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### ICCFA Magazine author spotlight

► Starks is president of J. Starks Consulting, Lutz, Florida.

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► He previously served as vice president of compliance and operational support for Keystone Group Holdings, overseeing all aspects of compliance with OSHA, FTC, ADA, cremation practices and procedures, burial and cremation packaging, harassment, risk management and internal operational audits at more than 200 locations in 32 states and one Canadian province.

► He is dean of ICCFA University's College of Cremation Services. He is a graduate of the University of Wyoming and the Mid-America School of Mortuary Science, and is an ICCFAU graduate.

► He maintains his licensure as a funeral director and embalmer in the states of Michigan and Indiana and is certified as a crematory operator by both the ICCFA and CANA.

► He earned his expertise in operations management as president of Kerley & Starks, a family funeral home operation which handled more than 600 calls per year. He managed 75 employees in four funeral homes, three cemeteries, a crematory and a vault manufacturing facility. When the business was sold to Prime Succession, he became the organization's director of compliance, overseeing risk management for more than 130 funeral homes.

## CREMATION LIABILITY

If you have policies and procedures in place to make sure you never cremate the wrong body, that's a good start, but your work is not done. You need to have policies and procedures that extend until the remains have been released to the family's authorized representative.

## Proper procedures must extend to return of cremated remains

Policies and procedures that cover recordkeeping and guarantee an appropriate standard of care to ensure liability-safe cremation don't end once the deceased is cremated.

Just as you need to establish procedures to verify that the correct human remains are cremated, you should implement policies and procedures covering the final stages of the process, when the cremated human remains are returned to the authorized representative.

Procedures regarding returning cremated human remains protect both the family of the deceased and your firm. Having proper procedures in place ensures that the family receives the correct remains and protects your company from mistakes that could cost your firm profits, incur legal liability and draw unwanted media attention.

Review your policies and procedures based on these guidelines to make sure they measure up.

### Treat cremated human remains with the same level of dignity and respect as a body to be embalmed

Liability-safe cremation requires not only a systematic approach but a respectful one. A factor many funeral home owners don't consider when developing cremation procedures is the manner in which the cremated human remains are handled.

Both funeral homes and crematories must identify and address the risks involved with providing cremation services to ensure their business' financial future and reputation. If staff members consider cremation cases less important than burial cases, that attitude is reflected in their actions, from the way the cremated human remains are handled to how they

are stored prior to delivery to the family.

If the staff does not make the extra effort to ensure the process is carried out with dignity, it increases the opportunity for careless handling, which can lead to lawsuits.

Also, staff will tend to broadcast the level of reverence given to cremation cases when they interact with family members, whether making arrangements or delivering the remains. This can greatly impact overall customer satisfaction and may be the difference between lost or gained revenue opportunities.

Everyone on your staff must remember at all times that cremated human remains were someone's mother, father, sibling or child. When transporting remains from a crematory back to the funeral home, for example, the cremated human remains should never be carried like a football or placed in the trunk of the vehicle. Transportation must be handled with dignity and respect.

This standard of care must continue until the remains are claimed by the authorized representative or taken to the cemetery for burial. For example, storing cremated human remains on hallway shelves, in or on an arranger's desk or behind the office manager's desk is unacceptable, as those are not secured locations.

Remember, cremated human remains cannot be replaced if lost. To prevent loss, every funeral home should store them in a secured location with limited access until they are ready for release or transfer to a cemetery.

Locked closets or locked file cabinets are acceptable storage areas. However, many funeral homes don't have an available area that can safely hold

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cremated human remains.

In such cases, a Gladiator cabinet, which comes with shelving and a lockable door, is a good solution. Gladiator cabinets made by Whirlpool cost about \$300 and are available at big box home improvement stores. Using such containers allows funeral homes to place the cabinet somewhere that works in the funeral home instead of carving out an area that is needed for another purpose.

Storage must be not only secure but also dignified. Just as you would not stack human remains on top of each other, containers containing cremated human remains must not be stacked atop each other. Make sure you have enough shelving.

### Generate documents authenticating the funeral home's timeline of control

A systematic series of procedures designed to document activity and certify accuracy is the most obvious way to ensure liability-safe cremation.

First, verify the name on the container or urn by comparing it to the funeral home's paperwork at the crematorium. The name on the urn must be the same name on the authorization form accompanying the deceased to the crematory.

