

## What to consider when arranging a funeral or cremation in New Mexico

Arranging a funeral or cremation can be a daunting and emotional task. There are so many decisions to be made and you can be overwhelmed by this, especially if a death has already occurred.

This brief guide to arranging a funeral or cremation in New Mexico aims to provide a starting point and give you an overview of some of the main things you need to consider, including New Mexico funeral legislation rules. Whilst the Federal Trade Commission (FTC) does govern how funeral homes operate, this is superseded by New Mexico state law.

## Who is responsible for making the funeral arrangements in New Mexico?

New Mexico law determines who can make the funeral arrangements [New Mexico Statutes § 45-3-701]. This is determined as:

1. your surviving spouse (if you have not filed for divorce)
2. a majority of your adult children
3. your parents
4. a majority of your siblings
5. a responsible adult who has played a significant role in your care, who understands your disposition wishes and is willing to carry out your funeral wishes
6. your next living kin

## Choosing a funeral home in New Mexico

One of the first things to do, especially if a death has just occurred, is to choose a funeral home to handle the funeral services. All funeral homes in New Mexico are licensed by the New Mexico State Regulation & Licensing Department Board of Funeral Services.

There are in the region of 80 funeral homes and mortuaries in New Mexico. Selecting a funeral service provider can be determined by both your location and what kind of funeral services you require. Are you looking for a traditional funeral or burial service? Or are you seeking a more contemporary life celebration service, or a cremation? Is the cost of the funeral an issue, are you working to a tight budget and looking to save money where you can on funeral expenses? Do you want the services of a Spanish-speaking funeral home? Obviously having some clear ideas of what you do need from a funeral home helps you make the decision of which funeral home is right for you. Our funeral home directory can help you to locate the funeral homes near you.

Families often seek recommendations from family or friends, and this is a very good way to get information. However, funeral costs are probably the primary reason why many families are now seeking out alternative options to their local funeral home. If you are concerned about

arranging an affordable funeral our DFS Memorials providers in New Mexico offer dignified and inexpensive funerals and cremations.

## What does an average funeral cost in New Mexico?

The average cost of a funeral in the U.S. is \$7,360 (according to the NFDA – National Association of Funeral Directors 2017), and this does not include any cemetery fees. This generally means that the full cost of a funeral can amount to nearer to \$9,000 when cemetery fees are included. The cost for a funeral can be broken down into several components – the funeral director’s professional service charges, casket, embalming, transportation and ancillary costs such as flowers, music, prayer cards, obituary etc. However, you can arrange a traditional funeral for half this cost in Las Cruces. The DFS Memorials provider for Las Cruces offers a complete funeral (including casket and cemetery plot) for \$3,995.

All funeral homes in New Mexico must have a general price list (GPL) that outlines their service charges and funeral merchandise prices. They must provide a copy of their GPL when they quote you a price according to the Federal Trade Commission’s ‘The Funeral Rule’. When arranging a funeral, you often end up with a range of charges from the GPL in an a la carte style, and this can result in a cost higher than you first imagined. Sometimes choosing a funeral package, which offers an inclusive service and pricing, can help you manage your overall funeral expenses.

It is recommended that you DO shop around and compare funeral prices between more than one funeral home. That way you can be sure that you have a “best value” funeral service.

## Who is responsible to pay for funeral costs in New Mexico?

Generally, a person has 2 options – to prepay and pre-plan a funeral or leave enough money for surviving family to pay for the funeral. If neither of these options have been put in place, then surviving family is liable for the funeral bill. Check out our Library article on ‘What is my best and safest option for putting aside money for a funeral?’

## How much does a cremation cost in New Mexico?

A typical cremation funeral service will cost in the region of \$3,200 (depending upon the ancillary services/products you select). This is the type of cremation service that replaces a full traditional funeral. It is possible to arrange a cremation for considerably less than this.

## Arranging a direct cremation in New Mexico

This is the least expensive cremation option for families. A direct cremation means that there are no services, the cremation goes ahead once all the documentation has been completed and then the cremated remains are returned to the family in a temporary container. Incremental options, such as a private family viewing or an upgraded cremation urn, can be added to a basic direct cremation package for an additional fee.

The [DFS Memorials providers in New Mexico](#) offer low cost cremation services and affordable burial services. All DFS Memorials providers guarantee to offer a ‘best value’ direct cremation package.

## Low cost cremations in New Mexico

DFS Memorials does serve the main cities in New Mexico offering simple, low cost cremations to help families who cannot afford a funeral. Visit the DFS Memorials website to locate your nearest low-cost cremation services provider.

