City of San Angelo
Family Support Division
Disposition of Indigent Remains Policy

General Information

(a) Authority. City of San Angelo Development Services Department – Family Support Division is authorized by Tom Green County under TEXAS HEALTH AND SAFETY CODE, Section 694.002, TEXAS LOCAL GOVERNMENT CODE, Section 81.027, and other applicable statutes, to provide for disposition of remains of indigent persons in Tom Green County and to assist the Next of Kin of deceased individuals in obtaining disposition of remains where the Decedent and/or Next of Kin are unable to afford burial and meet the requirements of applicable Family Support Division and Tom Green County policies.

(b) Provision of Service. Disposition of indigent remains assistance may be provided to eligible Tom Green County residents and families who lack the income or resources to afford any type of funeral expenses and who meet applicable eligibility requirements under this Policy. All requests must be approved by designated Family Support Division staff prior to disposition of remains. **Cremation is the approved option** for the final disposition of a deceased person unless the body is unidentified in which case full-body internment will be approved.

(c) Statutory Guidelines. Family Support Division will provide funding for cremation services in accordance with all applicable federal, state and local laws, rules and regulations.

Program Administration

(a) Purpose. The purpose of this Policy is to establish standards for administration of the Disposition of Indigent Remains Program ("Program") including the following:

1. Criteria. Establishing the general and specific criteria for determining eligibility.

2. Definitions. Setting forth applicable definitions.

3. Application Process. Setting forth the general application process.

4. Appeals Process. Describing the general appeals process.

(b) Definitions. In this Policy, the following terms will have the meaning set forth herein:

1. "Applicant" means an individual applying for assistance under this Policy.

2. "Caseworker" means a qualified Division representative who assumes the overall responsibility of organizing and ensuring the receipt of needed services for a qualified Participant.

3. "Commissioner's Court" means the Tom Green County Commissioners Court.

4. "Common Law Marriage" means a union recognized as a legal marriage under the laws of Texas which meets certain conditions, including the following:

a. both parties are free to marry;

b. the parties live together; and

c. the parties hold out to the public that they are husband and wife.

5. "Date of Payment Approval" means the date the Caseworker has obtained all necessary information/documents required to approve assistance and initiate the payment process related to receipt of services under this Policy.

6. "Decedent" means the individual for whom assistance is requested/provided under this Policy.

7. "Division" - The City of San Angelo Development Services Department – Family Support Division.

8. "Emancipated Minor" means a person under 18 years of age who has been legally declared as an emancipated minor by the court; or a person under 18 years of age who is legally married, with marriage including a Common Law (or informal) marriage.

9. "Division Manager" means the Division Manager of the Division, or his/her designee, i.e., Senior Caseworker.

10. "Fiscal Year" means the City of San Angelo fiscal year which begins October 1 of each year and ends September 30 of the next following year.

11. "Funeral Home" means a funeral home which has duly executed an agreement with the Division to provide funeral services pursuant to this Policy.

12. "Household" means an Applicant and those individuals sharing the Applicant's housing unit as defined in this Policy.

13. "Income" means the total monetary receipts from all sources, including tips, before deductions from all sources as set forth in this Policy.

14. "Next of Kin" means the legal next of kin as defined in TEXAS HEALTH AND SAFETY CODE ANN.., Section 711.002, "Disposition of Remains, Duty to Inter." The Applicant under this Policy must provide proof that Applicant is the Next of kin.

15. "Participant" means a person approved by the Division as meeting applicable criteria guidelines to receive services under this Policy.

16. "Residency" means an individual must have worked, paid rent/mortgage, applied or received food stamps in Tom Green County prior to death. Determination of Residency will be adhered to as set forth in this Policy.

17. "Resource/Assets" means the earnings of the Household the total of which must be less than the allowable limit as set forth in this Policy. Countable Resource/Assets for the Program will be determined by Division policy.

