

Course Description

FSE1080 | Funeral Law | 3.00 credits

The subject area guidelines for Funeral Service Law are designed to introduce the student to rights, duties, and responsibilities of the funeral service practitioner and funeral establishment; including but not limited to: state and federal laws, regulations and administrative agency law pertaining to funeral service including preneed; torts involving the dead human body and the funeral service practitioner; wills, estates, probate and related matters; cemeteries, crematories and issues related to final disposition; sources of law; the legal status of the dead human body; the right to control funeral arrangements and final disposition and liability for funeral expenses; and the legal aspects of being licensed to practice in funeral service (funeral director, embalmer, etc.).

Course Competencies:

Competency 1: The student will be able to define the rights, duties, and liabilities of the funeral director by:

1. Identifying the legal criteria for a dead human body
2. Differentiating between the property theories regarding human and cremated remains
3. Defining the paramount right to disposition
4. Describing who possesses the paramount right to disposition

Competency 2: The student will determine the liability of a party for funeral expenses by:

1. Differentiating liabilities that arise out of contractual responsibility and those by operation of law
2. Identifying the items that can be included in the burial space exclusion
3. Identifying the items that can be included in the burial funds' exclusion
4. Describing the factors a court considers when determining the reasonableness of the funeral bill

Competency 3: The student will identify the different requirements required for the disinterment and reinterment of human remains by:

1. Differentiating between public and private interest pertains to disinterment
2. Differentiating between the paramount right of disposition and the power to disinter

Competency 4: The student will identify critical areas of the laws of probate, wills, trusts, and estates that are of importance to funeral service practitioners by:

1. Identifying the requirements for testamentary capacity
2. Differentiating between the several types of testamentary instruments
3. Describing how modifications and revocations of testamentary instruments can occur
4. Differentiating between a distribution per capita and stripes

Learning Outcomes:

- Solve problems using critical and creative thinking and scientific reasoning
- Formulate strategies to locate, evaluate, and apply information
- Create strategies that can be used to fulfill personal, civic, and social responsibilities
- Demonstrate knowledge of ethical thinking and its application to issues in society