

LOUISIANA
LGBTQ+
END
OF
LIFE
GUIDE



W A K E

Accessible, Sustainable Deathcare

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LGBTQ+ END OF LIFE GUIDE

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The use, borrowing, sharing, and copying of this document is encouraged. We request respectful notification and acknowledgment. Be aware that many funeral and burial laws vary from state to state within the U.S. If you are using this as a template to adapt to a different state, please be sure to consult local laws and resources to ensure that it is accurate and relevant to your community. This will be updated in the years to come. We welcome feedback and suggestions for inclusion. Please direct any comments or suggestions to info@wake.education with the words EOL Guide in the subject line.

LGBTQ+ END OF LIFE GUIDE

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WHY WE CREATED THIS GUIDE

The Louisiana LGBTQ+ End of Life Guide is a comprehensive primer for end-of-life planning geared specifically towards the LGBTQIA+ community in Louisiana. We intend for this guide to be a practical manual for making informed choices about your own, or a loved one's, end-of-life care. In it you will find:

- clear and correct legal information for Louisiana,
- key areas of risk for the LGBTQIA+ community,
- advice from experts about how to navigate the death care industry, and
- resources, many of which were created from within the LGBTQIA+ community.

The goal of this guide is to close the gap of information on end-of-life care and funeral services for the LGBTQIA+ community, since much of the existing information is directed toward heterosexual couples and nuclear families. The unique needs of the LGBTQIA+ community can be overlooked in the healthcare and funeral industries because of heteronormative and/or cisnormative assumptions from representatives and fear of disclosure on the part of patients and families.

In addition, we want to identify key areas of risk for the LGBTQIA+ community within the legal system. For example, legal definitions of "next-of-kin" often trump the designation of a chosen representative. It's easy for one's wishes to be subverted by a hostile or emotionally disconnected family of origin. But with the right information and legal steps in place, one's identity and wishes can be retained through the end-of-life and dying processes.

U.S. funeral laws differ from state to state. Because this guide pertains to the specifics of Louisiana law, it will only be of partial use to those outside the state. We hope to encourage similar projects in other states so that important information about end-of-life care for the LGBTQIA+ community can be made as accessible as possible.

We have called this guide the Louisiana LGBTQ+ End of Life Guide, as it primarily seeks to provide resources and answers for those who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, Non-binary, or who hold any other diverse gender and sexual identities. This guide is meant for everyone, however you identify. We hope you will feel included, and invite you to let us know how we can do a better job of welcoming you.



Who We Are

Wake is a 501c3 nonprofit organization, based in New Orleans, Louisiana, with a mission to provide education and resources for meaningful, affordable, and environmentally sustainable deathcare. Wake believes in taking a “death-positive” approach to end-of-life planning. Death is an inevitable part of life. By having open and honest conversations about death and dying, we can be better prepared for the losses we will experience in life and help to create a culture where these conversations are no longer taboo.

A Note from Ezra

The creation of this guide was a long time coming. When my now wife and I began dating in 2013 I found myself extremely surprised by the negative and hostile reactions from our family towards the queerness of our relationship and trans identities. I began to ask myself a lot of big questions. What would happen if one of us died? Could we trust our legal family members to respect us in death? Would anyone in our circle of trusted loved ones be able to advocate for us if we were no longer around? Was the only way to protect ourselves from the worst-case scenario to get married? When I entered funeral service after college I made it my business to answer these questions and realized just how difficult it was to get clear, accurate, and compassionate information about queer, and specifically trans, deathcare. I felt I needed to share what I’ve learned with others in my community and wanted to expand my knowledge beyond funeral service and into other areas of end-of-life care. I hope this guide helps to answer some of the big, scary questions you might have about your own end-of-life situation and empowers you to take the steps needed to make sure your wishes are honored.



WHEN YOU'RE WELL

End-of-life planning can be approached at any stage of life. It's never too early to consider how you may want your care and services to go. It can reduce the stress of the death and dying process if you and your loved ones are able to evaluate the options and have a plan in place. You and your loved ones will be able to focus on spending valuable time together at the end stages of life.

Financial & Estate Planning

Wills & Trusts

Many people believe that a will is a place to articulate wishes for end-of-life care, including funeral and burial preferences. However, wills are not generally located and shared until some time after the death of an individual, at which point final arrangements have often already been made. Be sure to document your end-of-life wishes in a separate document which you make available to the person to whom you assign your primary right of disposition, and to as many other family and friends as you feel comfortable with.

A will or a trust is where you indicate what should happen to your property, including your money, after you die. These two documents have some similarities and some differences, and you should consult an estate attorney to decide which one is the best for you. There are two types of wills: holographic, which means it's handwritten, and a notarial, or statutory will. If your needs are simple you can write out a holographic will entirely by hand, indicating what you wish to happen to your property, and sign and date each page. Anything added or deleted must likewise be signed and dated. A statutory will has strict requirements and is best written with the assistance of an attorney. If a will exists then the succession must go through the court system before the heir can inherit.

The cost of having a will or trust created for you varies greatly depending on a number of different factors. Contact a law firm that specializes in family and estate law in Louisiana, and that has experience dealing with the particular challenges that LGBTQ+ individuals can face with respect to these laws. You can and should shop around for your services. There are also legal clinics that provide this service for free to those who qualify, such as [The ProBono Project](#).

No assets can legally be distributed after death until an estate has gone through succession. This process may entail filing documents in civil court, and the complexity depends on the circumstances of the estate. Estates worth less than \$125,000 may qualify for a small estate succession (Small Succession Affidavit) which makes the process simpler and cheaper. If your loved one has paid for legal help with a will or trust you can coordinate with that law firm (or any estate lawyer) to guide you through the basics of settling an estate, but that help may entail a hefty fee.

Primary Right of Disposition is the right to make all decisions regarding the handling of your remains. These rights can be secured in a notarial testament known as a Funeral and Disposition of Remains Directive.

A holographic will is entirely handwritten, with each page signed and dated. A statutory will, also known as a notarial will, should be prepared with legal assistance.

In Louisiana, the technical term is Succession but the term Probate is also often used interchangeably.

Financial Power of Attorney (POA)

A financial power of attorney allows you to entrust someone else to manage your finances and property in the event you can't take care of these things yourself. Giving someone power of attorney does not remove your own right to make decisions for yourself. A POA should be completed with legal assistance. It will need to be signed before a notary and two witnesses but does not need to be filed with the court.

Health & Medical Planning

Medical Power of Attorney (POA)

If you or a loved one reach an end-of-life stage where you may no longer be able to make your own choices regarding medical care, having a medical POA, reviewed by an attorney, is an important step, especially when there is concern regarding the choices that would be made by legal next of kin. Medical facilities often have patients fill out an advance directive, usually focusing on the patient's wishes regarding resuscitation and life-extending procedures. However, these documents do not extend to decisions outside of the medical institution and can sometimes be disregarded in an emergency situation. The [Governor's Office of Elderly Affairs' Self-Help Guide](#) offers guidance on creating a document if consulting an attorney isn't feasible.

It is important to remember that in Louisiana, POA documents expire at the time of passing, so additional steps need to be taken to make sure your post-death wishes are honored.

Durable vs. Non-Durable Power of Attorney

A non-durable POA terminates when a person becomes incapacitated whereas a durable POA will be effective after that point and up until death. All powers of attorney (durable and non-durable) expire at death. If you want to give someone the right to make decisions about your body after you die you need to create a notarial testament, such as a Funeral and Disposition of Remains Directive, which will give them the primary right of disposition over your remains.

Advance Directives

Advance Directives are written statements you execute indicating your wishes and preferences broadly regarding medical treatment. Types of advance directives include Living Will, Medical Power of Attorney, and Do Not Resuscitate (DNR) orders. A living will is a type of advance directive which states your preferences for the type of care you would like to receive if you are permanently incapacitated, and a Durable Medical Power of Attorney allows you to designate a person as your agent to make those decisions on your behalf if and when you are unable to communicate those preferences to your healthcare provider(s). A living will gives you the power to indicate your preferences regarding prolonging life in the event of a serious illness, including resuscitation, breathing machines, tube feedings, as well as whether you want to be an organ donor.

