COUNTY DEPARTMENT AGENDA REQUEST

Department:	County Commissioners	Presenter(s):	Carol Chandler
Meeting Date:	Wednesday, October 6, 2010	Type of Request:	Old Business

Wording for the Agenda:

Discussion of staff's recommendation concerning a policy for the disposition of requests for assistance with the interment of indigent persons.

Background/History/Details:

The law in Georgia requires that the governing authority in all counties shall provide a "decent interment" for what can be determined as an "indigent" person. The person must be in Fayette County when he or she passes away.

Historically, requests for burial assistance have been received only from time to time, perhaps one per year. With the coming of a hospital and other care facilities in Fayette County, the number is increasing from to 2-3 legitimate requests per year.

For many years, the County Clerk has processed the requests for burial assistance that come to the Commissioners' Office through a variety of ways. Every effort is made to prove indigency, through interviews with family members, case workers, or others who have knowledge of the person's situation.

The policy being proposed simply puts the practice that is in place in the form of a written policy.

What action are you seeking from the Board of Commissioners?

Discussion and consideration of the proposed Indigent Burial Policy. If the Board approves this policy, staff requests the policy be placed on the October 14th Consent Agenda for formal approval.

If this item requires funding, please describe:

Not Applicable.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

ADMINISTRATION
INDIGENT BURIALS

100.09

PURPOSE

The purpose of this policy is to provide guidelines for the disposition of requests for assistance with the interment or cremation of deceased persons who are determined to be "indigent" and for whom no other responsible party is available to provide for final arrangements of the decedent.

POLICY

In accordance with Georgia law, the governing authority of all counties is required to provide for the "decent interment" of eligible deceased persons. Requests for assistance are processed by the Office of the Board of Commissioners. A determination of eligibility for assistance is made through a variety of means, depending upon the circumstances involved in each request. Requests for assistance come from numerous sources, including but not limited to:

- The deceased is discovered by a Public Safety agency and no family is found;
- The deceased died at Piedmont Fayette Hospital or other care facility in Fayette County and no family is available or family is not able to pay final expenses;
- Family of the deceased contacts the County because there are no funds available from the estate of the deceased or from the family to pay for burial;
- The County is contacted by a funeral home who has had contact with the family of a deceased who has no visible means for paying burial expenses;
- The Department of Family and Children's Services refers clients to the County;
- The deceased has a legal guardian who is not able to pay burial expenses;
- Other.

Requests for assistance will be processed in accordance with the Procedure outlined below. The process allows for careful consideration of all circumstances involved with each request and for discretion to be used in each case. However, no exceptions will be made to the following:

- The deceased must have died in Fayette County;
- If cremation is the option chosen, all requirements for cremation in Georgia must be met;
- No funds are paid to family members, guardians, heirs or others involved in the application for assistance from the County. The County must receive an invoice from a funeral home or crematory to which payment will be made;
- Payment by the County will not include any expense for any type of funeral service, such as a "viewing" or "wake".
- If an inmate dies while in the Fayette County Jail, all applicable requirements shall be met, based on whether or not the inmate is a "state" or "county" inmate, whether or not the inmate can be considered indigent, and circumstances surrounding the inmate's death.

PROCEDURE

1. Receiving and Review of Applications for Assistance

Requests for assistance with final expenses for eligible deceased persons are processed by the County Clerk for the Board of Commissioners or his/her designee. An application form must be completed by staff for evaluation. At a minimum, the application will include information about the deceased, circumstances of his/her death, and details about the financial condition of the deceased.

2. Determining Eligibility for Assistance by the County

The County shall evaluate the financial situation of the deceased by using whatever means necessary. The County may consider receipt of Social Security Disability, Food Stamps, or Medicaid benefits as a substantial element of eligibility. Proof of these benefits can be obtained from the Department of Family and Children's Services or from the Social Security Administration, if proof is not provided by a family member, guardian, or other associate. National Poverty Guidelines may be considered. Every effort will be made to determine if the deceased owned assets sufficient to warrant the effort necessary for the County to obtain the asset(s) in order to recover funds paid out by the County toward final expenses.

Next-of-kin, guardians, case workers, neighbors and others may be interviewed as a part of the process of determining indigency of the deceased.

Effort should be made to determine if next-of-kin or the legal guardian of the deceased is able to able to contribute financially to the burial expense of the decedent.

3. Determining Where Interment Shall Be

The County owns a limited number of burial plots which are available for the remains of an eligible indigent decedent. When an application for assistance is received, a determination is made as to the availability of an existing burial plot for the deceased. If no plot is available, the County will provide a plot. If cremation is chosen and no one is available to accept the cremation remains, the County will likewise provide a place for burial of the cremation remains.

4. Determining Final Arrangements

The County Clerk for the Board of Commissioners or his/her designee will ensure that the final arrangements for the interment or cremation of an eligible decedent are made in a timely manner, typically 5 to 10 days. Once a determination is made that the County will provide indigent burial assistance, the Clerk is authorized to negotiate with funeral homes and/or crematories for the most reasonable and economical burial or cremation available. There is no obligation to use local providers of these services, as long as providers are in the State of Georgia.

Cremation. Though cremation is an ever-increasing practice, it is not mandatory that remains of an eligible indigent decedent for whom the County pays final expenses must be cremated. The County may offer next-of-kin the option of cremation of the deceased. If the next-of-kin agrees to cremation of the deceased, it shall be the responsibility of the service provider to ensure that compliance with State law occurs, including proper execution of all required documentation. The service provider shall be the primary custodian of said documents.

When there is no known next-of-kin, guardian, or other party involved in the final arrangements of an eligible indigent decedent, the County *shall not* cremate the remains but will inter the remains in a burial plot provided by the County.

5. Determining Level of Assistance

Based on all available information concerning the eligibility of the deceased for burial assistance by the County, considering any availability of a donated burial plot, assets of the deceased, donations/contributions toward burial costs by family, friends, church members or others, and negotiations with a funeral home or crematory, the County Clerk or his/her designee will determine the amount of funding Fayette County will pay to provide for the "decent interment" of the eligible deceased.

The County will only pay the cost of opening and closing the grave, an economy vault and an economy casket made of wood or metal. In the case of cremation, the County will only pay the cost of cremation which includes a standard container for the ash remains. On occasion, there may be a cost associated with transporting a body from a morgue or the State Crime Lab to a funeral home or crematory. The County will review this cost and will make a determination as to whether or not the County will pay this expense.

6. Final Payment

Upon receipt of an invoice from the approved funeral home or crematory, the County will pay the agreed upon cost for the final arrangements for the deceased.