

## Franklin Township Indigent Burial Policy

Effective Date April 10, 2013

Resolution No. 01-041313

### **1. General Information**

As a political subdivision of the State of Ohio, Franklin Township is required by law to bury persons commonly known as indigent. The state statute is not directed to cemeteries but rather units of local government including counties, townships, cities and villages. As a result, the Franklin Township Fiscal Officer is assigned the responsibility of administration for indigent burials.

Franklin Township fully accepts the responsibility assigned by law to bury deceased persons in certain cases. It is recognized that the ability to pay is no measure of the respect due to the deceased. So Franklin Township is committed to bury indigent persons with respect and dignity. However, Franklin Township is also committed to account for the legal expenditure of public funds. As a result, Franklin Township will require all indigent persons be cremated, since this will create the smallest expense for burial. Franklin Township must take steps to be certain that public funds are spend on burials for those who are truly indigent.

The purpose of this policy is to outline the eligibility for indigent burials and to give notice of the steps necessary to assure the legal expenditure of public funds. Franklin Township understands that the impersonal nature of laws and public financial accountability is particularly unpleasant in times of grief. This policy is not intended to be unpleasant or to deepen personal grief, it is intended only to balance respect for the deceased with public accountability.

### **2. Legal Eligibility for Indigent Burials**

Section 5113.15 of the Ohio Revised Code requires Franklin Township to pay the burial expenses for the body of a dead person if at the time of his/her death:

A. Such person was a legal resident of an unincorporated area of Franklin Township, Warren County, Ohio.

1. Franklin Township recognizes death certificate information as an indicator of "legal residence" but will base the final determination of an indigent person's residence on the preponderance of reliable information.

2. The phrase "unincorporated area of Franklin Township, Warren County, Ohio" shall mean the territorial limits of Franklin Township EXCLUDING the incorporated limits of the City of Franklin, City of Middletown, Village of Carlisle and City of Springboro.

B. Such person was not an inmate of a penal, reformatory, benevolent or charitable institution of the State of Ohio.

C. The body of such person is not claimed by any person for private interment at his own expense.

D. The body of such person is claimed by an indigent person,

E. The body of such person is not delivered for the purpose of medical or surgical study or dissection in accordance with Section 1713.34 of the Ohio Revised Code.

F. Such person was not eligible for burial assistance under Section 5101.52 of the Ohio Revised Code.

1. The burial assistance outlined in Section 5101.52 of Ohio Revised Code is administered locally by Warren County Department of Public Welfare. In general, the assistance is available if the deceased person was receiving or eligible to receive assistance through the following State or Federal programs:

a. Supplemental Security Income

b. General Relief

c. Aid to Dependent Children

2. If the deceased person is eligible for this burial assistance, Franklin Township is prohibited by law from paying any burial expenses or providing free gravesites or opening and closing of graves.

### **3. Indigent Burial Procedures**

A. Franklin Township requires the filing of a written request for the payment of indigent burial expenses. This request shall be made on the "Request For Payment of Burial Expenses Form". The form must be completed to the extent information is available to allow verification of eligibility. If the body has been claimed, the claimant must sign the form and complete the statement of assets.

B. Upon verification of eligibility by Franklin Township and prior to burial, funeral directors must submit an itemized statement of burial expenses to the township fiscal officer.

C. All burial of persons for which Franklin Township pays burial expenses shall be made at Woodhill Cemetery. The following are applicable regulations of Woodhill Cemetery:

1. All public fund burials shall be made in sections of Woodhill Cemetery reserved for such burials.

2. All public fund burials shall be scheduled on weekdays.

3. The graves of all public funded burials shall be marked with a standard plain plate bearing the name and age of the deceased, if known, and the date of death.

4. No deed for a cemetery grave will be issued by Woodhill Cemetery for a public funded burial until the appropriate public agency has been reimbursed in full for burial expenses.

D. Franklin Township shall submit for collection a statement of burial expenses to the estate of the deceased through the Warren County Probate Court.