

INDIGENT BURIAL POLICY

Clinton County

Community Assistance Programs
Clinton County Administration Building
1900 N 3rd St-P.O. Box 2957
Clinton, IA 52732

Passed By Resolution #: 2016-

Effective Date: _____

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CLINTON COUNTY INDIGENT BURIAL POLICY

Clinton County believes that providing burial assistance to “poor” residents who do not have the financial means to pay this expense is a benefit to all residents of the county. To that end, the Indigent Burial Policy shall be administered to individuals as indentified. This policy fulfills the duties imposed upon the County by Chapter 252 of the Iowa Code.

County Assistance shall be considered without regard to age, race, sex, color, national origin, religion, physical or mental disability, veteran status or any other classification protected by law or ordinance.

SECTION I. DEFINITIONS

RELATIONSHIPS:	
Adult	Person who is age 18 or older.
Applicant	An individual applying for benefits on behalf of the deceased individual.
Decedent	The individual who has died.
Household Members	For decedents age 18 and older – the decedent’s household would be defined as that of the decedent, the decedent ‘spouse, the decedent’s common law spouse, and any children, step-children, or wards under the age of 18 who were physically residing with the decedent. For decedents under the age of 18 – The individual’s household would be defined as the decedent, the decedent’s parents, grandparents, step-parents or guardians and any children, step-children, or wards under the age of 18 of the decedents parents, step-parents, or guardians who had been physically residing with the decedent. *An exception would be if the decedent is an adult child (18 + years old) that was either still in high school or being solely supported by the parents then he/she is also considered a household member.
Infants	New born to 1 year of age.
Minor Children	Children from 1 year to 17 years of age.
FINANCIAL:	
Allowable Deductions	Allowable expenses as described within this policy credited against gross income to determine the individual/households eligibility for assistance.
Documentation:	All financial documents such as payroll stubs benefit statements, tax returns, bank statements, receipts, bills, medical statements, employer W-2 statements, statements from any other sources as requested by the CAP Director/Worker as necessary in order to render a decision of eligibility.

Gross Earned Income:	A household's member's income before taking taxes or deductions into account, i.e. employment wages.
Gross Unearned Income:	All household's member's public payments such as Social Security benefits, Railroad Retirement benefits, etc.
Resources:	<p>Resources including but not limited to are:</p> <ul style="list-style-type: none"> • cash, savings, checking, • Certificate of Deposit (CD's), • Individual Retirement Account (IRA)-Both Traditional & Roth, • Annuities, • 401k-A verifiable employee sponsored retirement program, • Stocks and Bonds, • Whole Life Insurance Policies; and • Any equity in real estate. <p>Resources will be deducted from the Maximum Burial Benefit to determine the amount of county assistance that may be granted.</p>
RESIDENCY:	
Legal Residency:	<p>Residency is established by an individual residing within Clinton County and showing intent to remain in Clinton County. Intent to remain can be established by:</p> <ul style="list-style-type: none"> ○ Submitting receipt of payment for rental or for utility services with the individual's name and their physical address listed on the bill. ○ Submitting a copy of a current lease and/or landlord's statement verifying he/she resides at the reported address. ○ Establishing a physical mailing address (other than a P.O. Box); ○ Registering at job service, seeking employment independently, being employed; ○ Registering to vote or other indicators of good faith. <ul style="list-style-type: none"> • Residency cannot be established while residing in any facility including the King House, the High Tower Place or a nursing facility. Also, residing in a college dormitory or solely residing in Clinton County to attend college. • Clinton County will not assist anyone with establishing residency; individuals must do this with no assistance from the county. • If an applicant had previously gained residency in Clinton County, an exception can be made if they have at the time of death, currently resided in any of the places referenced.
INTERESTED PARTIES:	
Legal Guardian:	Legal Guardian is a person appointed by the court charged with either limited or complete duties as ordered by the court.
Legal Representative:	Legal Representative is a person designated by Iowa law to act on the individual's behalf in specified affairs to the extent prescribed by law.
ADDITIONAL DEFINITIONS:	

Direct Cremation	When the decedent is taken directly to the funeral home or crematory and once all necessary paperwork and permits are completed is cremated and then the ashes are returned to the decedent's family who may chose to do with them whatever they see fit. There is no visitation or memorial service held.
"Poor" Person:	A person who has no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor.
Protect Health Information (PHI):	Individually identifiable health information that is transmitted by or maintained in electronic media or transmitted by or maintained in any other form or medium.
Veteran(s):	A Veteran is a person of the U.S. military service or National Guard who has separated from service with an honorable discharge or a general discharge. Veterans shall be required to first apply for other types of assistance to which they may be entitled and show proof of denial before being considered for assistance through this program.