Your original living will can be filed with SOC Election Services. Pay \$20 to register it [here](#).

In order to make an advance directive a legal document, it must either be notarized or signed by two witnesses (at least 18 years old) who are not your Power of Attorney, who are not related by blood or marriage, and who do not have an interest in your

estate. You should share your advance directive as widely as you are comfortable doing; at a minimum a copy should be given to your Power of Attorney and to your doctor.

In addition to Advance Directives, in 2010 the Louisiana Legislature approved the Physician Order for Life-Sustaining Treatment (POLST), which turns a patient's preferences for care into an actual physician's order. Known in Louisiana as LaPOST, it provides terminally ill patients a more definitive tool to ensure their care at the end of life matches their preference for such care. For more details, go to: [Consumers - Louisiana Health Care Quality Forum](#).

Funeral Pre-Planning & Disposition Rights

Funeral Pre-Arrangements

Pre-arrangements can be a good option to secure your end-of-life wishes if you are certain about where you want to be, both at the time of your death and after death. Pre-planning and pre-paying for your services at your chosen funeral home relieves your loved ones of the stress of guessing and executing your wishes and securing payment for your services. You also stand to save money, since the cost of funeral services, and especially of burial, tends to rise over time. You may even choose to authorize your own cremation (see below) before your death, making one less step for the person who will be responsible for your arrangements.

When you pre-arrange services you have the option to make payments over time with the funds being written into an insurance policy (best for people who are still in good health because the policy funds are invested by the holding insurance company and grow over time) or you can pay up front with the funds being written into a trust (more common for those who are elderly or unwell). Many funeral homes are partnered with outside insurance companies for death benefits. If you're planning to pre-pay it's even more important that you shop your services, both to ensure you're paying a competitive price and also to be confident the funeral home you choose will still be in business and able to honor your arrangements at the time of your death. It is important to have a good understanding of what your options are should the funeral home go out of business, you choose to move, or you cancel your policy. If a funeral home cannot provide you with a clear plan for what will happen to your policy in these situations, you should choose a different funeral provider.

In Louisiana, pre-arranged funeral plans are not legally protected and can be changed by legal next-of-kin or another authorizing party. If you are concerned about your wishes being changed after your passing, you may want to assign your primary right of disposition to a loved one whom you trust to carry out your wishes.

It is also important to remember that most pre-arrangement counselors are commission-based sales associates licensed to sell insurance, not licensed funeral directors. If you have any concerns about the execution of your wishes, you may want to speak directly with a licensed funeral director and/or an attorney.

If you do not feel comfortable pre-arranging with a funeral provider but still wish to set aside funds for your funeral arrangements you may consider setting up a trust with a bank. When setting up a trust, you should make sure that the person who will be legally responsible for your final arrangements is fully aware of the steps that they will need to complete to access the funds at the time of your passing and that you have given them all necessary authorizations. You should also be aware that it might take some time to access your funds. This may hold up the completion of your disposition, if your chosen representative can not cover the cost of your services up front and your funeral provider is unwilling to provide services before funds are released.

Self-Authorization

If you are planning to choose cremation you have the option to self-authorize your cremation paperwork. This means that before your death you are personally signing the document that gives your chosen funeral home consent to perform your cremation instead of that document being signed by your representative. This option can make things easier if your chosen representative is not your legal next-of-kin, you do not have any known legal next-of-kin left, or if your next-of-kin live very far from you. Louisiana law requires that the majority of the legal next-of-kin sign a cremation authorization unless a self-authorization has been signed or the right of disposition has been legally given to a chosen representative (we strongly advise that this document specifically mentions cremation). A self-authorization does not take the place of assigning your right of disposition and you should complete both if you are concerned that your wishes will not be honored. A self-authorization is also not a legally binding agreement for your chosen funeral provider to complete your cremation. If the person who is legally responsible for your arrangements does not wish for you to be cremated, they have the power to override a self-authorization and any corresponding pre-arrangements made with a funeral provider.

Assigning Your Primary Right of Disposition

The most secure way to make sure your wishes will be honored after you die is to assign your primary right of disposition to a trusted family member, partner, friend, or legal guardian whom you believe will outlive you. A right of disposition document is a type of notarial testament, such as a Funeral and Disposition of Remains Directive, which gives your chosen representative the right to say what happens to your body after you die. You will need to have an attorney or guardianship service draw up this document. It will need to be signed by both you and your chosen representative, and notarized. This document will allow your chosen representative to bypass your legal next-of-kin, attesting that your representative has all rights to make any decisions regarding the disposition of your remains and that you expressly do not wish that responsibility to fall to any legal next-of-kin. It is best practice to also mention your chosen form of disposition in this document, especially if you wish to be cremated. This document will not take the place of a will, POA, or any other estate documents; it pertains specifically to the disposition of your body. You should also be aware that assigning your right of disposition also assigns the assumed financial responsibility of your arrangements. If conflicts arise, decision making usually falls to the party who can cover the cost of your disposition so you should always discuss a financial plan with your authorized representative, whether

To have the most assurance that your wishes will be honored, complete both a self-authorization *and* assign your primary right of disposition to a trusted relative.

it is a pre-paid funeral arrangement with a provider, a trust with a bank, or some other means of funding. If you are in a position to do so, the most secure course of action for having your wishes honored completely is to pre-arrange, pre-pay, and put someone legally in charge who will respect your wishes.

Veterans Benefits

Veterans qualify for many later-life and end-of-life care benefits including a limited number of hours of sitter services, coordination of care with your hospice provider, possible allowances for special services and equipment, or care at a veterans' nursing home. Though not specific to LGBTQ+ individuals, do determine whether or not they are relevant to you, and take them into account during advance care planning.

Additional information about veterans benefits regarding disposition will be covered in that section of the guide (pages 20-21).

PREPARING FOR A DEATH

Hospice & Palliative Care

Hospice

Hospice is a special type of medical care for someone nearing the end stage of a terminal illness. The focus of this care is to help individuals live as well as possible. Hospice care typically occurs in the home but can also happen wherever the patient considers home or in a dedicated hospice care facility. Hospice care focuses on the quality of life of a dying person, including symptom management (such as alleviating pain), coordinating care and communication, including clarifying goals of care and making healthcare and post-death decisions. This care is provided by an interdisciplinary team and includes regular and urgent medical care provided by doctors and nurses, as well as emotional support provided by social workers, clergy, and volunteers. Hospice provides pharmaceuticals, medical equipment, 24/7 access to care, and support for loved ones following a death. Additionally, a hospice agency will follow a patient's family for at least 12 months after death has occurred to support the family's bereavement needs and make professional referrals in the case of grief complications.

Despite being a widely available benefit through either private insurance or the Medicare system, hospice is underutilized in the U.S., both because of the general avoidance of the topic of death between doctors, patients, and their families, and because of the constant pace of medical technological advancements and the field's focus on prolonging life, often at all costs.

Hospice eligibility requires documentation from two physicians estimating that a patient has less than 6 months to live. The patient may no longer be receiving certain "curative" forms of treatment; that is, treatment that is meant to cure a disease. For example, a cancer patient may not be eligible for hospice if they are receiving chemotherapy or radiation. Since no doctor can know exactly how long a patient will live, it's important for both patients and doctors to begin to discuss hospice early on in order to maximize this benefit.

Palliative Care

Palliative Care is also treatment focused on comfort and quality of life for seriously ill individuals and includes benefits for the patient's family. The main difference between hospice and palliative care is that a patient does not necessarily need to be "actively dying"—or predicted to be within 6 months of death—to receive palliative care. Care can begin at the time of diagnosis and occur when the patient is still receiving "curative" medical treatment. Otherwise, palliative care is very much like hospice care, focused on providing comfort and improving quality of life for the patient and their family, including chosen family.

