved in administering an estate?

The executor or administrator has many duties including:

- Proving that the will is valid and legal or proving who one's heirs are;
- Identifying, appraising, and reporting all property owned by the deceased;
- Paying all debts and taxes; and,
- Distributing the remaining property to the beneficiaries in the will or to the legal heirs.

### How long does it take?

Probate duration varies with the size and complexity of the estate, the difficulty in locating the beneficiaries who would take under the will, if there is one, or determining heirs under Texas law where there is no will. Delays may also occur because of creditors and tax filing obligations.

If there is a will contest, or anyone objects to any actions of the executor or administrator, the process can take a long time. Some matters have taken several years to resolve, but a year is closer to the norm.







## Should I plan to avoid probate?

An experienced estate planning attorney can assist with planning to avoid probate. However, sometimes probate may be the best way to protect heirs and transfer property to the persons you choose. Further, it may be required if your estate has debts that can't easily be paid from the property you leave.

Whether to spend your time and effort planning to avoid probate depends on a number of factors, most notably your age, your health, and your wealth. If you're young and in good health, a simple will may be all you need.

But if you're older (say, over 50), in ill health, or own a significant amount of property, you'll probably want to do some planning to minimize the costs and expense of probate and plan for incapacity while you are alive. Probate and incapacity strategies can be complex and almost always require a lawyer to ensure your property is distributed the way you want and in the least expensive manner.

In my opinion, a living trust is the best tool to avoid probate and plan for uninterrupted management of your financial affairs in the event of a likely dementia diagnosis or other mental or physical incapacity.

### Who is responsible for handling probate?

In most circumstances, one of the executors named in the will takes this job. If there is not a will, or the will fails to name an executor, the probate court can appoint someone (the administrator) to handle the process - most often the closest capable relative.

### Is probate necessary?

As stated above, the primary function of probate is paying legitimate debts and transferring title of the decedent's property to their beneficiaries or heirs at law. If there is no property to transfer, there is usually no need for probate. An experienced probate lawyer can help you identify whether a probate is necessary for your specific situation.

### When is the estate settled?

An estate is settled when all of the proper and legal matters have been accomplished to transfer a deceased's property to beneficiaries or heirs at law. This consists of evaluating the most efficient probate vehicle to accomplish the goals, having an executor or administrator appointed, notifying creditors, beneficiaries, and heirs; evaluating and paying legitimate debts; filing tax returns; and, distributing the remaining property to the beneficiaries or heirs.

Whether you need planning while you are alive or assistance when a loved one has passed, we can help you accomplish your goals.



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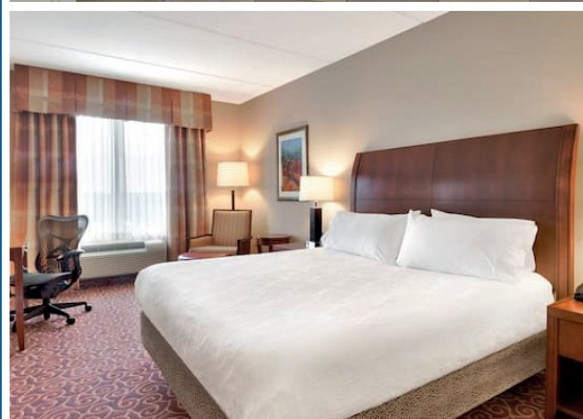
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# SETTLING AN ESTATE

## THE SALE OF A FAMILY HOME AND OTHER PROPERTY

**I**n today's critical housing market, working with an experienced realtor will help the process go much more smoothly. A realtor can offer advice on selling for the right price based on current market conditions, provide referrals for other services such as house cleaning, repair people, carpet cleaning, locksmiths, etc. Furthermore, a realtor can give you valuable input on what does and doesn't need to be done prior to the sale of the home and provide you with a much clearer picture of what to expect during the entire selling process.

### SETTLING AN ESTATE FAQs

#### What is an estate sale?

An estate sale is the sale of personal property: furniture, antiques, collectibles, vehicles, jewelry, guns, lawn equipment and all household items.

#### How much does it cost?

An estate sale fee is usually commission based. Several factors determine the actual percentage including amount of preparation needed, type of items to be sold, etc.

#### How is a property left after the sale?

All items are generally removed and the house is left secure and broom clean.