18. "Third Party" means a person who has no personal gain and no personal relationship to the Applicant or any member of the Applicant's Household as a relative, friend or neighbor. Examples

of third party are: employers, school nurses, social service agency representatives, lawyers/paralegal, etc.

19. "Thirty-Day Period" means the previous thirty calendar days from and including the date of application.

20. "Viewing for identification purposes only" means the time and space provided, when made available by and requested from the Funeral Home pursuant to this Policy, for the opportunity for next of kin to identify the body prior to cremation if necessary.

21. "Cemetery" means the Fairmount Cemetery located at 1120 West Avenue N, San Angelo, TX 76901.

(c) Division Discretion. The Division, with the written approval of the Tom Green County Judge or designee, may waive or adjust certain provisions of this Policy where, as determined by the County Judge or designee, such waiver or adjustment will continue to promote the general purpose and intent of this Policy within the limits of applicable laws. At any time that such waiver or adjustment is requested or suggested, the County Judge or designee may make such decision or may refer such decision to the Commissioners Court. Upon granting of any such waiver or adjustment, the County Judge or designee will provide written notice to the Commissioners Court of such waiver or adjustment at the earliest possible date.

Family Support Division Responsibilities.

(a) Funeral Home Reimbursement. The Funeral Home will be reimbursed pursuant to the agreement with the Division at the rates set forth in this Policy.

(b) Burial Space. The Division may provide compensation to Fairmount Cemetery for a gravesite space as secured by the Division for the purpose of cremation interment pursuant to this Policy.

(c) Out of County Transportation. Division provides no compensation in instances where the Funeral Home goes out of the County to pick up a Decedent. The Funeral Home will not be reimbursed by the Division.

(d) Vetting Applicant(s) Income. Division will vet applicant's income to determine eligibility for County assistance and forward that information to the Funeral Home.

Funeral Home Responsibilities.

(a) Agreement. Each Funeral Home will provide cremation services under this Policy pursuant to a written agreement with the Division.

(b) Removal of the Body. The Funeral Home will provide for removal of the Decedent's body from place of death within Tom Green County. No special reimbursement for such removal is included in the agreement price as set forth in this policy.

(c) Next of Kin determination. The Funeral Home will be responsible for determining Next of Kin following the process common in the industry. The Division may find it necessary to assist in determining Next of Kin in order to make a proper decision on program eligibility.

(d) Preparation.

1. General. The Funeral Home will prepare the Decedent's body for cremation pursuant to applicable law.

2. Embalming. It is understood that embalming is not specifically required by law or applicable industry standards in every case prior to burial; however, a body held any place for more than 24 hours after death must either be maintained at a specified temperature, as required by law or applicable industry standards, or embalmed by a licensed embalmer. If embalming occurs other than as required herein, it is at the discretion of the Funeral Home and with the approval of the legal Next of Kin. Appropriate consents must be acquired by the Funeral Home, as required by local, state and federal law. Refrigeration costs are not included in the agreement price and no additional reimbursement to the Funeral Home for the embalming will be made by the Division.

(e) Container. The Funeral Home is responsible for provision of appropriate size container for meeting standards of the crematory industry.

(f) Viewing. Viewing will be for identification purposes only and only Next of Kin will be allowed to view the body. In cases where there are more than one Next of Kin, only one person of the family's choosing may view the body for identification purposes.

(g) Transportation to the Crematorium and Cemetery. The Funeral Home will provide transportation of the Decedent's body to the crematorium and the cremains to the Fairmount Cemetery. The Next of Kin may opt to take possession of the cremains at the Funeral Home or Cemetery office. No associated transportation costs/fees will be reimbursed by the Division.

(h) Graveside Service. There will not be a graveside service. Cremains will be held at Fairmount cemetery until 6 cremains are collected and then interred 6 at one time. Letter to Next of Kin indicating the lot number will be provided by Fairmount.