Choosing a Funeral Provider

When a loved one is approaching the end of life the time you spend together can be extremely valuable. Though it can be a stressful subject, considering what comes next once your loved one dies can make the funeral process easier and allow more space for grieving. When considering a funeral provider it is important to be aware of your power as a consumer. Prices for services can run high and vary widely among funeral homes and it is worthwhile to compare prices for your desired services from multiple providers. You can expect to pay multiple thousands of dollars even just to take care of the legal essentials, like arranging for disposition and filing a death certificate. Many funeral providers contract third-party services such as offsite crematories, refrigeration, and transportation, so you may pay a surplus to cover their costs. Know that funeral homes are legally obligated to provide you with detailed pricing information over the phone, or a written price list upon request. You may also want to ask members of your community for recommendations of funeral providers with whom they have had a good experience. Though most funeral providers will gladly provide services to any family who contacts them, most have more experience serving a specific cultural community. You should never feel embarrassed to ask a potential funeral provider about their level of cultural competency regarding your specific community or desired services, be they related to religious, racial, gender-identity, or eco-friendly choices.

Consumer Protections

The Funeral Rule is a set of federal protections, put in place by the Federal Trade Commission, that protects consumers who are making final arrangements. Under this law, you may price-shop (and are entitled to a free copy of a funeral home's general price list when you ask) and purchase only the services or products that you want. In other words, you can't be forced to have a body embalmed, or to purchase a bundle when you buy something. The Funeral Rule includes the following protections (found on the [FTC's website](#)):

The Funeral Rule

- **Buy only the funeral arrangements you want.** You have the right to buy separate goods (such as caskets) and services (embalming or a memorial service). You do not have to accept a package that may include items you do not want.
- **Get price information on the telephone.** Funeral directors must give you price information on the telephone if you ask for it. You don't have to give them your name, address, or telephone number first. Although they are not required to do so, many funeral homes mail their price lists, and some post them online.
- **Get a written, itemized price list when you visit a funeral home.** The funeral home must give you a General Price List (GPL) that is yours to keep. It lists all the items and services the home offers, and the cost of each one.
- **See a written casket price list before you see the actual caskets.** Sometimes, detailed casket price information is included on the funeral home's GPL. More often, though, it's provided on a separate casket price list. Get the price information before you see the caskets, so that you can ask about lower-priced products that may not be on display.

WAKE has priced out funeral services for the Greater New Orleans area. You can view that list at www.wake.education.

- **See a written outer burial container price list.** Outer burial containers are not required by state law anywhere in the U.S., but many cemeteries require them to prevent the grave from caving in. If the funeral home sells containers, but doesn't list their prices on the GPL, you have the right to look at a separate container price list before you see the containers. If you don't see the lower-priced containers listed, ask about them.
- **Receive a written statement after you decide what you want, and before you pay.** It should show exactly what you are buying and the cost of each item. The funeral home must give you a statement listing every good and service you have selected, the price of each, and the total cost immediately after you make the arrangements.
- **Get an explanation in the written statement from the funeral home that describes any legal cemetery or crematory requirement** that requires you to buy any funeral goods or services.
- **Use an "alternative container" instead of a casket for cremation.** No state or local law requires the use of a casket for cremation. A funeral home that offers cremations must tell you that alternative containers are available, and must make them available. They might be made of unfinished wood, pressed wood, fiberboard, or cardboard.
- **Provide the funeral home with a casket or urn you buy elsewhere.** The funeral provider cannot refuse to handle a casket or urn you bought online, at a local casket store, or somewhere else — or charge you a fee to do it. The funeral home cannot require you to be there when the casket or urn is delivered to them.
- **Make funeral arrangements without embalming.** No state law requires routine embalming for every death. Some states require embalming or refrigeration (Louisiana does) if the body is not buried or cremated within a certain time; some states don't require it at all. In most cases, refrigeration is an acceptable alternative. In addition, you may choose services like direct cremation and immediate burial, which don't require any form of preservation. Many funeral homes have a policy requiring embalming if the body is to be publicly viewed, but this is not required by law in most states. Ask if the funeral home offers private family viewing without embalming. If some form of preservation is a practical necessity, ask the funeral home if refrigeration is available.

Though the term "caving in" may sound alarming, many cemeteries require a vault to help counteract the natural settling of land that has been disturbed, which makes lawn maintenance easier.

WHEN SOMEONE DIES

At the Time of Death

Pronouncing Death & Medical Examinations

The circumstances surrounding a death will determine what happens next with the body. If a person is elderly, with a history of illness, and dies at home or under hospice care, the coroner's office may not order a medical examination and the family will be directed to contact a funeral home to make arrangements for disposition. This is a critical time to consider cost since funeral homes have widely different pricing for similar services and once the body has been taken into the care of a funeral provider it can be hard to negotiate cost.

If a medical examination is required then the body will be brought to that parish's coroner's office and an autopsy will be performed. The autopsy is usually conducted fairly quickly so it's possible to proceed with funeral services. However, the results from the labs taken during the autopsy can take a long time to process and it can be many weeks before the autopsy report is available. This can cause long delays in the issuing of a death certificate which can in turn cause delays in settling an estate since a death certificate is necessary for many of these steps.

Custody of Remains

Louisiana law requires that a licensed funeral director be hired to oversee disposition. Therefore, once a person has died, their loved ones will need to contact a chosen funeral provider to take custody of their remains. In order to release a deceased person to a funeral provider you must have legal claim to their remains. Unless the right of disposition has been given to a chosen representative before the decedent passed, legal claim to their remains falls to their legal next-of-kin. Here are the first seven parties in the legal order of next-of-kin (from the [Louisiana State Legislature](#)):

1. The person designated to control disposition by the decedent in the form of a notarial testament or a written and notarized declaration
2. The surviving spouse, if there is no pending petition for divorce filed by either spouse prior to the death of the decedent spouse
3. A majority of the surviving adult children of the decedent
4. A majority of the surviving adult grandchildren of the decedent
5. The surviving parents of the decedent
6. A majority of the surviving adult siblings of the decedent
7. A majority of the surviving adult persons respectively in the next degrees of kindred, as established in Civil Code Article 880 et. seq

If the deceased was unmarried, widowed, or divorced, the next-of-kin can sometimes refer to multiple individuals (e.g. multiple children, parents, or siblings) in which case the group may choose to recognize a "primary next-of-kin" to be the main point of contact.

If the decedent has no legal next-of-kin (either because they have died or if they are truly unreachable due to estrangement), and no one has been given the primary right of disposition, Louisiana law allows that any “interested party” can come forward to claim custody of the deceased after a 30-day waiting period has passed. If the person wishing to take custody of the decedent’s remains does not want to wait 30 days, or if there is conflict between multiple next-of-kin, a local judge can be petitioned for a court order to give custody of the remains to a single interested party. This process, though effective, can be costly and tedious and will typically require the assistance of an estate attorney. Usually, if there is no conflict between next of kin or contested claim, the above steps may only be necessary if the deceased is to be cremated. Since cremation can not be “undone” in the way a burial can be disinterred and moved, funeral providers and coroner’s offices are much more strict about adhering to these rules. If a decedent is to be buried and there is no conflict about the choice of disposition and who will be financially responsible for it, many funeral providers will move forward with the burial without needing any additional paperwork or legal qualifications from the client handling the arrangements.

If your loved one died at a hospital facility and you need some time to choose a funeral provider, you may have the option of having the hospital morgue hold on to their remains until a decision is made. If your loved one passed outside of a medical facility, the parish coroner may come to receive the body while you make a decision, even if no autopsy or examination is required. This may come with a holding fee depending on which parish the deceased is in. Neither of these options should be considered a long-term solution. Most facilities will require that the deceased be picked up within a given number of days or weeks, or they will be considered unclaimed.