### PRICING PROPERTY

Pricing a home should be based on overall condition and recent area comparable sales. When you are emotionally attached, it's easy to suggest a price that is well over market value. However, this isn't a wise move. Over-pricing a home and taking the approach of "let's start high and reduce later" have the tendency to offend potential buyers and drive them to the seller.



*Every situation is unique and realtors tend to be flexible, user friendly and sensitive to the emotions you and your family members are feeling.*



## MANAGING TIME

Don't try to do everything by yourself. Take advantage of the resources your realtor can provide in preparing to sell the family home. Whether you need home stagers, landscapers, house cleaners, roofers, concrete repair, painters, etc., an experienced realtor will have them all and usually at a better price than you would be able to find on your own.

### **Does another family member or myself need to be present during the sale?**

No, in fact the realtor normally ask that family members do not attend the sale.

### **How is the price of the items established?**

Your realtor or valuer will perform close inspection of the items and based on experience and research through multiple alliance vendors, they research the items to establish current market value.

### **Is there a required waiting period to market the house in the event the owner of record has passed?**

It depends on whether the estate is legally required to go through the court probate process. You should contact an attorney with specifics on your situation. The personal property can be sold with proof of executorship authority without delay.

### **What about titled personal property such as cars, boats, guns, coins and jewelry?**

You need a clear title and executorship authority to sell cars, boats, tractors, etc.

### **What if something happens during the sale and an item is lost or damaged?**

Realtors and valuers handling property are usually fully insured and accept responsibility for all personal property while under their security and control.

# THE HEALING PROCESS: WHAT IS GRIEF?

The death of a loved one is life's most painful events. People's reactions to death remain one of society's least understood and most off-limits topics for discussion.



**T**here are often times, grievors are left totally alone in dealing with their pain, loneliness, and isolation. Grief is a natural emotion that follows death. It hurts. Sadness, denial, guilt, physical discomfort, and sleeplessness are some of the symptoms of grief. It is like an open wound which must become healed. At times, it seems as if this healing will never happen. While some of life's spontaneity begins to return, it never seems to get back to the way it was. It is still incomplete. We know, however, that these feelings of being incomplete can disappear. Healing is a process of allowing ourselves to feel, experience, and accept the pain. In other words, we give ourselves permission to heal. Allowing ourselves to accept these feelings is the beginning of that process.

The healing process can take much less time than we have been led to believe. There are two missing parts. One is a safe, loving, professionally guided atmosphere in which to express our feelings; the other is knowing how and what to communicate.

## **ALLOW FOR NUMBNESS**

Feeling dazed or numb when someone loved dies is often part of your early grief experience. This numbness serves a valuable purpose: It gives your emotions time to catch up with what your mind has told you. This feeling helps create insulation from the reality of the death until you are more able to tolerate what you don't want to believe.



## THE GRIEVING PROCESS

When we experience a major loss, grief is the normal and natural way our mind and body react. Everyone grieves differently. And at the same time there are common patterns people tend to share. For example, someone experiencing grief usually moves through a series of emotional stages, such as shock, numbness, guilt, anger and denial. And physical responses are typical also. They can include: sleeplessness, inability to eat or concentrate, lack of energy, and lack of interest in activities previously enjoyed.

Time always plays an important role in the grieving process. As the days, weeks, and months go by, the person who is experiencing loss moves through emotional and physical reactions that normally lead toward acceptance, healing, and getting on with life as fully as possible. Sometimes a person can become overwhelmed or bogged down in the grieving process. Serious losses are never easy to deal with, but someone who is having trouble beginning to actively re-engage in life after a few months should consider getting professional help. For example, if continual depression or physical symptoms such as loss of appetite, inability to sleep, or chronic lack of energy persists, it is probably time to see a doctor.

## ALLOW YOURSELF TO MOURN

Someone you love has died. You are now faced with the difficult, but important, need to mourn. Mourning is the open expression of your thoughts and feelings regarding the death and the person who has died. It is an essential part of healing. You are beginning a journey that is often frightening, painful, overwhelming and sometimes lonely. This guide provides practical suggestions to help you move toward healing in your personal grief experience.