(i) Documentation. The Funeral Home will file all required documentation per appropriate County, State and Federal laws. Required Tom Green County documents include affidavits confirming the family's financial involvement, any changes to the service, an invoice for reimbursement and any other documentation required under this Policy or reasonably requested by County.

(j) Marker. The Fairmount Cemetery will provide a preapproved basic marker, purchased by the Division specifically for indigent disposition of remains only at Fairmount Cemetery.

Limitations.

(a) Prior Approval. No approval of disposition of indigent remains assistance prior to death will be provided.

(b) Cremation. The Division and County Indigent Assistance Policies include cremation as the only option unless the Decedent is unidentified at the time of death.

(c) Additional Services. Family (including the Applicant and any legal Next of Kin) or friends may not pay for additional/enhanced services. Any changes to the service needs to be brought to the attention of the Funeral Home and Division as it will have to sign an affidavit confirming the family, Applicant or any legal Next of Kin has not paid for additional/enhanced services.

(d) Death Notice. Only a basic death notice that is free of charge will appear in the newspaper as a matter of public record. No enhanced obituary is permitted.

(e) Location. Unless otherwise authorized under certain exceptions in this Policy, all indigent interments (cremains or full body in case of an unidentified person) paid for by the Division will be at the Fairmount Cemetery. Exceptions include military funerals or the use of an existing legal and paid for family plot. The legal Next of Kin may take possession of the Decedent's cremated remains.

(f) Death Certificate. Funeral homes will not give the Applicant, family or any legal Next of Kin the option to request copies of death certificates through their business. Copies of the Death Certificate are available through the Texas Department of Health.

Eligibility Criteria

(a) General Requirements

1. Purpose. This Section sets forth the unified criteria to be used for identification of Households which meet the minimum Indigent Disposition of Remains Assistance Program eligibility requirements in order to receive assistance under this Policy. Determination of eligibility will be determined by Division according to applicable County and Division guidelines.

2. Income. Household gross Income, as defined herein, must be at or below 125% of the Federal Poverty Income Guidelines.

3. Eligible Decedent. An eligible Decedent must be a legal Tom Green County resident at the time of death.

4. Next of Kin. Applicant must provide proof the Applicant is the legal Next of Kin as defined in TEXAS HEALTH AND SAFETY CODE ANN.., Section 711.002, "Disposition of Remains, Duty to Inter." (see 73.006(c) below)

5. Age. Applicant must at least be 18 years of age or an Emancipated Minor.

6. Referral from Funeral Home. Applicant must make an attempt to make financial arrangements with the Funeral Home prior to requesting services from the Division. The Funeral Home will make a referral to the Division.

(b) Initial Contact. The Division requires that anyone requesting assistance for Disposition of Indigent Remains first contact a contracted Funeral Home of their choice and make financial arrangements using their own resources. The legal Next of Kin needs to meet in person (or via fax, if out of town or if there are extenuating circumstances), with the Funeral Home to try to arrange a lower cost/most economical funeral arrangement. If this cannot be accomplished, the Funeral Home will refer the individual to the Division. A written request from the Funeral Home referral including any documentation required by County will need to accompany each Applicant's request.

(c) Next of Kin Determination.

1. Identification. The Funeral Home has the responsibility to identify Next of Kin. In identifying the Next of Kin as the individual responsible for the disposition of remains, the Funeral Home will follow the guideline set forth in Texas Health and Safety Code Ann., Section 711.002, "Disposition of Remains; Duty to Inter," which currently reads as follows:

Unless a Decedent has left directions in writing for the disposition of the Decedent's remains as provided in Subsection (g), the following persons, in the priority listed, have the right to control the disposition, including cremation, of the Decedent's remains, shall inter the remains, and are liable for the reasonable cost of the internment:

A. the person designated in a written instrument signed by Decedent;

B. the Decedent's surviving spouse;

C. any one of the Decedent's surviving adult children;

D. either one of the Decedent's surviving parents;

E. any one of the Decedent's surviving adult siblings; or

F. any adult person in the next degree of kinship in the order named by law to inherit the estate of the Decedent.

2. Guidelines. The Funeral Home will use industry standards as a guideline in attempting to locate the Next of Kin:

3. Verification/Documentation. In determining and/or verifying the identity of the Next of Kin, the Funeral Home will utilize information and documentation provided.

