

# PLANNING **AHEAD**

*MANAGING FUNERAL & FAMILY ESTATE ARRANGEMENTS*

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**PLANNING FOR THE FUTURE**

# If you've been putting off making a will, now is a good time to do it

**By Nicole Anzia**

*Special to The Washington Post*

No one wants to think about their own death. Most people plan to get a will done eventually, but then continually put it off or forget to do it during the course of their busy lives.

A study conducted in 2017 by the Kaiser Family Foundation found that 60% of Americans don't have a will.

People delay doing their estate documents because they don't know where to start, think it will cost too much, or just don't think it's necessary because they're young and healthy. And, of course, the process involves making tough decisions.

"Knowing your plan is in place and your loved ones are provided for can be of some comfort," says Marla Roeser, a Washington-area estate planning attorney.

Here are some tips to get you started:

## Wills and revocable trusts

Every adult with assets should have a will. And if you own property or have minor children, it is even more important. If you die without a will, you will have given up all control over what happens to your money, assets and minor children.

And leaving a mess for others to deal with is not only irresponsible, but it can also end up causing major emotional and financial strain for your survivors. For those who don't have extremely complex financial matters, online sites make creating a will convenient and affordable.

A revocable living trust is another option for end-of-life planning. It differs from a will in that it allows you to transfer your assets into a trust that you can control until your death.

After you die, the assets in the



PHOTO COURTESY OF METRO CREATIVE CONNECTION

A living will is an important component of medical and estate planning.

trust will automatically pass to your beneficiaries, avoiding the need to go through probate.

## Health-care power of attorney and living will

A health-care power of attorney and living will also are critical estate documents and often are referred to as "advance directives." The durable health-care power of attorney designates who will have the power to make health-care decisions for you if you can't make them yourself.

Family members may have different ideas regarding various health-care decisions, but the power of attorney gives the designee the final decision-making power.

A living will explains what type of medical treatment you wish to receive at the end of your life. Many people think their family members will know what to do when faced with critical decisions regarding health care, but

during such a stressful and uncertain time, it's better to have your wishes clearly communicated to your loved ones in a written document.

Living wills can also be created online.

Five Wishes (fivewishes.org) is a popular resource, but there are other options available, too. Each site informs you of the requirements in your state.

## Financial power of attorney

The financial power of attorney document is another standard part of any estate plan. This document designates someone to manage your legal and financial affairs.

If you don't designate an agent and you become disabled, the only way to manage your assets is for a loved one to go to court and get a guardian appointed, which can be costly and take months to complete.

As with your will and other estate documents, a simple finan-

cial power of attorney can be created online.

## Working with an attorney

If you choose to work with an estate planning attorney instead of creating your own documents online, that person can guide you through the process in a relatively short time frame.

"Unless you have a highly sophisticated portfolio that requires complicated tax planning, estate planning documents can be drawn up within a few weeks," attorney Amanda DiChello said.

The process involves an initial meeting or conference call, some follow-up discussions, a review of the documents and the execution of the documents.

DiChello says, "The length of time it takes from start to finish is usually determined by how quickly clients are able to make decisions, some of which require careful consideration."

If you have used an estate attorney in the past and would like to make changes to existing documents, DiChello recommends you contact an attorney. "Making handwritten changes to existing estate planning documents can lead to costly mistakes."

And proving the validity of those changes is a time-consuming process that can significantly delay probate," DiChello says.

## Sharing the complete picture

Separate from creating essential estate documents, it's crucial to provide a trusted friend or family member with a complete picture of your financial life, including where you bank, your account numbers and the names of the companies you use

for your 401(k), IRA, 529 and pension, as well as your point of contact at each company.

Also pass along ownership information for assets such as cars and homes, as well as any information related to outstanding debts.

## Passwords

It is vital that someone knows how to access your accounts, which requires creating a document with your usernames and passwords to pass along, or establishing an account with an online company that stores your password information and giving the access information for the master site to a trusted person.

## Documents

Keep your marriage license, settlement papers from a divorce, birth certificate and Social Security number among your important documents, too.

Include with this information the name of your life insurance company and policy number, as well as other important contacts who could assist surviving family members in the event of your death — your financial adviser, lawyer, insurance contacts and your accountant.

Making plans for your death feels like a morbid pursuit, but if you think about it in terms of your legacy to your loved ones, it can seem a little more manageable.