## REALIZE YOUR GRIEF IS UNIQUE

Your grief is unique. No one will grieve in exactly the same way. Your experience will be influenced by a variety of factors: the relationship you had with the person who died, the circumstances surrounding the death, your emotional support system, and your cultural and religious background.

As a result of these factors, you will grieve in your own special way. Don't try to compare your experience with that of other people or to adopt assumptions about just how long your grief should last. Consider taking a "one day at a time" approach that allows you to grieve at your own pace.

## TALK ABOUT YOUR GRIEF

Express your grief openly. By sharing your grief outside yourself, healing occurs. Ignoring your grief won't make it go away; talking about it often makes you feel better. Allow yourself to speak from your heart, not just your head. Doing so doesn't mean you are losing control, or going "crazy". It is a normal part of your grief journey. Find caring friends and relatives who will listen without judging. Seek out those persons who will "walk with, not in front of" or "behind" you in your journey through grief. Avoid people who are critical or who try to steal your grief from you. They may tell you, "keep your chin up" or "carry on" or "be happy." While these comments may be well-intended, you do not have to accept them. You have a right to express your grief; no one has the right to take it away.

## EXPECT A MULTITUDE OF EMOTIONS

Experiencing a loss affects your head, heart and spirit, so you may experience a variety of emotions as part of your grief work. Confusion, disorganization, fear, guilt, relief or explosive emotions are just a few of the emotions you may feel. Sometimes these emotions will follow each other within a short period of time. Or they may occur simultaneously.

As strange as some of these emotions may seem, they are normal and healthy. Allow yourself to learn from these feelings. And don't be surprised if out of nowhere you suddenly experience surges of grief, even at the most unexpected times. These grief attacks can be frightening and leave you feeling overwhelmed. They are, however, a natural response to the death of someone loved. Find someone who understands your feelings and will allow you to talk about them.

## BE TOLERANT OF YOUR PHYSICAL AND EMOTIONAL LIMITS

Your feelings of loss and sadness will probably leave you fatigued. Your ability to think clearly and make decisions may be impaired, and your low energy level may naturally slow you down. Respect what your body and mind are telling you. Nurture yourself. Get daily rest. Eat balanced meals. Lighten your schedule as much as possible. Caring for yourself doesn't mean feeling sorry for yourself; it means you are using survival skills.

## DEVELOP A SUPPORT SYSTEM

Reaching out to others and accepting support is often difficult, particularly when you hurt so much. But the most compassionate self-action you can take during this difficult time is to find a support system of caring friends and relatives who will provide the understanding you need. Find those people who encourage you to be yourself and acknowledge your feelings - both happy and sad.

## MAKE USE OF RITUAL

The funeral ritual does more than acknowledge the death of someone loved. It helps provide you with the support of caring people. Most importantly, the funeral is a way for you to express your grief outside yourself. If you eliminate this ritual, you often set yourself up to repress your feelings and you cheat everyone who cares, a chance to pay tribute to someone who was - and always will be - loved.

## EMBRACE YOUR SPIRITUALITY

If faith is part of your life, express it in ways that seem appropriate to you. Allow yourself to be around people who understand and support your religious beliefs. If you are angry with God because of the death of someone you loved, recognize this feeling as a normal part of your grief work. Find someone to talk with who won't be critical of whatever thoughts and feelings you need to explore. You may hear someone say, "With faith, you don't need to grieve." Don't believe it. Having your personal faith does not insulate you from needing to talk out and explore your thoughts and feelings. To deny your grief is to invite problems that build up inside you.

“

*“The experience of grief is powerful. So, too, is your ability to help yourself heal. In doing the work of grieving, you are moving toward a renewed sense of meaning and purpose in your life.”*

- Dr. Alan D. Wolfelt,  
Center for Loss and Life Transition

## ALLOW A SEARCH FOR MEANING

You may find yourself asking, "Why did they die?" "Why this way?" "Why now?" This search for meaning is another normal part of the healing process. Some questions have answers. Some do not. Actually, the healing occurs in the opportunity to pose the questions, not necessarily in answering them. Find a supportive friend who will listen responsively as you search for meaning.

## MOVE TOWARD YOUR GRIEF AND HEAL

The capacity to love requires the necessity to grieve when someone you love dies. You can't heal unless you openly express your grief. Denying your grief will only make it become more confusing and overwhelming. Embrace your grief and heal. Reconciling your grief will not happen quickly. Remember, grief is a process, not an event. Be patient and tolerant with yourself. Never forget that the death of someone loved changes your life forever. It's not that you won't be happy again. It's simply that you will never be exactly the same as you were before the death.