Funeral Arrangements & Death Certificates

Once you have hired a funeral provider they will begin the process of making funeral arrangements. This involves meeting with your chosen funeral provider to complete the necessary paperwork regarding the preparation and disposition of the body, completing the death certificate, the planning of any gathering before disposition, and the final disposition of the body (burial, cremation, etc), as well as signing the funeral contract and handling payment for these services. This can include authorizing an embalming procedure, authorizing cremation, contacting cemeteries and clergy, scheduling and arranging the details of a funeral service, and memorialization options such as publishing an obituary or choosing an urn or casket.

Your funeral director will take care of notifying the Social Security Administration of the death and filing a death certificate with the state. A death certificate is an official document, signed by a physician and certified by the Louisiana Office of Vital Records, which states the cause, date, and place of a person’s death along with personal information about the deceased. Death certificates are filed by a licensed funeral director and can be ordered through the funeral home when you make final arrangements for a decedent. If there is no medical examination ordered by the coroner’s office you may receive the death certificate within about 2 weeks of

ordering once the physician has signed and they have been brought to the state to be certified. However, if an autopsy is being performed or an investigation conducted, a death certificate may be delayed by months.

Once filed and certified, death certificates can be obtained directly from the Office of Vital Records or through vital record websites such as VitalChek.com. In Louisiana, the Office of Vital Records charges \$9 for the first death certificate (which includes the Burial Transit Permit needed by the funeral home) and \$7 for every additional copy. Obtaining death certificate copies from third parties such as VitalChek.com may come with a higher fee. The person ordering the death certificate outside of a funeral home must provide their name, address, phone number, and show a state or federal photo ID (which will be photocopied), and their relationship to the deceased is noted on the application.

The information that is requested on the death certificate includes the following:

- Decedent's name
- Decedent's address
- Decedent's social security number
- Date of death
- Date of birth
- City of birth
- Mother's full name before marriage (maiden name)
- Mother's city of birth
- Father's full name
- Father's city of birth
- Occupation of the deceased and the industry in which they worked
- Highest level of education the deceased achieved

Chosen Names vs. Legal Names and Gender Markers

If you did not legally change your name in life, all legal documents will need to have your legal name. This includes your death certificate, insurance, estate paperwork, medical paperwork, paperwork for US Veterans Affairs Department, etc. This may also include paperwork done by the cemetery. However, you should be allowed to have your chosen name listed on your burial marker. All non-legal documents may use your chosen name. This includes your obituary, memorialization items such as funeral stationery, and your burial marker or urn.

If you did legally change your name, it is strongly encouraged that you take time to change all legal documents to reflect your new chosen legal name. This includes all insurance paperwork, any pre-arrangements you have made, your driver's license and any additional identification, your banking information, government paperwork (especially social security), Veterans Affairs paperwork, estate paperwork, and medical documents.

There is currently no legal requirement to use the same name or gender marker on your death certificate as on your birth certificate. The person handling your arrangements needs to be prepared to make this known and be firm with the funeral home about using your legally-changed chosen name and the gender marker that

is in alignment with your identity on all paperwork. Many funeral professionals make assumptions about what is legally allowed, and some will exert personal bias and not fulfill your wishes. They may try to appease your representative by listing your legally-changed chosen name as an “alias” on the death certificate. The choice of name is often arbitrary and usually falls to client preference, suggestion from the funeral director, or the name on the majority of personal documents. Having all of your paperwork consistent with a single legally-changed chosen name will make it hard for a funeral director to insist on using any former name.

In regard to changing gender markers, Louisiana does not currently have formal criteria on which documents are used to determine what gender marker will be listed on a death certificate. However, the best way to ensure that the correct gender marker is used on your death certificate is to amend all personal, medical, and legal documents, including your birth certificate if possible. Though the process of amending your gender marker on a driver’s license or other personal documents may be less difficult, currently in Louisiana [it is only possible to change the gender marker on a birth certificate](#) by presenting a court order certifying completion of specific gender-affirming surgeries that many people of trans experience may not want or have access to.

The final decision about which gender marker is listed on a death certificate will likely fall to the doctor signing the death certificate, whether it is an attending physician or the coroner. For people who have health insurance, most medical systems consider “legal” gender to be the gender their insurance company has associated with their coverage. For uninsured patients, gender is typically considered to be whatever is listed on a person’s driver’s license or state identification. As many people of transgender experience do not opt to change the gender associated with their medical insurance, in order to protect coverage for organ-specific care that is unnecessarily gendered (such as pap smears, mammograms, or prostate exams), it may be difficult to ensure the accurate gender marker is listed on the death certificate, especially if the doctor signing the death certificate is less familiar with the nuances of serving gender-diverse populations.

If your loved one is receiving end-of-life care in a medical setting, it can be worthwhile to ask in advance about how the facility addresses gender identity for gender-diverse people, since the criteria for documenting legal sex and gender identity often differs from one medical establishment to another. If you know which doctor will be signing your loved one’s death certificate before they pass, you may also want to have this discussion with them directly. If it is clear the doctor will not be affirming, you may need to call upon additional advocacy from hospital staff and patient advocates who can intervene with medical staff or help you switch your care to a more affirming medical provider if necessary. If issues arise after your loved one has passed and the doctor signing the death certificate disagrees with the gender marker listed on the information submitted by the funeral director, your chosen representative, your funeral provider, and possibly legal council will need to actively advocate for you and they may be unsuccessful.

It is also important to consider which institutions will require a copy of your loved one’s death certificate as you settle their estate. For people with life insurance

While WAKE recognizes that gender diversity expands beyond the binary, currently Louisiana does not legally recognize non-binary identity on any legal documents and does not have the option to list “X” gender marker on a birth certificate or driver’s license, even if it is listed on a federally issued passport.

coverage, it is important to ensure that the gender marker associated with their policy matches the gender marker listed on their death certificate, as discrepancies could prevent their chosen representative from being able to file a claim.

Viewing the Deceased

For many people, viewing the body of someone who has died is an important part of the grieving process. Regardless of the type of disposition chosen, if a deceased person's body is in good condition, funeral providers should have several options for viewing. If a family or representative wants to have a viewing that is open to the public most funeral providers will require embalming as company policy. This is to make the transporting of the deceased easier and to ensure that the experience goes well, as most people are not used to seeing an unembalmed body. It is important to know that embalming is not required by law even if it is "company policy." If a funeral provider does not have the facilities to offer refrigeration they may pressure clients to agree to embalming, or perform an embalming procedure before getting authorization. If you did not authorize embalming, this charge can be refused.

If a decedent is not having a public viewing your funeral provider may offer an "identification viewing" or "ID" where a small group of people are allowed to view the unembalmed body after it is removed from refrigeration. This is a common option if a person is to be cremated, however, it can also be a good option for decedents who are to be buried but are not having a public service or if the casket will remain closed for the service. Your funeral provider may perform "minimum preparation" of the body before an ID viewing. This includes bathing the deceased, closing the eyes and mouth, and other grooming to make sure the deceased is presentable with minimally invasive care.

There are some circumstances where a funeral provider may not allow you to view the deceased or will require you to sign a waiver releasing them of any liability for emotional trauma. If the deceased was found in an advanced stage of decomposition, was involved in an accident or crime that caused great physical trauma, or has a very dangerous disease that can be spread after death, viewing the body, especially if it is unembalmed, will be highly discouraged and may require legal intervention. If a funeral provider is not willing to assume the liability for allowing a viewing in one of these circumstances they may release custody of the deceased and ask you to choose a different provider (though may still require that you pay for all services performed by them, including transportation and storage, before release). Though it can be very upsetting to be told you should not view your loved one, it is important to consider the emotional toll that seeing them in this condition may take before moving forward.