And even though end-of-life planning requires that you make difficult decisions, the process usually turns out to be less challenging than people think it will be.

Any stress associated with getting your estate documents created and organized is typically outweighed by the relief of having gotten it done.



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### A note from your Howe-Peterson family...

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Many of you have already experienced 'the Howe-Peterson way' either by organizing or attending a funeral service at one of our facilities or maybe you have participated with our Advance Funeral Planning lunch &

learn events. Did you know that our directors are very active in numerous groups and organizations within the communities we serve? We believe that it is important to participate and engage with our community which is why we participate in family fun events like the Trunk or Treat organized by the Dearborn Historical Museum. We also participate in charity golf events, bowling leagues, senior events and city clubs like the Goodfellows. Our directors have been recognized for their vast achievements, participation as panel guests at conferences and engage with a variety of Senior Expo Events.

We would like to inform you of some exciting news, our organization is growing! Howe-Peterson Funeral Home & Cremation recently purchased the J.L. Peters Funeral Home at 3880 Fort Street in Lincoln Park. We would like to assure our families that you will continue to receive the same exceptional customer experience at this location as you have come to expect from our Dearborn and Taylor locations. And we have a surprise for you! The same familiar face that has represented J.L. Peters will continue to be present at our Lincoln Park location. We feel blessed that Paula has decided to stay on board to man the fort on Fort 🇺🇸. From the whole Howe-Peterson team, thank you Paula for joining our family. We love the warmth and wealth of history you bring.



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Uncertainty happens –

A loved one enters a nursing home; your mom can no longer handle her finances; grandma dies; your aunt wanders from home and can't remember how to get back; a disabled child on Medicaid benefits receives money from a lawsuit settlement.

The Law Offices of Kevin M. Gilhool is an elder law firm that assists families in Michigan facing long-term care costs protect their savings and maximize government benefits. These benefits can include Medicare and Medicaid benefits, Veterans Administration benefits, and creative use of private finances. Our practice includes preparation and advice regarding durable powers of attorney, health care surrogates, living wills, trusts, and last will and testaments. We assist in the administration of decedent's estates including probate administration and trust administration. We also provide advice and counsel pertaining to guardianship matters. Our practice offers planning for the disabled including special needs trusts. Our team's mission is to provide guidance and thoughtful counsel in times of uncertainty.



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## WILL AND TESTAMENT

# Take steps early to share your last wishes

By NAPS

North American Precis Syndicate

The death of loved ones brings more than just grief. It creates a long list of questions about that person that can no longer be answered.

Drawing up a will is one of the important steps in making sure your final wishes are carried out and end-of-life planning helps to ease the burden of death for your family.

It's never too early to plan and share your last wishes:

- Create a will and a living will that includes financial, medical and custodial directives.

- Make a list of important personal information, such as the location of important legal and financial documents, wishes for personal belongings, as well as special pet care instructions.

- Determine the type of funeral or cremation you want, including wishes regarding songs, poems or prayers, charities and flowers.

- Write personal messages and life lessons to be shared with loved ones after you part.

- Entrust someone to be responsible for the information.

Tom and Candace Goldman lost loved ones and didn't know their last wishes. As the Goldmans guessed what their loved ones would have wanted, they talked about all the details they wish they had known before it was too late. Candace's mother had told her that her will was in her hatbox. No one would have found it if she hadn't mentioned it ahead of time.

"Dealing with loss is difficult enough, but not knowing what our loved ones would have wanted made it even worse even worse," Tom Goldman said.

Death is an uncomfortable subject that is so often avoided, but ignoring the topic and its responsibilities often results in guesswork for a loved one's funeral, finances, estate and belongings.

"When people die, they often leave con-

flicting details, loose ends and mysteries for their friends and families to figure out," says the Rev. Ashleea Nielsen, author of the blog *The Art of Living and Dying*. "Preparing for death helps mitigate pain during one of the most difficult times in our lives."

A growing number of people are finding both emotional and financial security in something that is also an important part of estate planning. They are pre-planning their funeral. Many are also finding that taking advantage of what pre-planning has to offer may be easier if they do their homework about what they may want and the options available before they sit down with the experts.

Although some people may find it hard to talk about advance planning, it can be harder on your family if you don't talk about your wishes for your final arrangements. One way to tackle planning without feeling overwhelmed is to break up the process into more manageable steps.