SECTION II. BURIAL GUIDELINES:

Clinton County will provide assistance for the cost of a direct cremation with no services for infants, minor children and adults whose household's meet eligibility guidelines set forth. The funeral home shall consider this as payment in full and the family or other party will not be charged over and above this amount.

The application for burial assistance should be made prior to the date of the burial or no longer than five days (5) after the date of the burial in order to be considered for assistance.

1. Direct Cremation Services:

Under this policy, direct cremation services shall include the following:

- a) Services of the Funeral Home staff including cremation of the body, cremation permit, filing of death certificate and any other forms or claims required by statute or regulations.
- b) Container for ashes
- c) Transportation up to 100 miles round trip when the decedent's body is located outside of Clinton County and must be transferred to the funeral home.

2. Maximum Cremation Benefit Limitations:

- a) Transient Persons: Defined- Iowa Code 252.27. Subject to Section 142.1; Assistance may consist of the burial of a nonresident transient person and the payment of the reasonable cost of burial, not to exceed \$250.00 (Two Hundred Fifty dollars).
- b) Direct Cremation Service: **Maximum amount \$ 1,000.00 (One Thousand dollars)** less any available resources and/or other death benefits of the decedent and the

decedent's household (i.e. savings, checking, life insurance policy, Social Security death benefits, Veteran's Death Benefits, etc.). All other resources and/or death benefits must be exhausted and applied to burial costs prior to the use of the County's burial benefit.

- c) **Mileage:** Transportation to provide transfer of decedent from the place of death to the funeral home when the place of death is outside of Clinton County at a rate of \$0.39 per mile or the current Clinton County mileage rate up to 100 miles round trip.

County burial assistance shall not be used to pay for the following items:

- a) Opening and closing costs of cemetery lots
- b) Direct Cremation at out of county or state funeral homes. The Director may make an exception for direct cremation services in another county within the state of Iowa if the applicant requests and circumstances warrant it.

3. Allowance for Limited Supplemental Purchases:

- The deceased individual's household member(s) may enter into a repayment agreement with the funeral home not to exceed \$800.00 (Eight Hundred Dollars) in order to pay for items that are not covered by the county such as register book, urn, acknowledgement cards, memorial folders, music, flowers, marker, etc. They may not use the deceased individual's resources to pay for this cost, as the person's resources will be deducted from the amount that the county contributes.

SECTION III. INCOME & RESOURCE ELIGIBILITY GUIDELINES:

The Decedent's Household's earned and unearned gross income and all resources will be considered to determine eligibility for burial assistance.

1. Decedent's Household Members:

The Decedent's household's gross income will be considered to determine eligibility for burial assistance.

a) Income:

The decedent's household's gross yearly income must be 100% or less of the current Federal Poverty Guidelines. Income is determined by taking the total gross household income for six months prior to the death and total projected gross household income for six months after the death.

b) Resources:

The decedent's household's resources including but not limited to: cash, savings, checking, Certificate of Deposit (CD's), Individual Retirement Account (IRA), Annuities, 401k accumulative stage, Stocks and Bonds, Whole Life Insurance

Policies, and equity in real estate/land will be deducted from the Maximum Cremation Benefit Limitations to determine the amount of county assistance that may be granted.

2. Other Eligibility Guidelines:

- a) The decedent or in the case of an infant or child the parent(s) must be residents of Clinton County and/or have legal settlement in Clinton County at the time of his/her death.
- b) The Applicant or the Funeral Home on behalf of the deceased individual must apply for any other burial benefits that the decedent or the decedent's household may be eligible to receive through any Federal, State or Local program (i.e. Dept. of Veterans Affairs, Social Security Program, Department of Human Services, etc.) and they must provide proof of eligibility determination.

