

Funeral Expenses

If a decedent's estate does not have enough assets to pay all the claims made against it, [Minnesota law](#) prioritizes payment of the decedent's "reasonable funeral expenses" before Medical Assistance (MA) claims. In probate, reasonable funeral expenses are paid from the estate before you can recover MA payments from the estate.

The following funeral expenses policy provides a standard for determining which funeral expenses can be paid from an estate before your MA claim when you are administering probate, having been appointed personal representative because of your standing as a creditor. You must adopt either the following funeral expenses policy or your own policy that is in accordance with the following policy.

Interpret this policy or your own policy in a way that is sensitive to cultural and religious practices. This policy does not apply to county-paid burials and does not apply to MA eligibility determinations.

I. Reasonable funeral expenses

Reasonable funeral expenses include the following:

- Expenses directly related to goods sold or offered for sale or rental in connection with the final disposition of the human body
- Services sold in connection with the final disposition of the human body
- Goods that may be used for a funeral service
- Services that may be used to prepare a human body for burial or a funeral service

Reasonable costs for the following items are paid before MA claims:

- Certificates of death (up to five)
- Mortuary expenses:
 - Cremation
 - Embalming
 - Casket (get a quote for the least expensive casket for the deceased person's body size from two funeral homes within the county and set the reasonable expense in line with these two quotes)
 - Clothing for the body, only if clothing is unavailable
- Ground transportation of the body
- Interment:
 - Cemetery plot (get quote from two cemeteries to determine reasonable cost of plot)
 - Costs of opening and closing grave
 - Vault
 - Burial of cremated remains
 - Grave marker
 - Lowest-cost stone marker
 - Engraving
 - Winter burial
- Memorial service, viewing, and visitation:
 - **One** of the following:
 - Public visitation service
 - Funeral service
 - Grave site service
 - Fee **or** required donation for one officiant
 - Music (one instrumentalist or vocalist)

- One 24-line obituary without picture for a one-day run

II. Unreasonable funeral expenses

Expenses for these items are **not** paid before MA claims:

- Family travel and lodging
- Flowers (no matter the purpose or sender)
- Food and beverage
- Entertainment not listed above as a reasonable expense
- Clothing, unless clothing for the deceased is unavailable
- Police escort
- Memorial cards and thank you cards
- Memorial donations
- Planning costs

III. Prepaid burial trusts and insurance

If a decedent has a prepaid burial trust, the funds must “be distributed for the payment of the at-need funeral goods, funeral services, burial site goods, or burial site services selected, with any excess funds distributed to the beneficiary’s estate.” See Minnesota Statutes, [section 149A.97](#), subdivision 3a, clauses (9) and (10). A decedent may also have a life insurance policy designed to pay for funeral expenses.

If a decedent’s funeral costs exceed the dollar amount of prepaid burial trust or insurance funds, then you must analyze the funeral costs that exceed that amount using this funeral expenses policy or your own policy that accords with this one. Any remaining funds in a prepaid burial trust after funeral expenses have been paid are distributed to the estate and are subject to MA recovery.

IV. Crowdfunding and fundraising accounts

Online crowdfunding and fundraising campaigns to pay for a deceased’s funeral expenses are increasingly common. Accounts set up to pay for a person’s funeral costs after a person dies are not part of the person’s estate and are not subject to MA estate recovery.

V. Special needs trusts and pooled trusts

Minnesota law does not prioritize reasonable funeral expenses before MA claims in a decedent’s special needs trust or pooled trust.

See Minnesota Statutes, [section 501C.1205](#), subdivision 3, for special needs trusts and Minnesota Statutes, [section 256B.056](#), subdivision 3b, for pooled trusts.