



# Aitkin County Health & Human Services

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## **Aitkin County Burial & Disposition Policy**

### I. PURPOSE

In accordance with Minnesota Statute §261.035, Aitkin County will provide for the immediate disposition or direct cremation for residents of Aitkin County who are otherwise unable to pay the cost of disposition of their remains.

### II. AUTHORITY

This policy is based on the following authority:

MN Statute §261.035 Cremation, Burial, and Funerals at Expense of County

MN Statute §261.04 Liability of Estate

MN Statute §256.935 Funeral Expenses, Payment by County Agency

MN Statute §524.3-805 Classification of Claims

MN Statute §390.21 Disposition; Burial

### III. GENERAL POLICY

When a person dies in any county without apparent means to provide for final disposition, the county board or its designee shall first investigate to determine whether that person had contracted for any prepaid funeral arrangements. If it is determined that the person did not leave sufficient means to defray the necessary expenses of a funeral and final disposition, nor is there any responsible relative of sufficient ability to procure the burial, the County Board shall pay for cremation of the person's remains. If it is determined that cremation is not in accordance with the decedent's personal preferences, known faith traditions or the personal preferences of the decedent's spouse or the decedent's next of kin, the County Board shall provide for a traditional burial. If the wishes of the decedent or the practices of the decedent's faith tradition are not 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.

Per MN Statute §256.935 Funeral Expenses, Payment by County Agency, the Minnesota Family Investment Program (MFIP) will fund any burial if the decedent was a recipient of MFIP at the time of death. No county dollars will be expended if there is eligibility for MFIP burial funding.

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If an application for burial is approved, some or all resources of the decedent shall be paid to the funeral home to offset the expense of the disposition. Aitkin County will then pay the balance due (up to the approved limit) to the funeral home. After approximately thirty (30) days, the county will close out any account held by the decedent if the responsible relative is not able to access the funds. If other resources become available to the deceased estate the county will be notified immediately. If the deceased is survived by a spouse or minor child in the home, an allowance may be made.

#### IV. APPLICATIONS & PRIOR AUTHORIZATION

Applications for a county burial can be made by a relative or friend of the decedent or a funeral home director.

Applications must be made prior to the funeral arrangement agreement being completed (unless weekends, holidays or extraordinary circumstances prevent a timely application).

Application must be made to the Aitkin County Health & Human Services Financial Assistance Unit. Aitkin County will determine eligibility and method of final disposition pursuant to Minnesota Statute §261.035.

#### V. RESIDENCY

To be eligible for a county burial, the deceased must be a resident of Aitkin County:

- If the decedent was open on a public assistance case, Aitkin County must be the county of financial responsibility (CFR).
- If the decedent was not open on a public assistance case, the decedent must have a last known address in Aitkin County based on verification (i.e. lease agreement, rent received, utility bill, etc.).

#### VI. BENEFIT DETERMINATION

##### 1. Available Assets:

Resources owned by the deceased or responsible relative at the time of death, or within 30 days prior to death, are considered available to help defray the burial costs. "Responsible relative" is defined as the surviving spouse or parent(s) of a minor child.

Resources include pre-paid burial arrangements, bank accounts, life insurance, trust accounts, vehicles, real estate, death benefits to which the deceased and/or responsible relative are entitled (includes veteran's benefits, Social Security Death Benefit, joint bank accounts, life insurance, nursing home trust fund, and/or social welfare fund). The responsible relative must apply for any and all available death benefits.

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2. Any crowdfunding sources such as benefits, fundraisers or online sources such as GoFundMe accounts, solicited to pay for burial expenses will be considered an available asset(s) to offset the disposition costs. Any crowdfunding benefits raised to help pay for medical expenses of a deceased recipient of Medical Assistance will be considered available if the Medical Assistance Program covered all medical expenses. Any outstanding medical bills of the deceased that are not covered by Medical Assistance may be paid by a crowdfunding source as an allowable expense, however, any remaining balance in the crowdfunding source will be considered an available asset to help offset the disposition costs. Any funds being raised via crowdfunding, benefits or fundraisers may be subject to recovery for reimbursement of the county paid burial costs.
3. Property Evaluation  
In situations where the deceased person does not have adequate liquid assets for burial purposes but does own real property a county burial will not be approved. It will be the responsibility of the funeral director to submit a claim against the deceased person's estate, inasmuch as reasonable funeral expenses are a priority claim pursuant to Minnesota Statute §524.3-805 (a) (2).

## VII. AUTHORIZED SERVICES

If eligible for a county burial, final disposition will be by cremation. Burial of the body shall be the final disposition only if cremation is not in accordance with the decedent's personal preferences, the known practices of the decedent's faith, the personal preferences of the decedent's spouse, next of kin or the medical examiner/coroner's requirement for burial pursuant to Minnesota Statute §390.21.

Cremation includes the crematory fee, medical examiners fee and standard issue container from the crematory. The county will not pay for the burial of cremains unless there is no family or next of kin located to take possession of the cremains.

## VIII. UNAUTHORIZED SERVICES

An individual or groups of individuals, other than the decedent's spouse, adult children or parents (if the decedent is a minor child), may choose to pay for items not covered by Aitkin County such as, but not limited to, flowers, honorariums, music, processions, clothing, embalming, printed material, food, cemetery markers/headstones or other related items.

County payment must be accepted as payment in full for items included in the county disposition policy. The county funded disposition is not intended to supplement other monies available for such services. If family or friends choose to make substitutions such as upgrading the casket, they will be obligated to pay for the entire cost of the disposition. Items of a special nature will be individually considered and require prior authorization.

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**IX. MAXIMUM BURIAL RATES**

Burial rates are determined by Aitkin County and are not to exceed charges as defined below and shall not exceed actual costs:

	<b>Funeral Home</b>	<b>Cemetery Lot</b>	<b>Cemetery Open/Close</b>	<b>Grave Box or Vault</b>	<b>Transportation</b>	<b>Medical Examiner Fee/Bag Container</b>
<b>Immediate Cremation, No Service</b>	\$1650	N/A	N/A	N/A	\$1 per loaded mile outside trade area (25 miles)	\$50/Actual
<b>Cremation with Minimal Service</b>	\$2100	N/A	N/A	N/A	\$1 per loaded mile outside trade area (25 miles)	\$50/Actual
<b>Funeral Service with Minimum Casket, Body Present and Earth Burial</b>	\$3100	Actual	Actual	Actual (only if required by the cemetery, receipt required)	\$1 per loaded mile outside trade area (25 miles)	\$50/Actual

**X. CLAIMS AGAINST THE ESTATE**

In accordance with MN Statute §261.04, Aitkin County is permitted to file a claim against the estate of a deceased person who received a county funded burial in order to recover county costs.

**XI. APPEAL RIGHTS**

If an application is denied and applicant wishes to appeal, the applicant must file a “Request for Appeal - County Burial” form within 10 days of the denial decision to the Director of Aitkin County Health & Human Services. The Director of Aitkin County Health & Human Services will make a final determination.

**Revised 3/20/2019**

**County Board Approval Date** \_\_\_\_\_