These other burial benefits will be deducted from the Maximum Cremation Benefit Limitation to determine amount of county assistance.

SECTION IV. BURIAL BENEFITS GUIDELINES FOR VETERANS:

A burial benefit in the maximum amount of \$450.00 (Four Hundred Fifty Dollars) is available to qualified individuals through the Department of Veterans Affairs. These benefits need to be applied for by the funeral home and will be paid directly to the funeral home as noted:

- 1) \$300 (Three Hundred Dollars) for burial fees; and
- 2) \$150 (One Hundred and Fifty Dollars) for the opening and closing costs of the lot.

The \$450.00 benefit will be deducted from Maximum Cremation Burial Limitation.

The value of any private cemetery lot or any lot provided by any Veteran's Organization shall not be considered as part of the "resources" when calculating resource limits or the deceased individual's eligibility for assistance.

SECTION V. INELIGIBILITY GUIDELINES:

Burial Assistance shall be denied or discontinued under the following circumstances.

- a) If the decedent has a life insurance policy and/or a pre-paid funeral plan that is equal to or in excess of the county's maximum direct cremation limit of \$1,000.00, no additional assistance will be granted.

- b) If the decedent's household has resources equal to or in excess of the county's maximum direct cremation limit of \$1,000.00 (i.e. checking, savings, IRA, home equity, etc.) no additional assistance will be granted.
- c) If the decedent's household's income is over 100% of the federal poverty guidelines, no additional county assistance shall be granted.
- d) If the decedent's household declines to provide verification of their financial information the Community Assistance Program Director or the GA Worker may determine that they are ineligible for county assistance for their family member's burial.

DIRECTOR'S EXCEPTION:

The Community Assistance Program's Director shall have the authority to approve assistance to an applicant who does not meet the eligibility criteria set forth within this policy in special circumstances. Any such authorization provided through the Director's Exception will be so noted on the Notice of Decision provided to the applicant. Circumstances that may warrant a director's exception:

- The decedent's household's income is above the eligibility limitations, but denying assistance may cause extreme financial hardship.
- Paying for direct cremation services at an out of county or out of state funeral home when the body was taken directly there from the place of death and when no funeral home within Clinton County will agree to have the body transferred to their funeral home.
 - The out of county funeral home will have to accept payment from Clinton County as payment in full for their services and agree that the family or other party may not contribute anymore than \$800.00 maximum for services not covered by the county.

SECTION VI. DIRECT CREMATION APPLICATION PROCESS:

1. Completing an Application:

The decedent's household member(s) or officially designated representative will need to complete an application and provide any other supporting documentation to determine eligibility for assistance. Completed applications must be returned within 5 working days to:

General Assistance Office
Clinton County Administration Building
1900 North Third Street-Po Box 2957
Clinton, Iowa 52732

If the Applicant, due to hardship or handicap, is unable to pick up the Application, they may request an Application to be mailed to their current address of residence.

Additionally, applications are available at the local funeral homes.

2. Review of Application:

If, after review of the Application, it appears that the deceased individual and their immediate family member(s) would be eligible for assistance through other Federal, State or Local programs (i.e. Dept. of Veterans Affairs, Social Security Program, etc.) they will be referred to that program. It shall be the Applicant's responsibility to make application to the referral programs and to pursue said application with diligence. Proof of denial of assistance from the other program shall be required as a condition of eligibility for assistance through the General Assistance Office.

3. Investigation Reports:

The facts of the Application shall be investigated to determine Applicant's eligibility. The applicant and the investigation report shall be made part of the Applicant's file and shall be made available to Applicant's attorney or other representative upon written authorization of the Applicant, in the event of an Appeal.

4. Legal Settlement Determination:

If an eligible applicant is determined to have legal settlement in another County within the State of Iowa, the Community Assistance Program Director shall contact the County of legal settlement to request financial reimbursement for any or all assistance provided to the applicant.