### ACCEPTING A LOSS

For each of us - rich or poor, young or old - there are times in our lives when we must face and deal with personal losses and the pain and sorrow they cause. Examples that come easily to mind are the death of a parent, spouse, child, or other close family member or friend. Many other events and transitions also bring with them sadness and a need to grieve:

- Being told you have a serious, possibly terminal illness.
- Having to give up interests and activities that have been a major part of your life.
- Seeing serious decline in mental or physical health of someone you love.
- Retiring from a work career or voluntary activity that has helped shape who you are and what you stand for.
- Losing a significant part of your independence and mobility; even giving up driving a car can be a significant loss for many people.
- Moving out of your home.
- Saying goodbye to a favorite pet.

### HELPING CHILDREN COPE WITH GRIEF

It is important to note that children have many questions about death, and these are usually different than the ones that occur to adults. Children's questions deserve simple, straight forward answers. A caregiver's direct, concrete explanation of the facts surrounding the death will help the children begin to come to terms with what has happened. They may ask to hear the facts a number of times. They may also want to share the story with many others, friends, teachers, strangers, to try to comprehend the unimaginable that has happened.

Children's perception of loss and their grief has to be understood according to their developmental levels. Death, or indeed any loss, means different things to children of different ages. Inquire and try to figure out what this loss means to this child at this particular time in life. What they feel they have lost will be a determinate of what they are missing, and what needs to be.

Dispel any fears the child may have. Children are often afraid that someone else in the family, or they themselves will die also. They need to have reassurance that these fears are unfounded. Every child is afraid of being abandoned, so if one parent has died, the remaining parent can assure the child that he/she expects to live a long time, and will take care of all the child's needs.

# FUNERALS AND CREMATIONS: PLANNING AHEAD

The best time to begin making your pre-arrangements is now, while you're thinking about it.



**B**y taking time now to collect cost information and calmly make choices related to your own funeral arrangements, you'll be protecting your family against the stress of having to make these decisions at a time of extreme emotional stress.

This way you can carefully choose specific items you want and need... and pay for them now. It is very common today to plan in advance for a funeral. Families that choose to do so guarantee themselves more time in making decisions that can affect them both emotionally and financially. When planning for a funeral at the time of death, decisions for the services are often made within 1-2 days, offering the family very little time for consideration of their emotional needs as well as their current financial position. In choosing to prearrange a funeral, the family guarantees themselves more time to make these important decisions.

Pre-planning is a matter of taking the time to think about, and record your end-of-life desires. It's a thoughtful gesture to those you love, and a way to let go of anxieties about the future. Once done, you can relax, knowing your family will not be burdened with the emotional or financial stress at the time of need.

When you're ready to make a real plan, send your chosen funeral home an email and they will usually have one of their pre-planning counselors call you to set up an appointment.





## Pre-planning your funeral will make certain that your choices are respected and carried out.

You also have the option of paying for your funeral in advance. This locks in the cost of the funeral at today's prices.

There are many different ways to begin the planning ahead conversation. You know your family and how your loved ones might best respond to the topic. For some families, it might be a casual conversation over dinner or another family gathering. For other families, a formal meeting might be better suited.

Here are some tips that may help you start the advance planning conversation with your loved ones:

- Tell your parent or loved one that you want to ensure their final arrangements are done according to their wishes, and you need their help to make that happen.
- Take advantage of funeral-related opportunities. Attending the funeral of a friend, family member or colleague. Talk about what you liked or didn't like about the services you saw or attended.
- Tell your children or loved ones that because you care for them so much, you don't want to burden them with difficult decisions when you're gone.



### SET A DATE/TIME TO TALK

Schedule it as an appointment with your loved ones, whether you want to share your plans with them or ask them to make their plans to share with you.



### EASE INTO THE CONVERSATION

Questions like "Have you ever thought about where you would like to be buried?" or "What type of funeral would you like to have?" may open the discussion.



### MAKE IT A FAMILY AFFAIR

Schedule an appointment with your chosen funeral home or cemetery provider and invite your children along to participate in the selection of services, etc.