- Memorial or funeral service: Focus on the type of service you would want and how you can personalize that service, whether it's more traditional, somber or a unique celebration of your life. Decide if it should be a more intimate or larger gathering and consider music, readings or any other unique element to personalize the service.

- Burial or cremation: If burial is your preference, consider purchasing a cemetery plot in advance. If you decide on cremation, remember to make plans for permanent placement of the cremated remains. Consider a mausoleum or columbarium to give your family a physical place for visitation and reflection. This also prevents the possibility of the ashes being misplaced or discarded in later years if kept with a family member.

- Funding options: One advantage of prearranging your funeral is that you can lock in today's prices for products and services that may be more expensive in the future. It's best to work with a professional to understand the particular laws and regulations that protect those funds.

**A growing number of people are finding both emotional and financial security in something that is also an important part of estate planning.**



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PHOTO COURTESY OF BRANDPOINT

None of us wants to be a burden on those we love. Yet conversations around funeral planning can be tough.



**FAMILY CARE**

# Deciding who will take care of your children if the worst happens

**By Clara Wiggins**

*Special to The Washington Post*

No one wants to think or talk about it, but choosing someone to look after your children if you die could be one of the most important decisions you make as a parent.

That question hit my husband and me hard one awful day a few years ago when my eldest brother died of a heart attack and hadn't left a will. He was survived by the mother of his two children.

But that event, coupled with the fact that my husband's job as a law enforcement officer takes us to some dangerous locations around the world, made us realize that we needed to prepare for anything.

My brother's death was a horrible reminder that no one is invincible. And all of us — especially parents — need to prepare for life after our deaths. Most important, we need to think about whom we want to raise our kids if we are not around to do it.

I would be lying if I said this was an easy decision. We narrowed the choice to two of my siblings, for geographic and practical reasons. But asking someone to take on two extra children — even if the chances are slim that both of us would die before they are grown — is no trivial matter.

There are so many considerations, including who would look after them in a parenting style similar to your own, what would happen with their education or even who has room in their

house.

We chose the brother nearest to my parents, who could provide additional support. Fortunately, he and his wife said “yes” when we broached the sensitive question with them; I'm not sure what we would have done if they had said “no.”

Katherine Creamer and her husband wanted to choose a family who shared their faith as guardians of their two daughters, ages 6 and 3.

“We talked extensively, and it was a close call between a few people, but eventually we landed on some close friends whom we consider to be family,” she says.

Creamer and her husband drew up a will to include guardianship when their oldest was a baby and before the birth of their second child.

“This is one of the most important things you can set up when you have children to help others make things go smoother in the event of a worst-case scenario,” she says. “No one wants to think about it, but you owe it to yourself, your children and everyone around you to have it made official.”

Given how hard it is to nominate your child's guardian, I wondered what would happen if you die before making this choice — or if you had thought about it but hadn't formalized it in a will.

Gina M. Spada, a lawyer who works on guardianship and estate planning, says choosing a guardian is one



PHOTO COURTESY OF METRO EDITORIAL SERVICES

No one wants to think or talk about it, but choosing someone to look after your children if you die could be one of the most important decisions you make as a parent.

of the most contentious issues for parents drafting a will. It also tends to be the one thing that slows the estate-planning process.

But even with a will, she says, it is still up to a family court to make the decision.

“Guardianship is decided based on what is in the best interests of the child,” Spada says. “However, without a nominated guardian, the court has no information of the parents' wishes to consider.”

She emphasized that it is still important to put your decision in your will rather than just discuss it

informally because “an informal nomination would hold very little weight with the court.”

I asked her what would happen if the people you asked didn't want to do it.

“If a person is nominated as a guardian, he or she is under no obligation to accept. It would certainly not be in the best interests of the child for the court to appoint a guardian who does not want children,” Spada says. “Therefore, it is extremely important to discuss guardianship with the person you intend to nominate.”

And what if you really can't think of anyone to nominate — or everyone you ask declines?

“There is not generally anything that can be done,” Spada says. “The court would try and find someone who is known to the children, but if there is really no one, they would most probably end up in foster care.”

It's a situation no one wants to be in.

As hard as it might be, sit down with your partner, other family members and/or a trusted friend, make that appointment

with your lawyer, and nominate a guardian. If you are a single parent, this decision is even more vital — especially if your child's other parent isn't alive or involved.