Additionally, Clinton County shall reimburse another County within the State of Iowa for any or all general assistance provided to an individual who is residing in that county but has been determined to have legal settlement in Clinton County. The amount reimbursed shall not exceed the guidelines established within this General Assistance Policy and all other guidelines shall also apply.

5. Initial Determination:

- a) The initial determination of the Applicant's eligibility shall be issued within five (5) working days after the receipt of the completed Application.
 - Within two (2) days following the initial determination, the Applicant's family and/or Legal Representative shall be notified by:
 - A phone call; and;

- A Notice of Decision shall be mailed to the address listed on the Application. The Notice of Decision shall identify the statutes or ordinances pertaining to that decision and the Applicant's or Legal Representative's right to appeal and the method to appeal. The Board of Supervisors shall be notified in writing of each Appeal request, according to the Appeal Process under Section XII.

SECTION VII. CONFIDENTIALITY:

Clinton County personnel performing actions identified in the Clinton County Indigent Burial Assistance Policy will comply with all applicable State and Federal statutes relating to confidentiality. Protect Health Information (PHI) training will be provided to all parties with access to confidential information to assure knowledge of such statutes.

SECTION VIII. RECORD MAINTANCE/KEEPING AND DESTRUCTION:

Records pertaining to applicants are the property of the County. Care should be taken to ensure the record keeping is done with the interest of the Applicant as the primary concern.

Applicant's records are considered confidential and should be kept in file cabinets designated for this purpose, unless being used by an authorized individual. For security reasons client records must be returned to the designated file cabinets by the end of the business day, or shift, in the case of "24 hour operations". Applicant's information on Computer Systems shall be kept in secure areas and not left unattended in areas accessible to unauthorized individuals.

Applicant records shall be maintained a minimum of five (5) years following termination of service to the applicant. All personal information pertaining to applicants shall be shredded before placement in common disposal receptacles or if on a disc destroyed. Applicant confidentiality shall be maintained in applicant record destruction. If Clinton County Community Supports Department should cease to function, applicant records shall be transferred to the new provider with appropriate releases signed, or the records shall be destroyed as above, depending upon the circumstances.

SECTION IX. ACCESS TO RECORDS:

Unless otherwise required by applicable statutes or regulations, The County shall allow the Applicant's representative access to records, for purposes of appeals, utilization, and grievance. Copies of reports and records may be provided upon written request at the individual's own expense.

A current or past applicant of the agency may, upon written request, inspect the applicant's own record in the provider agency's office in the presence of staff assigned to the case.

An appropriate person designated in writing, such as the applicant's attorney, guardian, guardian ad litem, or other acceptable person may accompany applicants at the examination. The agency reserves the right to exclude persons who are inappropriate for service reasons. Copies of information or reports generated by the Clinton office may be provided, upon written request, at the individual's own expense.

SECTION X. FAXING CONFIDENTIAL INFORMATION:

Confidential Information transmitted via fax should be limited to only what is necessary to meet the requestor's needs. Special access policies and procedures will apply to faxing of client information including the following:

- a) Secure written Consent to Release Information. Consent to Release Information transmitted via fax is acceptable if all the requirements are met.
- b) Telephone confirmation should be used to verify transmissions. Confidential medical information should be faxed only to monitored machines, and operators should call ahead to alert the recipient that a confidential fax transmission is being sent. Verify fax number to ensure proper transmittal.
- c) All faxed information must have a cover sheet with the sender and receiving facility clearly listed. Approved confidentiality statement must be on the cover sheet of all faxed information as follows:

CONFIDENTIALITY NOTICE: The information contained in this fax is confidential and intended only for the designated recipient. If the reader of the transmittal page is not the intended recipient or a representative of the intended recipient, you are hereby notified that review, dissemination, distribution, or copying of this information is forbidden. If you have received this fax in error, please notify the sender immediately by telephone and return the original by mail to the below address.

- d) Faxed documents may be accepted as original and placed in the record.

SECTION XI. APPEAL PROCESS:

An Applicant who has been denied or their officially designated representative has the right to appeal such decision. The Notice of Decision provided to the Applicant shall advise the Applicant as to the form and method of Appeal. Applicant is responsible to pursue the appeal on his/her own or with the assistance of any person, agent or attorney of his/her choice and at his/her own expense.

