

Benton County Indigent Burial Policy

I. Statutory Reference and Statement of Policy

Benton County will provide burials for indigent persons who die in Benton County, in accordance with MN Statutes §261.035 and §261.04, when such persons are the financial responsibility of Benton County. As a reference, both statutory sections have been provided below. State law requires counties to pay the “necessary expenses” of a funeral and final disposition when the deceased person or spouse has insufficient resources to pay those expenses. As a county-funded burial, only the basic expenses associated with the funeral and burial will be paid for by Benton County. Also, as allowed by law, the County will attempt to recover its costs from the estate of the deceased.

Minnesota Statutes §261.035 FUNERALS AT EXPENSE OF COUNTY

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 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 provide for a funeral and final disposition of the person's remains to be made at the expense of the county. Any funeral and final disposition provided at the expense of the county shall be in accordance with religious and moral beliefs of the decedent or the decedent's spouse or the decedent's next of kin. If the wishes of the decedent are not known and the county has no information about the existence of or location of any next of kin, the county may determine the method of final disposition.

Minnesota Statutes §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 therefor 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.

Subdivision. 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.

II. Responsibilities of Applicant(s) for Indigent Burial

To be eligible for a county-funded funeral and burial, the spouse of the deceased or other family members must:

1. Contact the Benton County Human Services Department/Financial Unit (320.968.5087) to obtain an application form (most funeral homes will have application forms available; an application form can be downloaded from the County's website <http://www.co.benton.mn.us/HServices/financial.htm>);
2. Submit a completed and signed application for County burial services to the Benton County Human Services Department/Financial Unit;
3. Submit an itemized statement of funeral costs, signed and dated by the applicant;
4. Provide full disclosure and verification (documentation) of all assets of the deceased and spouse of the deceased (or parents of a deceased minor), including cash on hand, savings or checking accounts, investments, real estate, automobiles, life insurance policies, and prepaid funeral arrangements;
5. Apply for any death benefits available and remit such benefits to Benton County as reimbursement for county-funded funeral and burial costs.

III. Limitations and Conditions

Benton County will pay for the cost of funeral and burial expenses, subject to the following limitations and conditions:

1. The deceased and/or responsible relatives have insufficient assets to cover funeral and burial expenses;
2. The deceased person is the financial responsibility of Benton County;
3. Benton County Human Services has approved the payment of funeral costs before arrangements have been finalized with the funeral home;
4. County approval must be in writing for arrangements that fit within the guidelines of Benton County's policy and must be signed by the Human Services Director or authorized representative;
5. The total cost of the funeral and burial does not exceed \$2,800.
6. County funds, up to a maximum of \$2,800, shall be used for the following: vault, grave liner, casket, preparation of the body, visitation and/or service;
7. County funds may not be used for other items or services (such as flowers, memorial paper products, a minister, or perpetual care);
8. Benton County will pay the actual costs of grave opening and closing in addition to the above maximum amount, if arrangements for open/closing costs have not been made by other parties.

IV. Claims Against Estate

As allowed under Minnesota Statutes §261.04, Benton 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. Collections efforts will be made by Benton County through Human Services collections staff.