***To My Loved Ones:***

I wanted to spare you as much anxiety, doubt, and confusion as possible at the time of my death, so in this section I have suggested some arrangements in advance.

This section includes vital statistics, funeral service guidelines and cemetery requests, which are all important to the funeral director while assisting you to plan the details of my service.

The section also includes more personal material for eulogies, obituaries, and other remembrances.

Please accept these arrangements in the spirit they are given; with love, hoping to give you comfort and help you to remember the times we shared.

Signature:..... Date:.....

Witness:..... Date:.....

***First Person to Be Notified Upon My Death:***

Name:.....

Address:.....

Telephone:.....

Relationship:.....

Notes:



***Vital Statistics About Me:***

Name: .....

Address: .....

City: .....

State: ..... Zip Code: .....

Social Security Number: .....

Date of Birth: ..... Gender: .....

Place of Birth: .....

Occupation: .....

Employer: .....

Business/Industry: .....

Military Service: .....

Marital Status: .....

Maiden Name: .....

Name of Spouse: .....

Father's Name: .....

His Place of Birth: .....

Mother's Name: .....

Her Place of Birth: .....

***My Preference for the Location of the Visitation, Service or Celebration of Life:***

☐ Funeral Home      Address of Funeral Home: .....

Address of Place of Worship: .....

☐ Other      Address of Other Location: .....

***My Preferences for the Service:***

Clergy or Officiant:..... or ☐ Funeral Home to Advise

Name: .....

Contact Information:.....

Notes:

Personal Items:

Eyeglasses: ☐ Remove ☐ Leave On

Jewelry: ☐ Remove ☐ Leave On

Clothing: ☐ Purchase at the Time ☒ Selected

Pallbearers (six are required):

Musical Tributes:.....

Organist/Pianist:.....

Congregational Hymns: .....

Favorite Genre or Artist: .....

Community Organizations or Clubs That May Participate:.....



***Cemetery Instructions:***

The following are my wishes regarding my final resting place.

Name of Cemetery: .....

Address: .....

City: .....

State: .....

Property, Crypt or Niche Owned?

If yes, specify location written on cemetery purchase agreement:

.....  
.....

Final Resting Place:    ☐ Earth Burial    ☐ Mausoleum

☐ Interment Following Cremation

☐ Other .....

Marker or Monument: .....

Purchased:            ☐ Yes            ☐ No

Monument Company Name: .....

If No, Inscription Instructions: .....

Reception Location:    ☐ Reception Suites

☐ Place of Worship

☐ Other .....

☐ Reception to Follow Cemetery

☐ Reception to Follow Service

Notes:

***Information for Newspapers - A Guideline:***

Place of Death:.....

Date of Death:.....

Spouse, Widow or Widower Of:.....

Married for Number of Years:.....

Children, Their Spouses and Their Places of Residence:

.....

.....

.....

Grandchildren, Their Spouses and Their Places of Residence:

.....

.....

.....

Siblings, Their Spouses and Their Places of Residence:

.....

Education:.....

Clubs and Lodges:.....

Military Service:.....

Special Interests, Hobbies and Pets, etc.: .....

Memorial Donations:.....

Name of Newspaper Desired: .....



***A Personal Life Review for the Funeral and Eulogy:***

I would like the following religious beliefs expressed: .....

.....

Favorite poem, verse or scripture: .....

.....

Some significant accomplishments in my life: .....

.....

One of my fondest memories: .....

.....

One of the greatest inspirations in my life: .....

.....

If I could live my life over again, I would change: .....

.....

Favorite places: .....

.....

Favorite color, flower, food, etc.: .....

.....

I want my family to remember me for: .....

.....

A message to my family and friends: .....

.....

Special notes: .....

.....

.....

### ***Disposition of Remains:***

Appointment of agent to control disposition of remains

I, \_\_\_\_\_, residing at \_\_\_\_\_, 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) in accordance with Section 711.002 of the Health and Safety Code and, with respect to that subject only, I hereby appoint such person as my agent (attorney-in-fact).

All decisions made by my agent with respect to the disposition of my remains, including cremation, shall be binding.