The Appeal must be submitted in writing to the General Assistance Office within ten (10) working days of the date on the Notice of Decision. The Appeal shall state the Applicant's full name, current address, telephone number (if any), the type of assistance requested and the reasons for the Appeal.

Upon receipt of the Appeal, the General Assistance Worker shall be responsible to immediately notify the Community Assistance Programs Director, who will review the circumstances and facts of the application. If the Director upholds the Worker's denial, the Director shall notify the Board of Supervisors. (In the absence of the Director, the Worker may notify the Board of Supervisors directly of the Appeal request).

The Appeal shall be placed on the Supervisors' regular agenda for review/hearing no less than five (5) and no more than ten (10) working days after the Supervisors have been notified of the Appeal.

The Applicant shall be notified immediately by phone, if possible, or by ordinary mail at the address stated on the Appeal, of the date, time and place of the hearing before the Board of Supervisors. Applicant and any person, agent or attorney may, upon written authorization, be granted access to the information contained in the Applicant's file, which was used to make the decision.

The Board of Supervisors shall be responsible to hear Applicant's Appeal de novo at the time scheduled on the agenda. If Applicant requests a continuance, said request must be in writing and received by the Board of Supervisors prior to the date and time of hearing, stating the reasons a continuance is needed. If Board has determined that Applicant has shown good cause for the need of a continuance, said continuance may be granted and Applicant will be notified of the new date, time and place of the Appeal hearing.

The Applicant may be physically present at the Appeal hearing if he/she chooses, and may present whatever evidence, verbal or written, necessary to support the basis for his/her Appeal. Witnesses may present verbal testimony and cross-examination shall be allowed. Technical rules of evidence shall not apply. Length of time of hearing shall be determined by the Board of Supervisors based upon the amount of evidence and number of witnesses to testify.

The Appeal Hearing may be held in Closed Session at the request of the Applicant, the Board of Supervisors or the Community Assistance Programs Director, if required according to Iowa Code Ch. 21.5 (Official Meetings Open to Public-Section 5 defines closed session of meetings).

Applicant's file, including confidential information, will be submitted into evidence. The Board may question the Applicant, the GA Worker, the CAP Director and any witnesses present at the hearing. The hearing shall be tape-recorded and the recording of the hearing shall be sealed and shall not be considered a public record open for public inspection if required by Iowa Code Ch. 22 or other State or Federal law.

The Board of Supervisors shall deliberate on the Appeal in closed session if required according to Iowa Code Ch. 21.5.

The Board's Decision on the Appeal:

- a) The Board shall make a decision on the Appeal Hearing within five (5) working days. The Board's decision shall be based on all evidence and testimony submitted to the Board at the Appeal Hearing.
- b) The Applicant shall be informed of the Board's decision immediately by phone (if possible) or by regular mail within 5 (five) working days of the date the Board reaches a decision.
- c) The Notice of Decision shall state the reasons for the decision along with any statute or ordinance used to govern the decision. The Notice of Decision on shall also state the Applicant's right to appeal the Board's decision to the District Court. The process to appeal to District Court is governed by the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa, and the pursuit of this method is the sole responsibility of the Applicant, Applicant's Agent or Attorney.

SECTION XII. ACTIONS OR DECISIONS SUBJECT TO REVIEW:

If the Board of Supervisors questions the actions of the Community Assistance Program Director or the General Assistance Worker concerning the approval of benefits for an Applicant, the Board of Supervisors shall conduct a hearing into the matter. This hearing shall be held in the same form and manner as if the Applicant had requested the Appeal and the Board shall deliberate and give its decision in the same manner as if the Applicant had requested the Appeal.

Previous Policy or provisions contained therein that may be in conflict with this Policy are hereby repealed. This Policy will be in effect from December 21, 2015 forward or until updates/revisions are necessary and approved by the Clinton County Board of Supervisors.

Dated this

Chairperson, Board of Supervisor

Date

Community Assistance Programs Directory

Date

The County Attorney's Office

Date