



COURSE OUTLINE

Course Number FUN215	Course Title Funeral Service Law	Credits 3
Hours: Lecture/Lab/Other 3/0/0	Co- or Pre-requisite BUS107 and Enrollment in the Funeral Service Program	Implementation Semester & Year Spring 2023

Catalog description: The course introduces the basic principles of law impacting the funeral service practitioner and the people he/she serves. Emphasis is placed on common law, state and federal statutes, rules and regulations of the New Jersey State Board of Mortuary Science and FTC compliance. Certain aspects of mortuary law such as cemetery law, burial standards, rights, and wrongs concerning the body and burial, and zoning restrictions are discussed.

General Education Category:
Not GenEd

Course coordinator: (Gerald Aldajuste, 609 570-3866,
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The Funeral Service program at Mercer County Community College is accredited by the **American Board of Funeral Service Education (ABFSE)**
992 Mantua Pike, Suite 108
Woodbury Heights, NJ 08097
816-233-3747 / exdir@abfse.org / www.abfse.org

Required texts & Other materials:

TITLE: Mortuary Law
AUTHOR: Stueve-Gilligan
PUBLISHER: Cincinnati College of Mortuary Science
EDITION: 11th 2011

Supplemental:

TITLE: Statutes and Regulations of the NJ Board of Mortuary Science
PUBLISHER: State of New Jersey
EDITION: Current

Reference:

TITLE: The General Public's Guide to New Jersey Wills, Estates, Taxes and Planning
AUTHOR: Robert G. Saliba
PUBLISHER: RGS Press
EDITION: 9th

TITLE: Funeral Service Supplement

PUBLISHER: MCCC

EDITION: Current *(purchase at MCCC Bookstore)

Other Learning Resources: Each NJ registered intern should receive Statutes, Rules, and Regulations from the NJ State Board of Mortuary Science. They can also be accessed from the NJ State Board website at: www.state.nj.us/lps/ca/mort/mortstat.pdf.

Statutes from the Commonwealth of Pennsylvania can be accessed at: www.pacode.com.

Delaware statutes can be accessed at: www.delcode.state.de.us.

MCCC library website for database of holdings: http://www.mccc.edu/student_library.shtml There are numerous MCCC library holdings for Funeral Service.

The call designations are:

RA622 Funeral Service science and practice

HD9999 Funeral Service business and profession

GT3202 Funeral customs, sociology, and history

Course Student Learning Outcomes (SLO)

Upon successful completion of this course, the student will be able to:

- 1) Analyze legal and ethical relationships, rights, duties, and liabilities between the funeral director, consumer, and decedent (ILG #9; PLOs # 1, 2, 6)
- 2) Describe the entities that formulate laws, rules, and regulations affecting funeral directors, funeral homes, and cemeteries (ILG #9, PLOs #2, 3, 4, 6, 9)
- 3) Distinguish the legal, ethical, and professional responsibilities surrounding various methods of disposition (ILGs #7, 8, 9; PLO # 9)
- 4) Differentiate the various contracts used in funeral service and their appropriate use (ILGs #1, 8, 9; PLOs # 2, 3)
- 5) Evaluate legal issues regarding agency, bailment, and other business relationships (ILGs # 1, 9; PLO # 2)
- 6) Discuss the elements of estate planning and their legal implications for the consumer and funeral director (ILG #1; PLOs #1, 2)

Course-specific Institutional Learning Goals (ILG):

Institutional Learning Goal 1. Written and Oral Communication in English.

Students will communicate effectively in both speech and writing.

Institutional Learning Goal 4. Technology. Students will use computer systems or other appropriate forms of technology to achieve educational and personal goals.

Institutional Learning Goal 7. History. Students will understand historical events and movements in World, Western, non-Western or American societies and assess their subsequent significance.

Institutional Learning Goal 8. Diversity and Global Perspective: Students will understand the importance of a global perspective and culturally diverse peoples

Institutional Learning Goal 9. Ethical Reasoning and Action. Students will understand ethical frameworks, issues, and situations.