### ***Special Directions:***

Set forth below are any special directions limiting the power granted to my agent:

#### **AGENT:**

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

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

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

Acceptance of Appointment: \_\_\_\_\_

(signature of agent) \_\_\_\_\_

Date of Signature: \_\_\_\_\_

#### **SUCCESSORS:**

If my agent dies, becomes legally disabled, resigns, or refuses to act, I hereby appoint the following persons (each to act alone and successively, in the order named) to serve as my agent (attorney-in-fact) to control the disposition of my remains as authorized by this document:

##### **1. First Successor**

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

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

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

Acceptance of Appointment: \_\_\_\_\_

(signature of first successor) \_\_\_\_\_

Date of Signature: \_\_\_\_\_



## 2. Second Successor

Name:.....

Address:.....

Telephone Number:.....

Acceptance of Appointment:.....

(signature of second successor).....

Date of Signature:.....

### DURATION:

This appointment becomes effective upon my death.

### PRIOR APPOINTMENTS REVOKED:

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

### RELIANCE:

I hereby agree that any cemetery organization, business operating a crematory or columbarium or both, funeral director or embalmer, or funeral establishment who receives a copy of this document may act under it. Any modification or revocation of this document is not effective as to any such party until that party receives actual notice of the modification or revocation. No such party shall be liable because of reliance on a copy of this document.

### ASSUMPTION:

THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS APPOINTMENT, ASSUMES THE OBLIGATIONS PROVIDED IN, AND IS BOUND BY THE PROVISIONS OF, SECTION 711.002 OF THE HEALTH AND SAFETY CODE.

Signed this..... day of ....., 2.....:

..... (your signature)

THE STATE OF TEXAS

This document was acknowledged before me on....., 2.....by .....

\_\_\_\_\_  
Notary Public, State of Texas

## GLOSSARY OF TERMS

Creating clarity out of unknown cemetery and funeral terms when you're in the midst of planning for a loved one, can be confusing, when all you need are some straightforward answers, with no jargon. That's why we've created this simple list of terms.

- **Bereaved:** The immediate family of the deceased.
- **Burial:** Placing the deceased body or cremated remains in the ground as a final resting place.
- **Burial Permit:** A legal paper that is issued by the local government to authorize the burial.
- **Burial Vault:** A burial vault is a lined and sealed outer receptacle that houses the casket. It protects the casket from the weight of the earth and heavy maintenance equipment that will pass over the grave. It also helps resist water and preserves the beauty of the cemetery or memorial park by preventing the ground from settling. Also known as an "Outer Burial Container (OBC)."
- **Casket:** A receptacle made of wood, metal or plastic into which the deceased is placed for burial. An older term rarely used is "coffin."
- **Columbarium:** A version of a mausoleum that is designed for storing urns. This type of resting place can offer significant value over a full-sized space, yet still offers many of the benefits of larger-sized mausoleums. A columbarium may be part of a mausoleum.
- **Committal Service:** The final portion of a funeral service when the deceased is interred or entombed into their final resting place.
- **Cemetery:** A place for burying the deceased. Cemeteries often have many styles of grave markers.
- **Church Cemetery:** A cemetery that is specifically owned by a church, located on or off church property.
- **Cremation:** The reduction of a body by heat.
- **Cremation Garden:** A dedicated section of a cemetery that's designed for the burial, scattering or other permanent placement of cremated remains.
- **Cremation Permit:** A certificate issued by local government authorizing cremation of the deceased.
- **Crematory:** A facility with retorts used for the cremation of human remains.
- **Crypt:** A vault or room used for keeping the remains of the deceased.
- **Death Certificate:** A legal paper signed by a physician showing the cause of death and data about the deceased.
- **Deceased:** The person who has died.
- **Embalm:** The art and science of preserving human remains by treating them to delay decomposition. The intention is to keep them suitable for public display at a funeral, or for medical and scientific purposes such as their use as anatomical specimens. The three goals of embalming are sanitization, presentation, and preservation (or restoration).
- **Epitaph:** A brief saying or note inscribed in a grave marker, often used to honor the deceased.
- **Eulogy:** (Words of Remembrance) A speech that offers praise and celebrates the life of a loved one.
- **Exhumation:** The removal of the deceased from a grave.
- **Family Stone or Memorial:** A gravestone that marks an entire family's plot, not just one individual's grave.
- **Final Rites:** The funeral service.
- **Funeral Director:** A person, who is licensed by the state, to prepare a deceased for burial, cremation or disposition of the body and supervises any rites or services. A funeral director was previously referred to as a mortician or undertaker.
- **Funeral Home:** A building used for the purpose of embalming, arranging and conducting a funeral service or memorial service.
- **Funeral Service:** The gathering of relatives and friends which may include a religious component that is conducted immediately before the interment, inurnment or final disposition of the deceased. This service is used to honor the life of the deceased.
- **Grave:** An excavation in the earth for the purpose of burying the deceased.
- **Graveside Service:** When all rites or gatherings are held only at the location of the final disposition.
- **Gravestone:** A monument that identifies the occupant of a grave and memorializes that person. Typically includes details like the loved one's name, date of birth, and date of death. This can also be referred to as a memorial marker.