## How do I decide between a burial or a cremation in New Mexico?

Choosing between burial or cremation is very much a personal choice. The deceased may have left explicit wishes or surviving family may have to make a decision. Faith and/or funds for the funeral service can play a significant role in whether a burial or cremation is chosen. Having a pre-existing cemetery plot can be an important aspect as burial plots can be quite expensive to purchase these days. Cremation is certainly on the increase in the United States, and is becoming a popular funeral alternative for many now. Green burials are also another option that can be considered.

If you are unsure whether to choose between burial or cremation, talk to family and friends, and discuss the decision with your funeral director.

## How do cremation laws in New Mexico affect arranging a cremation?

Each state has its own laws governing cremation procedures. A crematory and/or funeral home must abide by certain practice standards in disposing of human remains by cremation. However, certain regulations can vary by state. In New Mexico a cremation can only be performed once a 'Cremation Authorization Form' has been signed by the legal next of kin and the coroner has issued the cremation permit. The permit is issued by the state medical investigator to a licensed funeral director. There is no mandatory waiting period for cremation in New Mexico. A casket is NOT required by law for a cremation. All that is required is a suitable rigid container. A cremation container is usually a reinforced cardboard or plywood box.

## What can I do with cremated remains – laws for ash scattering in New Mexico

As more families are turning to cremation as a lower cost funeral alternative, the question arises about what to do with the cremated remains? Cremation ashes can be interred in a dedicated cemetery (just as a body can) in a cremation niche or an existing grave plot. (Do bear in mind there may be opening and closing fees to open an existing family grave plot). Alternatively, the ashes can be scattered.

You can scatter ashes on private property (with the landowner's consent). If you wish to scatter ashes on public land, you can generally do so unless it is on land requiring a permit. In New Mexico you do require a permit to scatter ashes on state parkland. Requirements of a permit are: the remains to be scattered must have been cremated and pulverized and the scattering of cremated remains on the ground is to be performed at least 100 yards from any trail, road, developed facility, or body of water. You should observe common sense guidelines for ash scattering as outlined in our ash scattering section. The cremated remains of more than one person cannot be commingled unless a scattering is being conducted by air, in water or at sea.

Aerial ash scattering is available in New Mexico where a loved one's remains can be cast into eternity over beautiful landscapes. Prices for an aerial ash scattering range between \$350 – \$750.

## Does the deceased have to be embalmed in New Mexico?

There is no legal requirement, or New Mexico law, stipulating that you have to have the deceased embalmed. However, either embalming or refrigeration is required if the disposition does not proceed within 24 hours [New Mexico Statutes § 61-32-20]. Therefore, you do have choices, and if you do not wish for embalming you need to have a timely funeral or a cremation. You may also wish to check, when consulting funeral homes that they can offer refrigeration storage and what the daily cost is.

Some funeral homes do adopt policies that insist upon embalming if a public viewing or service is being held with the deceased in repose.

## Can I conduct a home funeral in New Mexico?

Conducting your own 'home funeral' is a very personal way of saying goodbye. It is perfectly legal in the majority of U.S. States, including New Mexico. A permit is required for authorization of a final disposition. A burial-transit permit must be issued by the state registrar or a local registrar when final disposition is being made by a person other than a funeral service practitioner or direct disposer [New Mexico Statute § 24-14-23].

If you wish to bury your loved one at home on your own land and establish a family cemetery, you must first check with the county clerk about any local zoning. You would need to draw up a map of the property showing the burial ground and file it with the property deed.

## Purchasing a casket or grave marker in New Mexico

You have the right to purchase your casket from elsewhere than the funeral home, and your funeral home MUST accept it without charging you any handling fee (this is federal law according to the FTC Funeral Rule). You can also build your own casket/coffin if you wish. Now that third-party casket retailers can offer discounted caskets, it has brought funeral home casket prices down somewhat. A basic steel casket starts at around \$1,195.

A grave marker cannot ordinarily be erected until some months after a burial. This allows the earth to settle and ensures that once erected the headstone will not subside. Cemeteries generally have their own regulations that dictate what is allowed in terms of types of grave markers. It is wise to carefully check the cemetery rules before purchasing a memorial marker. However, you should not have to purchase a marker from the cemetery if you do not wish to.