ABFSE Program Learning Outcomes for Funeral Service Law (PLO)

- 1. Explain the importance of funeral service professionals in developing relationships with the families and communities they serve.
- 2. Identify standards of ethical conduct in funeral service practice
- 3. Interpret how federal, state, and local laws apply to funeral service to ensure compliance.
- 4. Apply principles of public health and safety in the handling and preparation of human remains.
- 5. Demonstrate technical skills in embalming and restorative art that are necessary for the preparation and handling of human remains.
- 6. Demonstrate skills required for conducting arrangement conferences, visitations, services, and ceremonies.
- 7. Describe methods to address the grief-related needs of the bereaved.
- 8. Explain management skills associated with operating a funeral establishment.
- 9. Describe the requirements and procedures for burial, cremation, and other accepted forms of final disposition of human remains.
- 10. Demonstrate verbal and written communication skills and research skills needed for funeral service practice.

Units of study in detail – Unit Student Learning Outcomes:

Unit #1 – (SLOs #1, 2)

Topics: Introduction to Law

Purpose of Law

Historical Sources of Law

Contemporary Sources of Law

Classification and Organization of Written Laws

The Judicial Process

Learning Objectives- Having completed the online assignment, attended class and participated in class discussion, the student will be able to:

1. Distinguish business law and funeral service law.
2. Formulate the purpose of law in history and contemporary society.
3. Critique Common law, Canon law, Admiralty law, Talmudic law, Napoleonic code, and Roman law as historical sources of law.
4. Evaluate the role of Case law, administrative law, Constitutional law, Statutory law, Criminal law, and Civil law in contemporary society.
5. Defend the system used to classify and organize written laws.
6. Analyze the judicial process with respect to jurisdiction, court functions, judicial terminology, and court procedures.

Unit #2 – (SLOs #1, 2, 3, 4)

Topics: Sources of Funeral Service Law

Disposition of the Dead

Legal Status of a Dead Body

Methods of Disposition Cremation

Learning Objectives- Having completed the online assignment and assigned readings, attended class, and participated in class discussions, the student will be able to:

1. Synthesize State law, Case law, Common law, and Federal law as sources of funeral service law.
2. Analyze the three important elements in the definition of a dead human body.
3. Differentiate the legal status of dead human body with respect to no property theory, property theory, and quasi-property theory.
4. Distinguish interment, entombment, burial at sea, donation to medical science, and preservation.
5. Explain the Uniform Anatomical Gift Act.
6. Formulate the role of cremation as a mode of disposition and its impact on the legal, professional, and ethical responsibilities of the funeral service practitioner.

Unit #3 – (SLOs #1, 2, 3, 4, 5)

Topics: Right and Duty of Disposition

General Rule of Priority

Conflict Rights of Parties

Undertaking Disposition

Funeral Director with the Right of Disposition

Learning Objectives- Having completed the online assignment and assigned readings, attended class, and participated in class discussions, the student will be able to:

1. Distinguish primary and secondary right of disposition.
2. Evaluate the legal implications of the general rule of priority.
3. Critique the factors that impact the general rule of priority.
4. Formulate the funeral director's legal, ethical, and professional responsibilities where the right of disposition is in question.
5. Synthesize the rights of the parties undertaking disposition with respect to right to custody of the body, and right to control the funeral.
6. Differentiate actual and constructive custody.
7. Outline the rights of the party with primary right of control.
8. Compare the rights of the funeral director with the right of disposition with their duty to the family.

Unit #4 – (SLOs #1,3, 4)

Topics: Rights and Duties of the Funeral Director

Sources of Duties

Mental Anguish

Negligence

Contract Law

Breach of Contract

Third Party Contracts and Assignments

Commercial Paper

Learning Objectives: Having completed the online assignment and assigned readings, attended class, and participated in class discussions, the student will be able to:

1. Correlate the sources of the funeral directors' duties with their subsequent legal, ethical, and professional obligations.
2. Differentiate mental anguish and negligence.