Caring for a deceased loved one at home and having a home funeral have had a resurgence in popularity recently. Home funerals are technically legal in Louisiana, however, since a body must remain in the custody of a licensed funeral director at all times, it's necessary to find a funeral director willing to oversee the home funeral and agree to their fee. Keep in mind that you may also need to pay for transportation since they may require that the body be refrigerated between viewing times (i.e. at night). By law, a body must be embalmed or refrigerated at a temperature not to exceed 45 degrees Fahrenheit (in a refrigeration unit or by

applying ice) if disposition does not occur within 30 hours of death. This can make things logistically complicated especially if home services were not planned and prepared for the death. The practice of community members bathing and dressing the deceased is common in many religious groups, however, you do not need to be part of a particular faith to want to be involved in the care and preparation of your loved one's body. If you would like to care for your loved one's body at home and the death is expected (not sudden or the result of an accident, requiring coroner investigation) the person reporting the death may be able to ask the funeral provider to wait a few hours before sending someone to take the deceased into their care. This would allow you time to care for your loved one as desired, even if you are unable to have a home funeral. Many funeral providers will also be able to accommodate the request to care for your loved one at their facility.

Options for Disposition

Burial

Any interested party can arrange a burial, legal next-of-kin do not need to be involved as long as there is no conflict. However, if there is concern about legal next-of-kin objecting to arrangements and taking action it is best to have the necessary documents in place authorizing a chosen representative to have your primary right of disposition. Typically, the responsibility of arranging a burial will fall to whomever can pay for the services. If you assign your right of disposition to someone who lacks the funds to pay for your services or you do not leave them appropriate funds, they will have to seek other means of fulfilling your wishes or turn over your right of disposition to your legal family or whoever can pay. If no one can secure funding for final arrangements the state will arrange for disposition (through the parish's coroner's office) and you will not have access to their cremated remains or their place of interment.

If you are planning to be interred in a family burial space, your chosen representative will need access to the deed and in some cases all "legal heirs" of the tomb may need to sign off on authorizing your interment in the property. If there is concern about chosen names being used on the inscription of a burial marker, final say will likely fall to the tomb owner. Your representative cannot force the tomb owner to consent to an inscription they do not want, nor can they have a tomb inscribed without the tomb owner's permission. If this is a concern, it is best to address it while doing your end-of-life planning and work to reach an agreement with your legal family members who are responsible for the tomb/burial space.

Cemeteries in Louisiana are allowed to set their own requirements for interment, such as using a vault or having a certain type of headstone or marker. You do not need to be embalmed to be buried and in-ground burial is available throughout Louisiana, however, your chosen burial container may need to meet certain requirements (such as choosing a wooden casket for a tomb that will be reused) and, depending on the cemetery, you may be compelled to purchase certain items such as a grave liner. If you would like to choose a less common option for burial, such as a shroud or cardboard container, you and your funeral provider should always check with

Most funeral providers will allow any representative to authorize and pay for a burial as long as there is no obvious conflict with legal next-of-kin. However, every cemetery has different requirements for who can authorize opening a gravesite.

the cemetery where your loved one will be buried before moving forward with the arrangements. It is also important to note that you are not required to purchase a casket or other burial container directly from a funeral provider and may provide your own. When shopping for caskets, keep in mind the requirements of your chosen burial space, the size and weight of the deceased, and the shipping time.

Cremation

Traditional flame cremation is the most popular method of disposition in the United States and has risen in popularity greatly in Louisiana. During the cremation process a deceased person is placed in an individual retort, which is heated to about 1500 degrees. Once the process is completed, the remaining "ash," made mostly of bone mineral, is crushed into a powder and any foreign objects such as screws from surgical procedures are removed and disposed of as medical waste. The amount of cremated remains that will be returned greatly depends on the height and bone density of the deceased, not necessarily their weight. Louisiana has strict guidelines for who can authorize a funeral provider to perform cremation. However, the person in charge of authorizing the cremation can name someone else to receive the cremated remains once the process has been completed.

In the state of Louisiana, cremation must be authorized via one of the following options:

- The majority of the legal next-of-kin must sign the cremation authorization. If there is more than one next-of-kin required to sign and the funeral home is unable to get sign-off from the majority of the next-of-kin, the person responsible for the arrangements may need to pursue another option for authorization.
- A person chosen by the deceased to be their "authorized representative" via legal paperwork may authorize cremation (this document may need to specifically mention cremation).
- A representative who petitioned for a court order from a judge to have custody and the remains and the right of disposition may authorize cremation.
- Any "interested party" who can cover the financial cost of disposition may come forward and take custody of the remains if a deceased person is unclaimed after 30 days, and may authorize cremation.
- Before death you may pre-arrange and authorize your own cremation. However, in Louisiana pre-arrangements and self-authorizations for cremation can be overturned by next-of-kin if you did not legally assign a chosen representative to have your primary right of disposition. Also, a funeral home will need to speak to a living representative to handle the paperwork after the death occurs, even if you pre-arrange and self-authorize your cremation.

Issues tend to arise when: more than one group wants to have the final say; next-of-kin do not agree on cremation vs. burial; a person was not legally married but their domestic partner or trusted friend wants to handle the cremation and the proper paperwork is not in order; if legal next-of-kin are estranged and cannot be reached or are not agreeable; or the deceased does not have any remaining legal next-of-kin or state guardian, and did not put proper paperwork in place before death. If a disagreement arises, the best remedy is to petition for a court order; however, this can be costly and tedious. You may also choose to wait the 30 days, but this allows

time for legal next-of-kin to proceed with their wishes without hesitation. It can also be emotionally upsetting, knowing a loved one is sitting in refrigeration, awaiting final arrangements.

After someone is cremated there are many options for what to do with their remains. You may wish to inter their urn in a cemetery or columbarium, scatter their cremated remains, have keepsakes made, or keep them at home. It is not technically illegal to scatter cremated remains on public property but there may be local ordinances or permit requirements. For example, there is a “no dumping” law in Lake Pontchartrain. You will have to take into consideration the wishes of the general public; use your best judgment. Scattering cremated remains on private property is up to the owner. Some places such as theme parks and sports fields do not want you to scatter cremated remains, however, many people do so discreetly.

If you intend to travel with cremated remains, you will want to keep the Burial Transit Permit with the urn. This document is provided by the funeral home when the cremated remains are released and if it is misplaced they should be able to provide you with additional copies. It is legal to fly with cremated remains in most countries. It is suggested you place them in your carry-on and use a [TSA-compliant urn](#). When traveling domestically you will only need the Burial Transit Permit. However, if you are traveling internationally customs may require additional paperwork.

It is also legal to mail cremated remains. United States Postal Service is the only authorized shipper for mailing cremated remains. Guidelines on how to package cremated remains for mailing are available on the [USPS website](#). If you are mailing cremated remains outside of the United States, some countries require additional paperwork. It is important to research before shipping so the urn is not denied at customs.

Donating Your Body to Science

Anatomical donation can be chosen in place of a traditional burial or cremation. It does not require the assistance of a funeral home. Families will make arrangements directly with the institution receiving the donation. The institution will handle filing the death certificate, complete the cremation after the deceased has fulfilled their anatomical use, and return the cremated remains to their loved one.

There are specific laws governing anatomical donation, and it is highly encouraged that this be arranged before someone passes. Eligibility requirements vary based on institution. You should also have a back-up plan in place, as the chosen institution may not be accepting donations at the time of death or you may no longer meet eligibility requirements. It is important to properly research your chosen medical institution or donation service to make sure you and your loved ones are okay with their terms. You can still be an organ and tissue donor even if you are not accepted for anatomical donation. These wishes should be made known in your medical records, advanced directive, etc.

Along with medical research institutions such as colleges and labs, there are also “body brokering” services that accept anatomical donations in exchange for free cremation, and then have the right to sell anatomical parts for study and

Thanks to the HOPE Act, people living with HIV can now accept organs from donors with HIV, who are otherwise excluded from the organ donor pool.

experimentation. These experiments entail some uses that could make families uncomfortable, such as crash, explosive, or military tests. Body brokering services can make a significant profit from the sale of body parts, and the family receives no share. While some of the studies with body parts from brokering services can lead to life-saving developments and not all donation service businesses are abusive or dishonest, it is most important that you and your loved ones ask the necessary questions in order to fully consent to all possible anatomical uses.