4. Assistance by Division. The Division may find it necessary to assist the Funeral Home in the identification of Next of Kin to ensure a proper decision for program eligibility.

(d) Single Application. If an Applicant, who is a legal Next of Kin, is denied assistance, another application may not be accepted by another legal Next of Kin.

(e) No Next of Kin Referral.

1. Available Next of Kin. If the legal Next of Kin does not begin or complete the application process, or if no Next of Kin is available, the Division will assist in the disposition of remains of an eligible Decedent as a "No Next of Kin" referral. If a Next of Kin is available, a statement from the legal Next of Kin to relinquish their rights will be needed to proceed. That letter of relinquishment needs to include:

A. Name of legal Next of Kin

B. Date

C. Name of Decedent

D. Statement of permission for the Funeral Home to cremate in the form of a signed affidavit identifying the affiant as the Next of Kin or No Next of Kin, waiving all rights to inter the remains and indemnifying the County against any claims.

2. Referral. When no Next of Kin can be identified to apply on the Decedent's behalf, the referral from the Funeral Home will be considered a No Next of Kin referral.

3. Information. The Division will not provide any information for No Next of Kin Referrals regarding inquiries for services for the Decedent. The Funeral Home may give out information per their policies.

4. Next of Kin Location. If a no Next of Kin referral begins, and prior to cremation Next of Kin is located, the Funeral Home or medical examiner's office must contact the Division immediately. Any steps taken will be stopped and the Next of Kin will need to apply to determine eligibility.

(f) Abandoned Body. If a body is abandoned by the Next of Kin or no Next of Kin is identified, the Funeral Home and Division will proceed pursuant to applicable law.

Application.

(a) Forms. Applicant with read and sign the "Duties and Responsibilities of Participant," and will complete the Application form which will be reviewed as set forth in this Policy.

(b) Residency Requirement. Residency requirements are as follows:

1. Place of Death. Decedent must be a Tom Green County resident at the time of death.

2. Out of County Resident. If the person died in Tom Green County but was a resident of another county, every attempt will be made to cremate the person in the County of residence or collect reimbursement from that county for the cost of services provided by Tom Green County.

3. Nursing Home Resident. If the Decedent is in care at a nursing home or other care environment, the person may be considered a Tom Green County resident if the Decedent has been in care at the facility longer than 90 days.

4. Verification of Residence. Division will utilize information provided or available to verify and document fulfillment of residency requirements for Decedent and/or Applicant using applicable Division guidelines.

(c) **Income and Resources Requirements.**

1. Income Test. An Income test will be applied to the legal Next of Kin and his/her Household making application on behalf of the deceased who by law has the right to control the disposition of the Decedent's remains. The Income test will consist of reviewing IRS 1040 from the previous year or the last three pay periods if no 1040 is available for all working members of the applicant's household in order to determine the Applicant's eligibility for assistance under this Policy. The gross Income must be at or below 125% of the Federal Poverty Income Guidelines.

In case of multiple Next of Kin where the Decedent for example has no spouse and is survived by children, income of all Next of Kin will be reviewed. It is the family's responsibility to provide the required documentation in a timely manner in order for the County to assist.

In cases where assets are identified, two (2) percent of the total assets will be added to the Applicant's income in order to determine eligibility.

2. Decedent's Income. The Decedent's Income will be considered in the Income test only if he/she resided in the Applicant's Household at the time of death.

3. Application by Non-Family Member. The Income test will not apply in those situations where there are no surviving relatives known and a friend has to make application on behalf of the deceased. In that situation, only available resources of the deceased will be considered.