3. Outline exceptions to the physical impact rule.
4. Contrast intentional and accidental negligence.
5. Identify the four requirements for a valid contract.
6. Demonstrate an understanding of the various contracts used in funeral service and their appropriate applications.
7. Outline suggestions for creating an enforceable contract.
8. Discuss the purpose of the Statute of Frauds and its requirements.
9. Analyze the various conditions under which a contract can be terminated.
10. Distinguish the conditions that can result in a breach of contract.
11. Critique the various remedies available for breach of contract.
12. Explain the role of a third-party beneficiary.
13. Differentiate between creditor beneficiary and donee beneficiary.
14. Explain the concept of assignment and the various parties involved.
15. Describe the various forms of commercial paper that are used today.
16. Outline the requirements of commercial paper.
17. Correlate methods of transferring commercial paper with the appropriate type of indorsements.

Unit #5 – (SLOs #1,2,3)

Topics: Federal Trade Commission

- History
- Purpose
 - Impact on Funeral Service
- The Funeral Rule - Price Disclosures
- Pricing Methods - Misrepresentations
- Price Lists
 - Statement of Funeral Goods and Services Selected
- Embalming Requirements
- Retention of Documents
- State Exemptions
- Funeral Rule Offenders Program (FROP)

Learning Objectives- Having completed the online assignment and assigned readings, attended class, and participated in class discussions, the student will be able to:

1. Describe the history, purpose, and structure of the Federal Trade Commission.
2. Correlate the history of the Federal Trade Commission with its impact on funeral service.
3. Analyze the various types of price disclosures mandated by the Funeral Rule.
4. Compare the various types of pricing methods available to funeral service.
5. Discuss the misrepresentations prohibited by the Funeral Rule.
6. Formulate the requirements mandated by the Funeral Rule for the various price lists used in funeral service.
7. Explain the purpose of the Statement of Funeral Goods and Services Selected and its mandatory disclosures.
8. Critique the embalming requirements and provisions established in the Funeral Rule.
9. Define the amount of time that documents must be retained as set forth in the Funeral Rule.
10. Explain the circumstances required for state exemptions to the Funeral Rule.
11. Examine the purpose of the Funeral Rule Offender's Program and its implications for funeral directors and funeral homes.

Unit #6 – (SLO #1,5)

Topics: Bailment

Mutuum

Private and Common Carriers

Agency

Learning Objectives- Having completed the online assignments, the student will be able to:

1. Describe the bailment relationship, the parties involved, and the conditions that must be met.
2. Analyze the types of relationships that exist in ordinary and extraordinary bailments.
3. Differentiate mutuum from bailment.
4. Distinguish between private and common carriers.
5. Describe the agency relationship, the parties involved, and the conditions that must be met.
6. Analyze the types of agencies and their application in business.
7. Evaluate the types of agents and principals with attention to their authority, duty, and liability.
8. Outline the duty and liability of the third party.
9. Demonstrate the various ways that the agency relationship can be terminated and the subsequent notification of the third party.

Unit #7 – (SLOs #1,6)

Topics: Preneed

Advance Directives

Wills

Probate and Administration of an Estate

Learning Objectives- Having completed the online assignment, preneed research paper, attended class and participated in class discussions, the student will be able to:

1. Explain the difference between a prearranged and a prefunded funeral.
2. Demonstrate how guaranteed and nonguaranteed funeral goods and services can be explained to the client.
3. Understand the difference between revocable and irrevocable prearrangements.
4. Outline the various funding methods available to those who wish to prefund.
5. Critique the qualifications of those who provide non-funded and prefunded prearrangements.
6. Contrast Supplement Security Income with Medicaid.
7. Analyze the various types of advance directives available and the authority that they afford.
8. Distinguish estate, will, and testament.
9. Construct the requirements for a valid will and identify the parties involved.
10. Differentiate the types of wills and the steps necessary to modify or change a will.
11. Evaluate the responsibilities and liabilities of the parties involved in the administration of an estate.
12. Demonstrate an understanding of legal terms specific to the administration process.