Other Ideas for Disposition

Green Burial is defined as full-body burial in soil, in a relatively shallow grave, surrounded by biodegradable material (such as a shroud, wood or cardboard casket, etc.), where the body is not embalmed and only natural products are used. The idea is to promote biodegradation and environmental sustainability. It offers the most carbon-neutral solution for the disposition of the human body. Green burial options exist in Louisiana though there are still no certified Green Burial Cemeteries. To have a green burial, ensure that no embalming happens, choose only natural, biodegradable materials for the body and its container, and bury in the ground at a level (typically 3-4 feet) that maximizes the biodegradation of the body (without the use of concrete or stone vaults or liners). Some cemeteries make you pay a surplus to be buried without a vault or grave liner, if they allow it at all, so you will want to research your options before death if possible.

Burial at sea will require the services of a licensed captain. You are required to be a certain number of miles off shore and must follow strict guidelines regarding how the deceased must be shrouded. It is much easier to scatter cremated remains at sea. You may do this on a private boat or enlist the services of a funeral home to arrange a scattering event for you.

Alkaline Hydrolysis, also known as “aquamation” or “water cremation,” is a cremation process that does not use flames. Instead, a body is placed into a pressurized tank with water and potassium hydroxide and heated until it is broken down into its chemical components over the course of several hours. Afterwards, the remaining bone mineral is processed into powder and returned to families in the same way as traditional flame cremation. The current method for alkaline hydrolysis was first legalized in the U.S. in 2005 in Minnesota by the Mayo Clinic which still uses this method today. At the time of writing, Alkaline hydrolysis is legal in 19 states, but not in Louisiana.

Natural Organic Reduction, otherwise known as human composting, is a process in which an unembalmed body is broken down with organic material, such as wood chips, for several weeks until it becomes soil. The process was legalized in the state of Washington in 2020, and has since been legalized in several states. It is not currently legal in Louisiana.

If you are interested in options that are not available locally, you may ship your body out of state or country. However, this will come with additional costs and the

additional transportation involved will make the process less “green.” Note, though, that while some funeral directors will claim that the body must be embalmed before shipping it across state lines, this is not true as one may always claim religious exemption to embalming and insist on an alternative method of preservation, such as ice. You will have to take into account the laws of any states through which you are transporting the remains, as well as the states of origin and destination, and the company policies of any funeral homes or shipping services you’re working with.

Funeral directors report requests for alternative methods of disposition that are often explicitly illegal, or if technically possible are logistically and financially difficult to attain, such as:

- **Viking funerals** (open-air cremations are not legal anywhere in the United States except for a small community in Colorado),
- **keeping a loved one’s skull or bones** (possessing any human remains other than the ashes of a loved one is illegal in Louisiana), and
- **sky burials** where the body is fed to animals (not legal in any state).

Some requests that may require great difficulty and/or expense but are technically legal include:

- **“extreme embalming”** where an embalmed body is displayed in some unconventional pose, i.e. sitting on a bar stool with a glass of champagne (legal, but expensive and requires hiring an embalmer with specialized skills),
- having your cremated remains **launched into space** (very expensive and usually only a small portion of the remains),
- **pressing ashes into a diamond** (legal but expensive),
- **keeping your loved one’s gold teeth** (technically legal but you must find a dentist willing to remove them and accept the liability).

There are also options on the market that seem like a novel idea but do not perform as advertised. These may include:

- **“tree pods”** (technically legal but the product for whole body burial has not been brought to market and may require unethical trauma to the deceased’s body such as breaking bones),
- **“reef balls”** (memorial reefs do exist but their environmental impact is not well understood),
- and **“mushroom suits”** (expensive, do not actually process the human body, and are of questionable environmental value).

Veterans Benefits

When looking at end-of-life planning, if your loved one served in the military, there are considerations and benefits a veteran and their family would qualify for as part of their service. These benefits are offered to veterans and their families based on their status at discharge.

Any veteran with an honorable discharge can apply for burial and survivors’ benefits, including those who have their dishonorable discharge overturned due to the unfair

“Don’t Ask, Don’t Tell” policy. This includes the rendering of military honors at the funeral service, presentation of a burial flag to their loved ones, and a burial space in a veteran’s cemetery free of charge to the veteran, with a spouse also being able to share the interment space for a small fee. The VA may reimburse a portion of the funeral expenses to qualifying families (you will need to present an itemized contract.) These benefits also apply to transgender veterans and same-sex couples. In order to apply for funeral and burial benefits, you must present a DD2-14 for your loved one showing honorable discharge. If it can not be located, you can request a copy from the National Archives online or via fax. Please keep in mind that the National Archives can take several months to respond, so it is better to gather these documents in advance if possible. If the deceased has changed their name or gender marker, your funeral provider may need to submit additional documentation showing proof that the information has been legally changed so the VA can verify their service. However, no honorably discharged veteran should be denied benefits based on their gender identity or sexual orientation.

Many LGBTQ+ veterans, prior to the rescinding of the “Don’t Ask, Don’t Tell” policy, were discharged based on sexual orientation or gender identity. There are ways to have this discharge status corrected to receive their benefits. Veterans Services Officers can assist with getting the discharge status corrected. In addition, there are organizations for LGBTQ+ veterans who assist with getting benefits reinstated such as American Veterans for Equal Rights (AVER) and Transgender American Veterans Association (TAVA).

If the veteran served after the repeal of “Don’t Ask, Don’t Tell,” the same benefits are available; however, there are also LGBTQ+ services available through the Veterans Administration, which can include working with social workers to ensure any end-of-life care planning and supportive care. If you are connected to the Veterans Health Administration already, all Veterans Health Administration hospitals have an LGBTQ and Alternative Sexualities coordinator to assist with care for LGBTQ+ veterans. You would contact your local VA hospital for that information.

Unclaimed Remains and Indigent Death

The state of Louisiana does not assist with funeral or burial expenses, and each parish has its own procedure for dealing with indigent death (when no one will pay or if a body is unclaimed). In Orleans and Jefferson Parishes, decedents who remain unclaimed are cremated, and in Orleans Parish these cremated remains are disposed of in a potter’s field in New Orleans East, with no marker or indication of location. If your loved one is cremated through the indigent cremation program in Orleans or Jefferson Parish the cremated remains will not be returned to you, therefore it is not an option for free/low cost cremation if you would like to keep your loved one’s cremated remains. In cases of indigent and unclaimed death, parish coroner’s offices should perform due diligence to try and locate any surviving family members before performing cremations or burials, however, there have been cases where no effort was made to notify families and the unfortunate death was discovered much later.

Unsurprisingly, the cost of death is a major barrier to accessing deathcare for unhoused people, and those who are economically disenfranchised. If you are struggling to afford your loved one's disposition, Wake and other deathcare services may be able to help you. Many families choose to use crowdfunding platforms such as GoFundMe to raise money for funeral services. It is always worth discussing budget concerns with your chosen funeral provider, as some are willing to help in cases of need. Likewise, if you become aware of the death of an unhoused or economically disenfranchised neighbor and would like to organize deathcare for them you can reach out to Wake for assistance.

Memorialization

Obituary

An obituary can be an important keepsake for the loved ones of a deceased person and may be worth the trouble of writing, even if it's never published in the paper. Most funeral homes offer to publish a client's obituary on their website at no charge or as part of their package of services. This can be an affordable alternative to publishing in the newspaper, which can cost hundreds of dollars to run for only one or two days.

Anyone can publish an obituary, with or without funeral home involvement (although some funeral homes have contracts with newspapers to offer free or discounted publishing). The obituary does not have to use any legal information. You can use any name and pronouns you'd like, and can choose to include or exclude any information you want as long as it is appropriate for publishing.

Some newspapers take issue with publishing multiple obituaries for the same person. They are within their right to refuse to publish or to decide which obituary they choose. You may wish to publish in a different paper or online if you suspect conflict with other family members.

