

## FUNERAL/BURIAL EXPENSES (18 P.S. §11.701 and 37 Pa Code §411.42)

### Who?

Any person who assumes the obligation or who pays for the funeral/burial expenses incurred as a direct result of the crime.

### What?

The maximum reimbursement for funeral/burial expenses may not exceed **\$6,500**. **There are no sub caps.**

For **crimes occurring prior to December 12, 2009** the maximum reimbursement for funeral/burial expenses may not exceed **\$5,000**.

Some examples of *unacceptable* items are: postage to mail thank you cards or other items; thank you gifts; alcoholic beverages; newspapers articles or paid advertisements (obituaries are eligible).

Funeral related costs for *automated memorial displays* or *professional memorial boards* may be eligible for reimbursement. These expenses are reviewed for reasonableness. Included under the funeral cap.

**NOTE:** Transportation costs in connection with transporting the deceased and making funeral arrangements are over and above the funeral cap. However, these expenses are part of the overall \$35,000 cap. (See **“TRANSPORTATION & TRAVEL EXPENSES”** for details.)

### How?

As part of normal verification, a death certificate is not required. However, there may be instances when a copy will be requested.

1. VCAP will require a funeral contract (Statement of Funeral Goods and Services will suffice) that is signed by both the funeral home director and the person responsible for making the arrangements. If another person pays a portion of the funeral bill, and their name is not on the original contract, VCAP will need a copy of their cancelled check or a receipt from the funeral home showing their payment. VCAP will continue to send a funeral verification form to the funeral home to verify all payments received and confirm the current balance due.
2. If a funeral home submits a claim to the Program on behalf of the claimant and attaches a funeral bill, VCAP staff will notify the funeral home that the person responsible for paying the bill must file the claim. However, if the funeral home incurred the costs on behalf of the victim and no other responsible person is listed on the funeral contract, VCAP will review

the claim on a case by case basis to determine if the funeral home is eligible to file as a claimant.

NOTE: A funeral director who assumes the obligation to pay for funeral expenses may not seek reimbursement from the direct victim's family.

3. If the claimant paid for any funeral/burial expenses, copies of paid receipts or cancelled checks or verification from the provider that the bill(s) were paid by the claimant. The Program can only pay for services rendered. Therefore, if a bill for a memorial monument is still due the Provider, as part of the verification process, staff will call the provider to verify that the monument has been inscribed.
4. If the claimant received any monies as a result of the death of the victim, such as life insurance, social security, or veteran's benefits, copies of these benefit statements must be included. These statements must include the name, address, and telephone number of the insurance/benefit provider, the policy number, the amount of the benefit and to whom the benefit was paid.
5. If a memorial meal is prepared by the claimant, the original receipt(s) from the grocery store must be submitted. Receipts must have the name of the store, date of purchase, and must be within a reasonable time frame related to the funeral. The receipts should provide a detailed listing of the items purchased. If the receipt does not list what the purchased items were, then you the advocate may write in what was purchased according to the claimant. VCAP staff will review on a case by case basis for reasonableness.
6. If the memorial meal is catered or held at a restaurant, the caterer's or restaurant's name, address, telephone number and invoice/receipt must be provided. If the memorial meal is contained in the funeral bill, the same documentation is required.

Please Note: Charitable donations specifically designated for a funeral expense or which appear on a funeral bill or any eligible expense will be used as an offset.  
37 Pa. code §411.16(c).

**Example:** *Scholarship Fund was established at time of victim's death. This would not be an offset.*

**Example:** *Memorial Fund established to help family "with expenses." This would not be offset. Memorial Fund established to help family "with burial expenses." This would be offset.*

**Example:** *Funeral bill reflects payments "from memorial fund" in the amount of \$500. This would be an offset.*

If more than one claimant files a claim for funeral related expenses, the award will be divided proportionately among the claimants when filed within the same time frame. Otherwise, awards are considered as they are received.

### *Funeral Expenses Q & A*

- Q** If the only expense submitted is for the memorial meal that cost \$1,200, can the claimant utilize the entire funeral/burial expense maximum?
- A** *Yes, if the crime occurred on or after 12/12/09 when the sub caps were eliminated from the law.*
- Q** The claimant who paid the funeral bills of a victim is not the beneficiary of the victim's life insurance. Does the claimant need to submit a copy of the victim's life insurance policy?
- A** *No. The claimant is only required to submit a copy of the victim's life insurance policy or proof of payment, if the claimant is the beneficiary; or if specifically requested by VCAP.*
- Q** A family of a homicide victim received private cash donations from their church group and friends to help with the expenses. Will those charitable donations be deducted from the award?
- A** *No. Only charitable donations specifically designated for funeral expenses or donations that appear on a funeral bill as a direct payment to the funeral home will be used as an offset.*
- Q** Are "donations" paid by a claimant for funeral/burial services eligible for reimbursement?
- A** *Yes. If documentation exists that the claimant made a donation to a church or other non-profit organization for services such as, payment to the minister or church who performed the service or provided the food.*
- Q** If a direct victim dies while their non-homicide claim is being processed, does a separate claim need to be filed for the funeral expenses?
- A** *Yes. In this case, VCAP may substitute the surviving spouse, the executor or administrator of the direct victim's estate to complete the processing of the original claim. However, a new claim form must be submitted by the person who assumed the obligation to pay or paid the funeral expenses.*
- Q** Can a funeral director submit a claim?
- A** *Yes, any person who assumes the obligation or who pays for the funeral or burial expenses incurred may submit a claim for reimbursement. However, if there is a responsible person listed on the bill, that person should file the claim as they may be eligible for other benefits such as counseling, crime-scene cleanup, loss of support, loss of earnings, transportation expenses, etc. VCAP staff will follow-up with the funeral director to inquire whether a responsible person exists.*

- Q** Can a funeral director who assumes the obligation to pay for funeral expenses seek reimbursement from the victim's family?
- A** *No. For example, a funeral director assumes the obligation for \$9,500 in funeral expenses and VCAP awards \$6,500. The funeral director may not seek reimbursement for the remaining \$3,000 from the victim's family or VCAP.*
- Q** Are the relatives of the deceased eligible for counseling if a claim for funeral expenses was denied because of illegal activity that resulted in the crime?
- A** *Yes. By law, if the crime involved is a homicide, the conduct of the direct victim will not be considered for claims filed by certain relatives (and any other eligible claimants) for counseling. (See "[COUNSELING](#)".)*
- Q** Will a claimant who paid part of the funeral bill, but still has over \$6,500 remaining due to the funeral home, be reimbursed what they have already paid?
- A** *No. By law, VCAP must reimburse providers of service before claimants. If the entire maximum is not used after the service provider is reimbursed, the claimant is awarded any money already paid.*
- Q** A victim was shot in 1980 and filed a claim for medical expenses. The claim was paid in the amount of \$25,000, which was the maximum amount payable at the time. In 2011 the victim died as a result of the injuries. Can the Program pay funeral expenses?
- A** *No. Since the maximum was paid out at the time of the injury, the VCAP is unable to make further payments. If the maximum had not been reached, VCAP could pay up to the \$25,000.*