The other critical area to verify is that the name on the Certificate of Cremation also corresponds to the name on the authorization form.

If a tracking number is used and listed on the paperwork, the same number must appear on all identification documentation.

If you use a third-party crematorium, when you take possession of the cremated human remains, request documentation or a receipt from the crematorium that states the cremated human remains are in fact who they say they are.

This documentation is different than the Certificate of Cremation given to the authorized representative picking up the cremated human remains, and it should be retained in the funeral home's case file along with other paperwork and related case forms.

Another measure of prevention is

maintaining a Cremated Human Remains Log. This log allows for recordkeeping and tracking cremated human remains when they arrive back at the funeral home.

The following information should be listed on the log:

- Name of the deceased
- Date of death
- Funeral director's name
- Date of cremation
- Metal ID disk number
- Date placed in temporary storage
- Name and signature of person placing cremated human remains in storage
- Type of container or memorialization
- Date checked out and released
- Name and signature of person releasing cremated human remains
- Name of person to whom the remains were released
- Special instructions

Maintaining the key for the secured area with the Cremated Human Remains Log is a good measure to make sure the log is completed when entering and removing cremated human remains from the storage area. Verifying this information a second time at the funeral home is a valuable safeguard in case the information was overlooked when the remains were received at the crematory.

Before cremated human remains are released to the authorized representative, it is critical that you make sure the name on the temporary container or urn and on the Certificate of Cremation match the name on all other paperwork. If the crematory uses an identification number on the temporary container or urn and Certificate of Cremation, these numbers also must correspond.

Additional areas to verify before releasing the cremated human remains include that the correct urn as chosen by the family is being used and that the cremated human remains actually were placed in the urn. It is not unheard of for a funeral director to give a family member an empty urn.

This usually happens when an urn is personalized: When it comes back from the manufacturer, it is placed on a shelf, and no one moves the remains from the

temporary container to the urn. When the authorized agent arrives to retrieve the cremated human remains, they are given an empty urn.

In any case, before handing over either a temporary container or urn, you should check to make sure it is not leaking and does not have any residue on the outside.

While some funeral directors insist on removing identification labels from temporary containers to avoid advertising a third-party crematory, this is completely inappropriate. Never remove this label; it is a critical part of the identification process.

### Return cremated human remains to the authorized representative by appointment and offer extended services

To provide the same level of dignity and respect to the deceased and the deceased's family as when the removal was made, make an appointment to return the cremated human remains. The authorized representative should have an appointment, and the return should take place in a private area, not in a hallway or reception area.

After the cremation has been completed and the funeral home has possession of the cremated remains, the authorized representative(s) should be notified, and a date and time should be set when they can come in to finish the required paperwork. The authorized representative(s) is the person(s) identified at the time of arrangements as the only one(s) authorized to take custody of the cremated human remains.

By setting a date and time to hand over the cremated remains to the authorized representative, you're allowing yourself to be ready when the authorized representative arrives.

To exchange custody of the cremated human remains in a dignified and respectful manner, the return must be made in an area that would be appropriate for making funeral arrangements.

A simple way to make the presentation to the authorized representative is to use a coffee table with a cloth scarf running

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The final service offered to all cremation families should be that of carrying the cremated human remains to their car.

down the center, battery-operated candles placed on each end and the cremated human remains placed in the center. This setup can be moved to different rooms, depending on what is taking place at the funeral home.

When returning the cremated human remains in this manner, it's a caring gesture to allow the authorized representative some time alone with their loved one before the final paperwork is completed.

Also, when the authorized representative takes custody of the cremated human remains, complete a signed and dated receipt stating that control was transferred. Make a copy of the representative's identification and attach it to the receipt. Yes, you need to ask for ID; explain that this is standard procedure to protect the family. This documentation can protect the funeral home from future claims that the remains were released to the wrong person.

The final service offered to all cremation families should be that of carrying the cremated human remains to their car.

Many times, we forget this is the first time the person picking up the remains has been with their loved one since they completed the identification viewing before cremation.

The simple gesture of offering to carry the urn or temporary container to the car and asking where they would like it placed provides a standard of service that can make your firm stand out over other firms in your area.

*Whenever I write an article on cremation, I try to suggest improvements in the cremation procedures many death care providers are currently following. These procedures may take more time or may add cost to your firm. If they do, you may want to research what you are charging and consider adjustments to reflect the dignity, care and respect your firm shows when dealing with cremation consumers. □*