Planning a Memorial

Anyone can hold a memorial service or celebration of life, with or without funeral home involvement. If an uncremated body will be present then the event will have to be arranged with the help of a licensed funeral director and they will need to be present with the body. However, you do not need a funeral director to arrange services with cremated remains. An urn can be brought to any location, public or private, including churches, cemeteries, and event halls, and cremated remains can be disburied with the approval of the property owner. If you would like to plan a memorial service or celebration of life without any remains present you do not need the involvement of a funeral home and can proceed as you would when planning any other non-death related event. Memorials can be held in many places including public parks, bars, restaurants, hotels, event venues, and private homes.

AFTER A DEATH

Settling an Estate

The process of settling the estate will determine who is the executor or administrator. If there is a Last Will & Testament, this person (or people) will likely already be named. If there is no will then anyone can apply to be the administrator. If no one applies then the court will appoint someone to perform this function.

The **executor** or **administrator** is the person designated to handle the settling of an estate.

You have to go through one of two types of processes: judicial (filed with the court) or small succession (filed with the land office). Both processes involve filing paperwork and both should involve the help of an attorney.

Judicial Succession

Any estate valued at more than \$125,000 will require an heir to file a succession in court. An executor or administrator will usually be named, and often is the heir. Just because you are named in a will does not mean you will automatically inherit anything or be named executor. Inheritance of property, including money, does not happen automatically after someone dies.

Small Estate Succession

A small succession affidavit (SSA) can be filed for a fee (usually around \$135) with the Land Records Office in the parish where immovable property (land, house, etc.) is located, which usually takes much less time than probate. Small estate successions typically don't require an administrator or executor. They can be signed by either two heirs or by one heir and someone who knew the decedent. If you don't make a will or a living trust, your property will be distributed according to the laws of your state.

For small estates (under \$125,000) a will can unnecessarily complicate succession since it must go through probate.

Debt

One of the steps of settling an estate is the settlement of any debts owed. Unless accounts are co-titled with someone still alive, a deceased person's debt usually isn't inherited by their spouse or legal family members. Instead, the outstanding debts are settled by the deceased person's estate. In other words, the assets they held at the time of their death will go toward paying off what they owed when they died. If you are handling the estate for the deceased person, you will need to take care of the outstanding debts with the deceased person's money. This can mean that immovable property (such as a house) that is inherited may need to be sold to pay off debt.

Time is of the essence: It's important to be aware that charges continue to accrue during the time that an estate is being settled and mortgage bills and property taxes need to continue to be paid or the house may go into foreclosure or be sold at tax sale. Furthermore, while it can be difficult to attend to these matters after the death of a loved one, it's often important to wind down affairs as soon as is practicable, particularly in Louisiana where there is frequent inclement weather. There are many things that cannot be done while ownership of a property is in limbo such as: get a loan modification on a mortgage, receive FEMA money for home damage,

collect homeowners' insurance payments, or apply for and receive a Homeowner's Exemption on property taxes.

Closing accounts

The job of winding down the affairs of a loved one can be singularly overwhelming. Even when there is no money or sizable assets, just canceling all of a person's accounts can be frustrating and time-consuming. Some types of accounts are easy to cancel. You can typically just call to notify a subscription service that someone has died. Others can be more difficult. A cell phone service may want to see a copy of a death certificate.

You will need to contact every account that bills regularly to notify them that a death has occurred. If you share services (rent, utilities, phone) with that person, you may be able to switch the account into your or another person's name. Many accounts will want proof of the death, so be sure to have a digital copy of the death certificate that you can email, as well as some certified physical copies for the accounts that require it. It is always good to have a small stack of death certificates handy in the weeks and even months following a death; you may be asked for it several times. The number of death certificates you will need depends on how many accounts you will be dealing with, but consider ordering at least 3-5 for starters.

Notification

Typically a funeral home will notify the Social Security Administration (SSA) of a death on your behalf. You may contact the SSA personally to report a death but they may require confirmation from a funeral provider if they have not already been notified via Louisiana's electronic death certificate system. You may also apply for any benefit you may be entitled to at www.ssa.gov or by calling 1-800-772-1213. SSA will pay a one-time death benefit of \$255 to the surviving spouse if they were living with the deceased. If living apart from the deceased and eligible for certain social security benefits on the deceased's record, the surviving spouse may still be able to get this one-time payment. If there's no surviving spouse, a child who's eligible for benefits on the deceased's record in the month of death is eligible for this payment.

If the deceased person was receiving social security benefits, those will be suspended. Be aware that any amount that was already issued for the month in which the person died will need to be refunded. If the benefits were direct-deposited into the deceased's bank account, any deposit made in the month of death will likely be reversed.

A NOTE ABOUT GRIEF & CLOSURE

Grief comes in all shapes, sizes, colors, and textures. Grief is not sickness; it is a normal and important part of processing the death of someone you care about. Marking the death of a loved one with some sort of event—like a funeral or memorial service—can play an important part in transitioning to life without them. These rituals create a space to honor, reflect, and begin to accept the loss.

Since the COVID-19 pandemic, many funeral homes have become accustomed to offering a live stream of the funeral service (e.g. via Zoom). This is a great way for the extended community to participate, including those who might not be able to make the trip to an in-person event.

There are several options for creating a virtual memorial online. Facebook allows you to appoint a legacy contact for after you die, and if the company becomes aware of a death, they will memorialize that account. Many companies offer robust online memorial platforms, such as Forever Missed or GatheringUs. They offer different services, usually for a nominal fee, though some are free. This can be a great way to publicly mourn the death of a loved one and allow many people to participate.

We are a death-avoidant society and the purpose of this guide is to embrace the process of preparing for the end so that when the time comes we have more opportunity to mourn, rather than immerse ourselves in the business of it all. Recent [research](#) (e.g. Norton, M. I., & Gino, F. (2014)) has shown the value of creating personal rituals to commemorate the loss of a loved one. Grieving is a process, one that does not have an end; is not something to “get over.” People who make space for grief report experiencing less depression following the death of a loved one than those who don’t. Individual and group counseling can help by making us feel our grief is being witnessed and normalizing the process for us. Marking the anniversary of the death with a simple, deliberate act (like visiting a grave, or a place where your loved one liked to go), can actually contribute to healthy emotional outcomes.

There is no right or wrong way to grieve, but it’s vital to carve out time in our busy lives to make space for this process, which can be emotionally healing. Preparing ahead of time for your own death will provide those grieving a sense of assurance that your wishes are being carried out. While we may be uncomfortable planning for it, death inevitably will happen. Set as much in motion as possible so that those left behind have the space to mourn. This guide was created so that when the time comes and we are at our most vulnerable, the process of grieving can begin.

RESOURCES

For a list of resources, templates, and information regarding end-of-life and deathcare, visit www.wake.education. Since many resources are fluid and subject to change, Wake will keep this website updated.



GLOSSARY

Administrator - a person appointed by a court to take charge of the estate of a decedent, but not appointed in the decedent's will.

Advance Directive - a living will or durable power of attorney in which a person states their wishes regarding medical treatment in the event of mental incompetency or an inability to communicate.

Cremation - the process of reducing a dead body to mostly tiny bits of bone resembling ash that involves exposing the body to flame and intense heat followed by pulverization of bone fragments.

Death Benefit - the amount of money to be paid under the terms of an insurance policy to the designated beneficiary upon the death of the insured.

Death Certificate - a legal document generated by a funeral provider and signed by a doctor, giving pertinent identifying information about a deceased person and certifying the time, place, and cause of death.

Disposition - what happens to the body of a deceased person such as burial, cremation, alkaline hydrolysis, or another method of "disposing" of a deceased person's remains.

Durable Power of Attorney or Proxy - a legal document that gives a person the authority to make legal, medical, or financial decisions for another person which remains in effect until the person who grants it dies or cancels it.

Estate - the assets and liabilities left by a person at death.

Executor - the person appointed to execute a will.

Funeral and Disposition of Remains Directive - a type of notarial testament that assigns a chosen representative the right to make all decisions, consistent with applicable laws, regarding the handling of a decedent's remains.