## How do I get the death certificate in New Mexico?

In New Mexico, a death certificate needs be filed with the local registrar within five days after the death [New Mexico Statutes § 24-14-20]. Typically, the funeral home or the individual in charge of the deceased person's remains will prepare and file the death certificate. The fee for a certified copy of a death certificate is \$5.00, and you may need multiple copies if you need to close the deceased's estate. Copies can be obtained from New Mexico Vital Records, Post Office Box 25767, Albuquerque, NM 87125 by mail or you can apply online or in person. You must produce certain identification documents. Further information can be found at <https://nmhealth.org/about/erd/bvrhs/vrp/death>

## Can I pre-plan a funeral in New Mexico?

Yes, and pre-planning your funeral alleviates family of both the difficult decisions and the financial burden of funeral expenses. You can make pre-need funeral arrangements direct with a funeral home or purchase burial insurance.

What you DO need to consider is how safely you are investing your money. Although purchasing a funeral plan may secure your funeral wishes, funeral prices are not as fixed as they once were. With the growth in cremation, the cost for a funeral could actually be coming down. Any funds invested into a funeral contract are put into a trust fund.

Another funeral planning alternative is to document your wishes and put aside the appropriate funds in a POD Payable on Death account or a Totten Trust. This enables family to access the funds at the time of need and make the funeral arrangements, but you keep in control of your monies and any accrued interest. Read more in our article 'What is my best and safest option for putting aside money for a funeral'.

## Veterans Funerals in New Mexico

Veterans are entitled to certain benefits – namely a free cemetery plot, grave marker and US flag. A copy of the DD214 discharge papers are required to claim these benefits and you would need to contact the local VA office. In many cases the funeral director will assist you with this, or undertake it on your behalf. The VA cemeteries in Fort Bayard and Santa Fe have space for both casketed and cremated remains.

## Can I donate my body to science in New Mexico?

Yes, donating your body to science can be a great way to take care of your disposition without any funeral expenses. Most of the national organizations that deal with full body donation handle everything from the moment you notify them of the death, including collecting the body, the donation, the free cremation and the return of the cremated remains to the family a few weeks later. It is worth noting that a donation cannot always be accepted at the time of death, so you should have an alternative plan in reserve. Check out our [Body Donation](#) section.

## The deceased had no life insurance – what do I do if I cannot afford a funeral?

If you find yourself liable to make funeral arrangements for a lost loved one, and you do not have sufficient funds, this can be very distressing. There is very limited financial aid for funerals and this varies by County. In such cases the coroner may make arrangements with a funeral home and costs should not exceed the actual minimal cost of a burial or cremation. Generally, a fixed amount is set that the County or state will pay for pauper burial assistance. The state is responsible for the disposition of indigents or any individual who becomes a responsibility of New Mexico. You need to contact your local County human services or social services to find out what help may be available. The expenses for the burial or cremation of an indigent person paid by the county out of the general fund is the amount of one \$100 for the burial of any adult or minor over the age of 65 and \$75 for the burial of any minor up to the age of 6 years [New Mexico Statute §24-13-3].

A simple cremation is the least expensive disposition option.

## How can I transport a loved one either back to, or from, New Mexico after death?

If a loved one needs to be transported following their death, you will need the services of a funeral director who can arrange funeral shipping for you. This generally needs a funeral professional who can coordinate arrangements at the place of death and wherever the body is being shipped to.

Certain regulations do apply on moving a body, embalming and a transit permit are required as well as specific containers to hold the casket. The deceased can only be transported in a "closed vehicle designed exclusively for the transportation of dead human bodies" [Statute 51

§107]. Shipping a body can be quite expensive, so the other alternative you have is to have the body cremated at the place of death, and then transport back the cremated remains. Cremated remains can be shipped through the US Postal Service for between \$40 – \$75.

Visit our section on [Funeral Shipping](#) to find out more.

### Who should I contact if I have a complaint about a funeral home in New Mexico?

Hopefully you will find the services of your funeral home more than adequate, as most funeral professionals are very dedicated in their vocation. Unfortunately though, it does sometimes happen that you may have a complaint or grievance with a funeral home and you do not manage to resolve it directly with the funeral director. In this case you should make your complaint in writing to the New Mexico State Regulation & Licensing Department Board of Funeral Services who regulate and license funeral businesses in New Mexico. They can be contacted at:

*Board of Funeral Services  
Toney Anaya Building  
2550 Cerrillos Road, Second Floor  
Santa Fe, New Mexico  
Phone: (505) 476-4622*

I hope this guide has helped to answer some of your immediate questions. Please check out our Library/info section for our full catalogue of resources to help you through the process of arranging a funeral. Feel free to contact us if we can be of any assistance with any further questions you may have.

### **US Funerals Online Customer Support Team**

Email : [help@us-funerals.com](mailto:help@us-funerals.com)  
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