4. Verification of Income/Resources: Applicant must provide proof of gross income for the entire Household in the form of an IRS 1040 or for the past three pay periods if no IRS 1040 is available. Proof of income/resources, forms for documentation, and type of documentation will be provided pursuant to Division guidelines. 2% of total assets will be added to the income total.

5. Insurance Policies: In those situations where available insurance policy/policies exist, the family will be referred to the Funeral Home for consideration of a private burial funeral arrangement. In cases where the Next of Kin are eligible for County Assistance and a policy only covers a portion of the amount allowed for disposition of remains by the County, the amount of the insurance policy will be deducted from the amount of assistance provided.

(d) Letter of Consent. If there are siblings/children or other individuals who qualify as Next of Kin at the same level under Section 73.006(c)(1), every attempt will be made to acquire a letter from each such person who is not the Applicant to verify they are aware of the arrangements being made for the Decedent.

(e) Existing Family Plots/Military Cemeteries. Next of Kin may obtain control of the cremains and dispose of them as they see fit and within legal statutes.

(f) Social Security Payment: Next of Kin will reimburse the County for financial assistance with Social Security payments if possible.

Application Process

(a) Initial Contact. The Applicant will be referred by the Funeral Home and will apply in person after attempts to make reasonable arrangements for burial with the Funeral Home are unsuccessful, unless special circumstance warrants application in another way, as determined by Division.

(b) Out of County Applicant. If the legal Next of Kin lives out of the County, application may be made via fax or mail.

(c) Appointment. Every effort will be made to see the Applicant the same day of inquiry.

(d) Information. Information will be collected by the Caseworker regarding the Decedent's Income and resources as well as the legal Next of Kin's Household's Income and resources. Other eligibility information will be collected as well. The Applicant will be given a reasonable amount of time to get all of the information needed to get all of the information needed to determine eligibility if that information is not available at the time of the first contact.

(e) Case Limit. A case may remain open for a time period of 7 calendar days. If the family does not provide the required information within that time, the case will be denied. The Division reserves the right to extend this time period at the Division's sole discretion. Under ordinary circumstances, no case may remain open longer than 7 days due to the nature of the service provided.

(f) Arrangements. After a decision is made, services will be arranged with the appropriate Division or County Department, if applicable.

(g) Denial. If the Applicant is denied, the Applicant will be referred back to the Funeral Home as a hardship burial. The Applicant has the right to appeal the denial pursuant of this Policy.

Appeal Process

(a) Policy. Clients requesting assistance for Disposition of Indigent Remains under this Policy have the right to appeal eligibility determination decisions. Such appeals must be made in two (2) days of the rendered decision.

(b) Procedure.

1. Caseworker Determination and Notice. If the Caseworker determines client is not eligible for County assistance, the Caseworker will provide the Applicant written notice of denial.

2. Appeal Request. The Applicant will complete the reason for appeal request which the Caseworker will forward to the Family Support Division Manager, unless the Family Support Division Manager is not available, in which case the Caseworker will refer the appeal to the acting supervisor (or, to the Division Director if the acting supervisor rendered the original denial decision).

3. Decision. A decision will be rendered within two (2) working days of an appeal request.

4. Continuation. If the Applicant is not satisfied with the appeal decision at the Family Support Manager level, she/he can continue the appeal in the following ascending levels:

A. City Manager
B. City Manager's designee

5. File. The appeal form will be completed and placed in the case file after all appeal hearings.

6. Copies. The Applicant will be given copies of appeal actions.

Dis-interment.

Dis-interment is handled through the County. Any inquiries regarding this service will be referred to Tom Green County.

Schedule of Reimbursement to Funeral Home.

$900 to Funeral Home as reimbursement for cremation services and ground burials for unidentified Decedent only. It is the responsibility of the Funeral Home to reimburse the crematorium for services. No additional reimbursement without the approval of the County Judge will be authorized.