Unit #8: (SLO #6)

Topics: Co-ownership of Real Property

Insurance Policies

Gifts

Trusts

Intestate Succession

New Jersey Inheritance Taxes
Estate (Transfer) Tax
Personal Representatives
Estate's Liability for Funeral Expenses
Safety Deposit Boxes

Learning Objectives- Having completed the assigned reading, attended class, and participated in class discussions, the student will be able to:

1. Distinguish tenancy by the entirety, joint tenancy, and tenancy in common. (Gen. Ed. Goal 1; Core Skill A)
2. Explain the parties named in an insurance policy, and the steps necessary to secure a claim. (Course Competencies 6; Gen. Ed. Goal 1; Core Skill A)
3. Analyze the concept of "gifting" and its federal and state implications. (Course Competencies 6; Gen. Ed. Goal 1; Core Skill A)
4. Evaluate the purpose of a trust, the parties involved, and the reasons for its establishment.
5. Compare the various ways that a trust can be managed.
6. Describe intestate succession and the order of distribution enacted in New Jersey.
7. Outline the criteria for New Jersey inheritance taxes, and their impact on classes of beneficiaries.
8. Identify the current timetable for the estate tax.
9. Define the role of executor or administrator and their subsequent duties and liabilities.
10. Summarize the elements that determine the reasonableness of funeral expenses, and the liability of the will for payment.
11. Discuss the implications of a person's death on their safety deposit box, and the duties of their personal representative.

Unit #9 – (SLOs #1, 6)
Topics: Liability for Funeral
Expenses
Sources of Payment
Estate and Liability
State Liability

Learning Objectives- Having completed the assigned reading and online assignment the student will be able to:

1. Illustrate sources of payment available to the funeral director.
2. Explain the liability of the estate for the funeral bill as the primary obligor and the concept of its "reasonableness".
3. Discuss the influence of common law on the liability for funeral expenses of a dependent.
4. Determine the liability of the person who enters the contract with the funeral home.
5. Appraise the liability of the state for the funeral bill.

Unit #10 – (SLOs #1,2,3, 5)
Topics: Cemeteries
Disinterment
Funeral Homes
Americans with Disabilities Act

How to Avoid Risk and Litigation

Learning Objectives- Having completed the assigned readings, attended class, and participated in class discussions, the student will be able to:

1. Discuss the purpose of cemeteries.
2. Differentiate public and private cemeteries.
3. Explain the regulations that govern the establishment and maintenance of cemeteries.
4. Distinguish the regulations that a cemetery may impose on those who acquire burial or mausoleum space.
5. Investigate criminal offenses as they relate to cemeteries.
6. Synthesize the rules and regulations that New Jersey has enacted regarding cemeteries.
7. Discuss disinterment with respect to reasons for authorization and factors used by the court to determine its necessity.
8. Summarize the New Jersey statutes relevant to disinterment.
9. Evaluate the licensing and regulation of funeral homes by municipal, state, and federal governments.
10. Outline the purpose of the American with Disabilities Act and its priority list.
11. Critique the influence that today's consumer has on the funeral service industry.
12. Distinguish what a funeral home and its staff can do to lower its risk factors and avoid litigation.

Evaluation of student learning:

Student learning will be assessed using examinations, tests, quizzes, research papers, and case studies. Multiple-choice, matching, case studies, short essays, and fill-in-the-blank questions will be given. The final examination will be multiple-choice and will be inclusive. Case studies will be completed in groups as well as individually on tests.

The students will complete a research paper regarding preneed. The paper will address the current environment for preneed, the various terms that are associated with this service, and an analysis of what they would do to change the current preneed laws. They will submit completed paperwork for someone who is applying for the SSI/Medicaid benefit. The paperwork must be state appropriate and include all that would be necessary to set aside funds for the funeral.

The final grade will be determined as follows:

Tests: 20%

Quizzes: 5%

Midterm Exam: 30%

Final Exam: 35%

Research Paper: 10% (Pre-Need)