

TODD COUNTY BOARD OF COMMISSIONERS

County Paid Burial Policy

Effective July 1st 2011

Article I. Statutory Reference and Statement of Policy

Todd County will provide for burial of indigent persons when such persons are the financial responsibility of Todd County, in accordance with Minnesota Statutes 256.935, 261.035 and 261.04. Both statutes are included as a reference in this policy. State law requires counties to provide for Counties to provide burials for residents of the County who are otherwise unable to pay the cost of a funeral and disposition of their remains. The County will only pay for the basic funeral and burial expenses. The County will also pursue recovery of the cost of the County Burial to the greatest extent allowable by law.

256.935 FUNERAL EXPENSES, PAYMENT BY COUNTY AGENCY.

Subdivision 1. Cremation, burial, and funeral expenses.

On the death of any person receiving public assistance through MFIP, the county agency shall attempt to contact the decedent's spouse or next of kin. If the agency is not able to contact a spouse or next of kin and the personal preferences of the decedent or the practices of the decedent's faith tradition are not known, the agency shall pay for cremation of the person's remains and the burial or interment if the spouse or next of kin does not want to take possession of the ashes. If the county agency contacts the decedent's spouse or next of kin and it is determined that cremation is not in accordance with the decedent's personal preferences or the practices of the decedent's faith tradition or the personal preferences of the decedent's spouse or the decedent's next of kin, the county agency shall pay an amount for funeral expenses including the transportation of the body into or out of the community in which the deceased resided not exceeding the amount paid for comparable services under section [261.035](#) plus actual cemetery charges. No cremation, burial, or funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the spouse, who was legally responsible for the support of the deceased while living, is able to pay such expenses. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the cremation or burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant cremation, burial, or funeral expenses where the sale would cause undue loss to the estate. Any amount paid for cremation, burial, or funeral expenses shall be a prior claim against the estate, as provided in section [524.3-805](#), and any amount recovered shall be reimbursed to the agency which paid the expenses. The commissioner shall specify requirements for reports, including fiscal reports, according to section [256.01, subdivision 2](#), paragraph (q). The state share shall pay the entire amount of county agency expenditures. Benefits shall be issued to recipients by the state or county subject to provisions of section [256.017](#).

261.035 FUNERALS AT EXPENSE OF COUNTY.

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When a person dies in any county without apparent means to provide for that person's funeral or final disposition, the county board shall first investigate to determine whether that person had contracted for any prepaid funeral arrangements. If prepaid arrangements have been made, the county shall authorize arrangements to be implemented in accord with the instructions of the deceased. If it is determined that the person did not leave sufficient means to defray the necessary expenses of a funeral and final disposition, nor any spouse of sufficient ability to procure the burial, the county board shall pay for cremation of the person's remains and the person's burial or interment if the spouse or next of kin does not want to take possession of the ashes. If it is determined that cremation is not in accordance with the decedent's personal preferences or the known practices of the decedent's faith tradition or the personal preferences of the decedent's spouse or the decedent's next of kin, the county board shall provide for a burial and funeral. Any burial, funeral, and final disposition provided at the expense of the county shall be in accordance with personal preferences or known practices of the decedent's faith tradition or the personal preferences of the decedent's spouse or the decedent's next of kin. If neither the wishes of the decedent nor the practices of the decedent's faith tradition are known, and the county has no information about the existence of or location of any next of kin, the county may provide for cremation of the person's remains and burial or interment.

261.04 LIABILITY OF ESTATE.

Subdivision 1. Support, maintenance, care, or burial.

When any person is furnished or provided with support, maintenance, care, including care at the University of Minnesota hospitals, or burial as a poor person the county so furnishing such aid shall have a claim therefore against the person or the person's estate for the reasonable value thereof, which claim may be presented and prosecuted by such county at its option upon discovery of any property belonging to the poor person or to the estate.

Subd. 2. Claims filed in district court.

Such claims, when against the estate of a deceased person, shall be filed in district court and acted upon as in the case of other claims.

Article I. Responsibilities of Applicant(s) for County Burial

1. Submit a completed and signed application form to Todd County Social Services. Forms are available at Todd County Social Services, Funeral Homes or on the Todd County Website.
2. Provide full disclosure of ALL assets of the deceased.
3. Apply for death benefits and remit to Todd County as reimbursement for County Burial.

Article II. Limitations and Conditions

Todd County will pay for the costs of funeral and burial expenses subject to the following limitations and conditions:

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1. The deceased and/or responsible relative has insufficient assets to cover the cost of funeral and burial expenses.
2. The deceased person is the financial responsibility of Todd County.
3. Todd County Social Services has approved payment of burial expenses, and have made written arrangements with the Funeral Director.
4. Total cost of the funeral and burial shall not exceed \$3500.00. & cost of cemetery lot, if necessary, and cost of opening/closing of grave.
 - a. Additional costs may be approved:
 - i. Oversized casket, etc., with director approval.
5. County funds, up to the maximum may be used only for the following:
 - a. Cloth covered casket
 - b. Grave liner
 - c. Funeral service at the funeral home or at the church (if requested)
 - d. Transfer remains to funeral home
 - e. Transport to cemetery within 20 miles
 - f. Other transportation as approved
 - g. Staff/personnel for services
 - h. Cremation services
 - i. Urn
 - j. Other body prep
6. County funds may only be used for items not listed under Article 3.5 after the approved consent of the Todd County Social Services Director. The following items cannot under any circumstances be provided for with County Funds: Flowers, memorial paper products, perpetual care.
7. The County will not supplement a private pay funeral.
8. The funeral home will send a voucher to the County for payment up to the maximum outlined in Article 3.4. Itemization is not required.
9. When no family members are involved or known, the County shall provide cremation only.
10. The deceased will be buried or cremated within 72 hours of death.

Article III. Claims against the Estate

Todd County Social Services will pursue to the greatest extent possible reimbursement of County costs accrued for a burial.