Home Funeral - a funeral service that is held in a private residence such as the home of the deceased person or a family member.

Hospice - healthcare service for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.

Last Will & Testament - a legal document written by a testator (the person who is creating the will) in order to set forth instructions on how they wish to distribute their assets upon death.

Living Will - a written statement detailing a person's desires regarding their medical treatment in circumstances in which they are no longer able to express informed consent.

Obituary - a written notice of a person's death, often including biographical information, often published publicly in a newspaper or online.

Palliative Care - medical care focused on improving the quality of life of a patient with a serious illness by treating symptoms and providing emotional support.

POLST - Physician Orders for Life-Sustaining Treatment: medical orders covering a variety of end-of-life treatments.

Potter's Field - the colloquial term for the burial place of unidentified, unclaimed, or indigent people.

Probate - the process of going through the court to inherit property from a deceased person (typically called Succession in Louisiana).

Right of Disposition - the right to make all decisions, consistent with applicable laws, regarding the handling of a decedent's remains achieved through a type of notarial testament called a Funeral and Disposition of Remains Directive.

Settling Estate - settling of debts and distributing remaining assets of a deceased person according to state law and provisions made in advance.

Succession - the process of going through the court to inherit property from a deceased person (often called Probate).

Trust - a financial relationship in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary.

Trustee - a person, usually one of a body of persons, appointed to administer the affairs of a company, institution, etc. Or, a person who holds the title to property for the benefit of another.

Will - a legal declaration of a person's wishes regarding the disposal of his or her property or estate after death.

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As Wake undertook to create this guide, we sought the collaboration of professionals in the disparate fields of estate law, hospice and palliative care, and LGBTQIA+ healthcare advocacy. During our research, we learned of a similar guide in the U.K., called [Making Informed Choices When Planning a Funeral](#), by Ash Hayhurst. Inspired by Hayhurst's accessible, easy-to-understand language, we worked to bring together the specifics of Louisiana laws governing end-of-life planning, funerals, and burial, in a simple format that is easily distributed and shared.

Many people contributed to the creation of this guide, some of whom do not choose to be listed here. Significant contributions were made by the following people:

Amanda "Mandy" Anderson (she/her) - Social Worker for Heart of Hospice-Northeast (Monroe, LA). Mandy has been with Heart of Hospice since 2018, where she started as a Social Work Intern. She led the first Heart of Hospice agency to Level 5 in the National Hospice and Palliative Care Organization's We Honor Veterans Program. She serves on NHPCOs Professional Education Committee and Trauma Informed Care Workgroup. She serves on Louisiana and Mississippi Hospice and Palliative Care Organization's VA Task Force. She has presented topics on LGBTQIA+ Veterans Needs, Trauma Informed Care, and Veterans Trauma Screening topics for both LMHPCO and NHPCO conferences.

Amelia Bird (she/they) - Amelia has a background in writing, teaching, state parks, school gardens, and print media, and her hand-made artist's books are collected in university libraries and private collections across the country. Amelia has spent the last decade contributing to New Orleans area nonprofits with design, writing, project management, communications strategy, and fundraising. She designed this guide.

Jamey Boudreaux (he/him) - Jamey Boudreaux is Executive Director of the Louisiana-Mississippi Hospice & Palliative Care Organization. Prior to taking on the challenges of managing a two-state professional organization, he was the Executive Director of the Louisiana Hospice Organization, with 6 years of direct hospice social work experience. He was also an Adjunct Professor at Tulane School of Social Work, teaching "Death, Dying & Grieving" from 1998-2018.

Laurie Dietrich (she/her) - New Orleans-based artist, ritualist, and deathworker. Laurie has certifications in death doula practice and thanatology, and has worked in both volunteer and staff capacities in admin, development, and psychosocial and hands-on care in hospice and in social-model hospice care homes. She specializes in liaison work between families and medical/hospice organizations at end-of-life and is passionate about community-centered empowerment, advocacy, and education around end-of-life care.

Dietz (any pronoun used with respect) - Genderqueer health educator and activist focused on improving health equity for the LGBTQIA+ community. Dietz helped create the first transgender health clinic in the state of Louisiana and are one of the founding members of a regional trans health capacity building collective: TIDAL (Transgender Inclusive Development, Advocacy and Learning). Dietz spent 5 years supporting people who were living with HIV as they underwent cancer treatment, and has first-hand experience of the unique challenges and difficulties end-of-life care can entail for LGBTQ+ individuals and families. They currently offer gender-focused technical assistance as a consultant via Dietz Consulting, LLC.

Liz Dunnebacke (she/her) - Executive Director of Wake, Liz has worked variously in the entertainment industry and nonprofit administration for over 30 years. Liz founded Wake to provide resources to Louisianans for sustainable end-of-life care. She currently also serves on the Board of Directors of the Green Burial Council, International.

Allison Durant (she/her) - Allison Lindsey Durant is a Licensed Professional Counselor and founder of the New Orleans Grief Center in the New Orleans area. Allison's focus on grief and loss stems from her own personal experiences and an intense desire to normalize the mourning process and to provide safe and therapeutic individual and group support. Allison has presented on the "Grief of Getting Sober," "Impact of Grief and Loss on the Mind, Body and Soul" and to the school counselors in the New Orleans community on providing strategies to serve our youngest and most vulnerable. Through witnessing a person's grief, she hopes we become a community of support that learns to embrace all of the emotions a loss creates.

Nicholas Hite (he/him) - Nicholas established The Hite Law Group in New Orleans, Louisiana and has been Principal there for 10 years. It is the only openly queer-run, queer-centered law firm in Louisiana. Nicholas has served over 1,000 clients across 13 parishes in Louisiana and continues to provide leading-edge legal services for LGBTQ+-identified clients, especially adult and child survivors of intimate partner violence and sexual assault. Instrumental in spearheading policy and practice changes for TGNC Louisianans making ID corrections more accessible, Nicholas is the sole TGNC-competent legal resource in Louisiana recognized by the Transgender Legal Services Network, Transgender Law Center, and Transgender Legal Defense and Education Fund. He also serves as a qualified family law mediator, juvenile public defender, co-founder and managing attorney for the non-profit Family Justice Legal Center, and legal counsel for the New Orleans Family Justice Alliance. In 2022, Nicholas was recognized as one of the 40 Best LGBTQ+ Lawyers Under 40 by the national LGBTQ+ Bar Association.

Kathryn Lafrentz (she/her) & **Rachel Jokinen** (she/her) - Director of Legal Services and Staff Attorney for Community Outreach and Successions, respectively, Kathryn and Rachel both work at The Pro Bono Project. Since 1986, The Pro Bono Project has been dedicated to assisting low-income families, individuals and the elderly to gain access to lawyers and the legal system which they otherwise could not afford.

Jim Meadows (he/him) - Executive Director of NOAGE (New Orleans Advocates for LGBTQ+ Elders). Jim has practiced as a licensed social worker in a variety of healthcare settings, and has worked extensively with older adults. He is a columnist for *Ambush Magazine*, and he currently serves on the Board of Directors for the LGBT+ Archives Project of Louisiana and the Tulane School of Social Work Alumni Association. Jim previously served on the Board of Directors for PFLAG New Orleans and Friday Night Before Mardi Gras.

Ezra Salter (they/them) - Ezra is a Louisiana licensed Funeral Director and Embalmer practicing in New Orleans and a member of the Board of Directors of Wake; they are a former member of New Orleans Mayor's COVID-19 Deathcare Taskforce, contributor to The Order of the Good Death's end-of life planning resources for the transgender community, and past speaker at the 2021 Green Burial Conference. Their professional focus includes advocacy for queer deathcare and green burial options in Louisiana and the preservation of historic cemeteries in New Orleans.

Cory Sparks (he/him) - Cory is a United Methodist minister who has worked with many families at the time of death. He is President of the Wake Board of Directors.

Megan McHugh (she/her) - Megan is a flower farmer, floral designer, writer, and photographer. The flowers and photography in this guide are from her.

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