

Prepaid Interments – Governance Committee

Reesa,

Per your request that the Governance Committee look into whether The Emanuel can offer prepaid interment contracts for the Emanuel Cemetery. The short answer is that it is our conclusion that it cannot as that would run afoul of a clear statute. The Roman Catholic Archdiocese of Hartford has reached the same conclusion and does not offer prepaid interment. We also concluded that any attempt to circumvent the statute would, at a minimum, expose The Emanuel to penalties.

The specific statutory language that compels our conclusion is:

...42-200 provides that a “funeral service contract” is “a contract which requires payment of money [or other funding] for the final disposition of a dead human body, including funeral, burial or other services. ...

... sell any funeral service contract on behalf of a funeral service establishment unless such person is an embalmer or funder director licensed in accordance with the provision of chapter 385.” [Emphasis added.]

As I think you know, one of my former partners handles cemetery matters for the Archdiocese, and she informed me that the Funeral Homes are very protective of the exclusive rights that they have, so there would be a risk if Emanuel attempted to get around the bar and opposition if we sought to have the limitation changed.

In our Committee discussions it was noted that there are ways other than by purchasing a prepaid funeral service contract for prepaid interment costs for an individual to cover that expense, an example being by setting up a trust for that purpose. Perhaps if the interest in helping those with plots prepare for the interment cost is strong, Emanuel can create a way to alert purchasers of plot rights to the future expense and the existence of ways to set aside funds for that purpose.

It also was noted that prepaid interment costs is a risky endeavor for the seller (e.g., Emanuel) as the use of the service could be many years in the future and the cost of interment well may outstrip the return on the escrow account of the prepaid fund, resulting in potentially significant expense for Emanuel.

I hope this covers the scope of the assignment. If you need or want more, please let us know.

Lou

Louis Blumenfeld, Chair
Governance Committee