We all hope this is something that will never be needed, but as I learned when my brother died, we don't know what is around the next corner.

It's better to be prepared for anything. And because you know your children and their needs better than anyone, this is a decision that shouldn't be left to someone else.



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**MONEY MATTERS**

PHOTO COURTESY OF METRO CREATIVE CONNECTION

Funeral homes sell packages of goods and services, but sometimes there's more wrapped into them than you want.

# Tips on keeping funerals affordable

**By NAPS**

*North American Precis Syndicate*

When a loved one dies, grieving family members and friends often are confronted with dozens of decisions about the funeral — all of which must be made quickly and often under great emotional duress.

Each year, Americans spend billions of dollars arranging more than 2 million funerals for family members and friends. The increasing trend toward pre-need planning — when people make funeral arrangements in advance — suggests that many consumers want to compare prices and services so that ultimately, the funeral re-

flects a wise and well-informed purchasing decision, as well as a meaningful one.

The Federal Trade Commission offers seven steps to help shop for funeral products:

**1.** Shop around in advance. Compare prices from at least two funeral homes. Remember that you can supply your own casket or urn.

**2.** Ask for a price list. The law requires funeral homes to give you written price lists for products and services.

**3.** Resist pressure to buy goods and services you don't really want or need.

**4.** Avoid emotional overspending. It's not necessary to have the fanciest casket

or the most elaborate funeral to properly honor a loved one.

**5.** Recognize your rights. Laws regarding funerals and burials vary from state to state. It's a smart move to know which goods or services the law requires you to purchase and which are optional. Pre-need planning can help people make wise and well-informed funeral decisions.

**6.** Apply the same smart shopping techniques you use for other major purchases. You can cut costs by limiting the viewing to one day or one hour before the funeral, and by dressing your loved one in a favorite outfit instead of costly burial clothing.

**7.** Plan ahead. It allows you to comparison shop without time constraints, creates an opportunity for family discussion and lifts some of the burden from your family. In addition, if you are planning your own service, it's a good idea to review and revise your decision every few years.

The FTC offers a consumer guide to funeral planning, complete with a price checklist, glossary of terms, a description of services, information sources and a list of questions to ask.

To request a copy of *Funerals, A Consumer Guide*, or for additional information, call 877-382-4357 or visit [ftc.gov](http://ftc.gov).



# Kernan

## FUNERAL HOMES

In our ongoing commitment to providing exceptional service and support to our community, we are excited to announce a significant change to our brand identity. With three esteemed locations, we have decided to bring all of them together under a single, unified name: Kernan Funeral Homes.

This rebranding effort is designed to better represent the values and mission that drive us, ensuring a consistent and seamless experience for all families we serve. Every interaction with Kernan Funeral Homes, regardless of the location, will uphold the same level of compassion and respect that our community has come to expect. Each location will retain its unique character and continue to serve with unwavering dedication. It marks a new chapter in our history, one that honors our legacy while embracing the future.

### **Czopek Funeral Directors 2157 Oak St. Wyandotte, MI 48192**

Serving families in the downriver community for 90 years, Czopek Funeral Directors has been a cornerstone of support and care. The current location, built in 1935, was originally owned by Mr. Frank Czopek and his wife Evelyn. In 1985, the funeral home was acquired by Chris Poirier, Jim Poirier, and John Michalak, with Gary Kissel joining at a later date. Looking to expand their reach, Kernan Funeral Service merged with Czopek Funeral Home, making John Kernan a partner. Generations of families have trusted Czopek Funeral Directors, making it a staple in the community.



Visit our website at  
[www.kernanfuneralhomes.com](http://www.kernanfuneralhomes.com)



### **Kernan Funeral Service 1020 Fort St. Lincoln Park, MI 48146**

Originally known as Nixon-Weiss Funeral Home, Kernan Funeral Service was purchased by John and Jeanne Kernan. Their vision was to provide funeral services with unmatched dignity and empathy. In 1997, they merged with Czopek Funeral Directors of Wyandotte, expanding their reach and enhancing the communities they served. Kernan Funeral Service has built a reputation for compassionate care and professional excellence.

### **Heritage Funeral Home 15748 Fort St. Southgate, MI 48195**

Initially part of the Girrback-Krasun Funeral Homes, Czopek Funeral Directors purchased the building in 2014, changing the name to Heritage Funeral Home, making it the third in the family business. Heritage Funeral Home continues to uphold the tradition of providing exceptional service and support to families in the Southgate area.