- **Graveyard:** An area set aside for the burial of the deceased.
- **Headstone or Grave Marker:** A stone or marker that identifies the occupant of a grave and memorializes that person.
- **Inscription:** The writing on a grave marker that honors and memorializes the life of the deceased.
- **Interment:** The burial of the deceased.
- **Lot:** An area of a cemetery owned by an individual and meant to serve as a final resting place for members of that family.
- **Memorial Park:** A cemetery that allows, predominantly flush with the ground, memorials which are normally made of bronze or granite. This type of cemetery has more of a park-like setting.
- **Monument:** A grave marker that is usually more intricate and large in nature. Often, monuments are upright, as opposed to flush with the ground.
- **Mausoleum:** A casket placement in an above-ground building, where a casket is placed in a drawer-like space with a plaque bearing the name of the deceased.
- **Next-of-Kin:** A person's nearest relative; the person who holds the responsibility for making decisions on behalf of the deceased.
- **Obelisk:** A gravestone that is tall, slender and pointed at the top.
- **Obituary:** The paragraph in a newspaper, or on the Internet, publicizing the death of a person and honoring that person's life. An obituary often includes details of the funeral service that family and friends wish to have published.
- **Opening/Closing Cost:** Charges related to digging a grave and filling it back in once the casket or urn is placed. The opening/closing charge may also occur if you're entombing a casket or urn in a mausoleum space.
- **Pallbearer:** An individual whose duty it is to carry the casket or urn during a funeral service. In some areas and communities, pallbearers are close relatives and friends of the loved one or may be hired as needed.
- **Perpetual Care:** A one-time fee that you pay to help a cemetery maintain its cemetery grounds and graves into the future.
- **Plot:** A measured piece of land in a cemetery in which interment rights are purchased by a family or individual.
- **Pre-Plan:** The process in which someone creates their statement of wishes for their final event plan. Pre-planning allows loved ones to focus on celebrating a life lived.
- **Private Cemetery:** A cemetery that is owned and operated by a community organization, military or specific family, and can be restricted to the public in some cases.
- **Private Family Estate:** A small section of a cemetery, usually bordered by gates, shrubbery or other dividers, that allows for ground burial of several members of the same family.
- **Private Family Mausoleum:** An above-ground structure designed to hold about two to twelve decedents, usually members of the same family.
- **Procession:** The term that describes the vehicles, proceeding as a group, that are participating in the funeral. The procession may go from a gathering at the funeral home to a church and on to the place of final disposition.
- **Public Cemetery:** Plots of land owned by a governmental unit within a town, city or county. By law, this type of cemetery must remain open to the public and are always an option that is always available for your needs.
- **Right of Interment:** The purchasing of "the grave," or in other words, the right to be buried in a particular space.
- **Scattering Garden:** A dedicated section of a cemetery or church property where families can scatter the ashes of their loved ones. Often plaques are available to memorialize the loved ones whose remains have been scattered there.
- **Sepulcher or Sepulchre:** A burial vault or crypt.
- **Tomb:** An old term for mausoleum or burial receptacle in which bodies are stored in above-ground drawers.
- **Vault:** A modern concrete shell of multiple layers a casket or urn is placed into to preserve the integrity of the casket and body or urn and cremated remains. Many cemeteries now require the use of a vault at interment. Also referred to as an "Outer Burial Container (OBC)."
- **Veteran's Cemetery:** A military cemetery in which honorably discharged veterans and their spouses and dependent children may be buried. The cemetery may be administered by the federal government, county government or local area.

# IMPORTANT NOTES

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