**OPTIONS ARE AVAILABLE**

Dan and Kelly Dwyer said they are proud of the on-site crematorium at Michigan Memorial Funeral Home that was added years ago so the funeral home could oversee the entire crematory procedure.

KEITH SALOWICH  
— FOR THE NEWS-  
HERALD

# Creating a meaningful funeral may include cremation

**By NAPS**

*North American Precis Syndicate*

The value of a meaningful funeral cannot be underestimated.

Funerals give families and friends an opportunity to come together to celebrate a life, to mourn together but also to reflect together as they share memories of a loved one and look back on times spent together.

As funeral service offerings become more diverse, sometimes the choices available become overwhelming or come with questions of their own.

One of the rising trends within funeral service is cremation, a practice that is by no means new, but increas-

ingly popular.

People who are making end-of-life arrangements have a lot of questions, and surveys show that consumers have a lack of information regarding funeral options and planning.

There are still a lot of myths surrounding cremation, chief among them that it is an alternative to a funeral service. Cremation is, in and of itself, a means of preparing human remains for final disposition. Choosing cremation in no way suggests that a memorial service, or even a traditional funeral service, can't or shouldn't take place.

Cremation actually provides you with increased flexibility when you make your funeral and ceremony arrangements.

You might, for example, choose to have a traditional funeral service before the cremation — in the funeral home, with the body present. This is not an unusual occurrence, and in situations where families are split on the issue, is often a good compromise.

There also can be a memorial service at the time of cremation or after the cremation with the urn present, or a committal service at the final disposition of cremated remains. Funeral or memorial services can be held in a place of worship, a funeral home or a crematory chapel.

What is important to remember is that funerals and memorial services fill an important role for those mourning

the death of a loved one. They are often the first step in the healing process, and the rituals involved provide a number of comforts to those who are grieving.

Cremation is not an alternative to such a service, but merely a step in the process.

There is a wide variety of options available to you and your loved ones as you think about your own needs, and your local funeral home is ready to walk you through every step of the way. Whether it's a small memorial service or a large funeral, the key is to develop a meaningful celebration of life.

For more information, visit the National Funeral Directors Association at [nfd.org](http://nfd.org).



## COVERED

# Final expense insurance lessens burden for your family

By NAPS

North American Precis Syndicate

If you're like many older Americans, you've always taken care of the people who are important to you.

One of the greatest gifts you can give your family is the knowledge that they have the means to cover your final expenses when you pass on.

Final expense insurance can provide that money so you don't have to worry about burdening already emotional family members.

## Find the best plan for you

Final expense life insurance is permanent or term, and guaranteed or simplified. You should decide which plans are best for you before you apply.

Term life insurance is based on how long you want the policy to stay in force. Usually, you can choose between 10-, 15-, 20-, or 30-year contracts. The premium and death benefit are guaranteed to remain the same for the entire contract period.

Most permanent plans are whole life in-

surance policies. This means the policy is good as long as you pay your premium. The premium and death benefit are guaranteed to remain the same and there is a guaranteed cash value. If you want coverage until you pass on, no matter when it happens, then you should consider this type of plan.

## Common features

Some of the common features of whole life final expense plans:

- Simplified underwriting with no physical exam when applying
- Benefits never decrease
- Full death benefit is paid at age 100 (less any outstanding loans and interest)
- Cannot be canceled for any reason as long as premiums are paid
- Builds cash value that you can borrow against
- Benefits paid to the beneficiary of your choice income tax free
- Available up to age 85

You can't reduce the emotional turmoil the loss of a loved one can bring, but you can lessen the financial burden on your family with final expense insurance.



## Starting the Conversation

Advanced planning for your funeral arrangements and your final resting place is the ultimate gift of love.

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Like homeowners and auto insurance policies, life insurance provides financial protection in difficult circumstances.



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**A FINAL COMFORT**

# How to choose a hospice facility

Hospice programs are designed to provide care to those facing end-of-life illnesses and offer support for such individuals' families and caregivers.

The hospice philosophy is a relatively recent one, at least in the United States.

According to Harvard Medical School, in the 1970s a growing number of terminally ill people were dying alone in hospitals. In response to that, the hospice movement began to offer services that would enable individuals to die free of pain and with dignity. Resources were available to families facing tough decisions.

Hospice is fully covered by Medicare for all eligible patients and is covered by most Medicaid and commercial insurance plans.

Choosing a hospice provider is an important decision. Depending on where a person lives, there may be a variety of hospice options, and each may differ in a number of ways, including quality of care.

The following tips can help families as they seek hospice facilities:

- Start with a state or national website. Organizations like the National Hospice and Palliative Care Organization ([nhpco.org](http://nhpco.org)) offer databases of hospice providers across the U.S. This enables families to filter their options by provider type as well as geographic location.
- Determine the care outcome. You can decide which type of services will be needed for your loved one. Hospice programs can manage pain and symptoms; provide drugs, medical supplies and equipment; teach family members how to care for loved ones; help with emotional and spiritual aspects of death; and provide services like speech and physical therapy. Identifying the desired course of hospice treatment ensures families ask the right questions when visiting facilities.
- Know the screening requirements. Ask about the qualifications of hospice workers and vol-



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Hospice is fully covered by Medicare for all eligible patients and is covered by most Medicaid and commercial insurance plans.

unteers as well as the level and type of training they receive before being placed with families.

▪ Determine caseload and how busy the hospice provider may be. Some hospices assign a certain number of patients to each staff member, while others offer only one-on-one assignments. This can affect how flexible scheduling may be.

▪ Where does care take place? Hospice services may occur in hospitals, skilled nursing homes, private residences or specialized hospice centers. Identify which scenario works for you and find services that align with it.

▪ Learn the reputation and read reviews of hospice providers. It may be easy to go with an initial recommendation, particularly when you want to offer fast relief to a loved one. However, families should read reviews and verify re-

errals before choosing a facility.

## In the know

When an aging family member is nearing the end of his or her life, many families rely on hospice care to provide a level of care and comfort that ensures the person's final days are less challenging than they might otherwise be. Families who have never before had to rely on hospice care may have some common questions, which the National Institute on Aging ([nia.nih.gov](http://nia.nih.gov)) has answered in order to simplify this sometimes challenging period in the life of aging individuals and their families.

## What is hospice care?

The NIA notes that hospice care is for people with serious illnesses who choose to cease or continue treatment. That's an im-

portant distinction, as a misconception regarding hospice care is that it's reserved for people who have stopped receiving treatment for their illness.

## Where do people receive hospice care?

Another misconception regarding hospice care is that it's provided exclusively at facilities that specialize in hospice services. Though the NIA notes nursing homes, assisted living facilities and even hospitals may provide hospice care, it's also possible for individuals to receive such care at home. Receiving hospice care at home is a significant benefit for many aging individuals who prefer the creature comforts of their own homes to the settings at hospitals and other facilities. Though facilities that specialize in provid-

ing hospice care often go to great lengths to establish peaceful, comfortable settings, many families like having the option that allows an aging relative to receive hospice care at home, where they might be able to enjoy more frequent visits from loved ones.

## Which services are included in hospice care?

The NIA notes that an assortment of services fall under the umbrella of hospice care. Pain relief, physical or occupational therapy, emotional and spiritual support, and advance care planning are some of the services noted by the NIA that are typically offered as hospice care. Families are encouraged to discuss specific services their loved one may need with their loved one's physician. That information can then be used to find the right hospice care arrangement.

## Are medications stopped upon entering hospice?

The NIA indicates that medication to cure or control a serious illness will stop when a person enters hospice care. For example, a cancer patient will no longer receive chemotherapy after entering hospice care. However, medications to treat conditions or symptoms unrelated to a person's illness can continue to be administered.

## Is hospice care 24/7?

The NIA notes that hospice care is rarely a round-the-clock service. Though a hospice care team member may be available at all hours, the NIA indicates that most of the of the day-to-day care is provided by family and friends. However, families considering a facility outside an individual's home are encouraged to ask questions regarding round-the-clock care.

— Metro Editorial Services





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### EDUCATION

**B.S.A., with High Honors in Finance and Managerial Economics, University of Michigan – Dearborn; J.D., Higgins Scholar and Notre Dame Law School Scholar, Notre Dame Law School; M.B.A., with Honors, University of Notre Dame Graduate Business School.**

### AREAS OF PRACTICE

**Estate Planning; Elder Law; Tax Planning; Wills; Trusts and Estates; Probate and Trust Administration; Business Law; and Business Planning.**

### CAREER

**Mr. Morello has personally developed or supervised over 10,000 Estate plans over the past 30 years. He is a frequent speaker on estate and business planning; selected as Downriver's Estate and Business Planning Attorney; selected as one of Detroit's top estate planning lawyers by DBusiness Magazine; awarded the Five Star Professional by Martindale-Hubbell Platinum Client Award; Northville Record People's Choice Award for Best Attorney.**

# It's Time to Review your Estate Plan ... Again

**By: Gerald M. Morello, Jr., Esq.**

#### TAX CUTS AND JOBS ACT OF 2017

President Trump's 2017 Tax Act provides a great opportunity to simplify your estate planning and to better provide for the future of your children and grandchildren. The following is a brief list of estate planning issues that should be part of any discussion.

#### REVIEW OF ESTATE PLAN

The beginning of the year is an ideal time to review your estate plan. Time flies, and your estate plan needs to keep current.

First, think about the key appointees within your documents. Are you still comfortable with who you've selected to handle your financial and medical affairs if you pass away, or become incapacitated? Second, are your beneficiaries up to date? Third, does your trust provide age (or other) restrictions on your beneficiaries and what is most appropriate now based on your beneficiaries' current circumstances? Lastly, if you do not have a comprehensive estate plan in place, now is the time to develop one.

#### IRA CONDUIT TRUST

The Secure Act went in to effect January 1, 2020. It dramatically changes the distribution rules for most beneficiaries. The stretch IRA is eliminated for most beneficiaries in favor of a new 10 year rule. This significant tax rule change makes a current estate plan even more important. IRA rules are complex, yet critically important in the estate planning arena. Most clients have retirement accounts, and desire to continue the power of tax deferral for the beneficiary after one's death. A properly designed Revocable Living Trust requires appropriate provisions to ensure continued tax deferral on these accounts for the beneficiaries.

#### SIMPLIFIED PLANNING FOR MARRIED COUPLES

Historically, a married couple needed to establish two separate AB type Trusts to protect both the husband's, as well as the wife's, exemptions against the Federal Estate Tax. For a married couple, if you did not "protect it," you would "lose it." Now, with proper planning, most married couples can protect both the spouse's exemptions against the Federal Estate Tax by doing some very simple, straight-forward planning. This simplified approach will not always be appropriate planning; it's based on many factors the clients should be made aware of.

#### LADY BIRD DEEDS

Our offices utilize Lady Bird Deeds to protect a primary residence during a nursing home stay from the Medicaid spend-down rules, while ensuring that, at death, the home ultimately is transferred to the Trust in order to avoid the Michigan Estate Recovery Act. This Act provides the State of Michigan with the ability to be reimbursed for Medicaid costs by extracting the reimbursement from the sale of the primary residence after the taxpayer has passed away.

#### MAKE INFORMED DECISIONS

Your estate plan should be reviewed on a regular basis with an experienced estate planning attorney to ensure your important legal affairs are in good order. Remember that there are many issues to address, so make sure you are fully informed of what is right for you.

If you would like further information, or to schedule an appointment to discuss your current estate planning needs, please contact Morello Law Group, P.C. at 734-281-6464 or 248-347-2950 or [morellolawgroup.com](http://morellolawgroup.com).

Here are some additional recommendations on what to consider when updating your estate plan:

- Prepare or update a Revocable Living Trust to avoid probate court, eliminate government interference, maintain privacy, simplify administration and protect your family's estate.
- Review ownership and beneficiary designation to make certain they are owned or "funded" in the name of your Trust. Do not put a child on the deed to your home, stocks or mutual funds due to adverse tax consequences.
- Roll-over 401k plan monies after changing jobs, or at retirement, to an IRA account.
- Review selection of Executor, Trustee, Guardians for minor children, and Financial and Medical Advocate.
- Determine whether your estate plan contemplates recent tax rules and 2020 IRA rules changes.
- Review your total net worth, and determine whether your estate plan is appropriate.
- Determine whether you have acquired real estate since your Trust was developed and whether ownership of that real estate is appropriate.
- Determine whether your heirs' circumstances have changed, which might affect your planning, such as a disability, births, deaths, marriage or divorce.
- Consider provisions in your Trust to provide monies for younger heirs for education and health care, and an age requirement to receive the inheritance, such as age 25.



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