

**Title 8
HEALTH AND SANITATION**

CURRENT THROUGH MEETING: 3-26-12

Chapter:

8.64 DISPOSITION OF REMAINS OF INDIGENT PERSONS

CROSS REFERENCES:

Medical examiner see K.C.C. chapter 2.24.

Surface and ground water quality see K.C.C. chapter 9.12.

8.64 DISPOSITION OF REMAINS OF INDIGENT PERSONS

Sections:

- 8.64.010 Definitions.
- 8.64.020 Policies.
- 8.64.030 Procedures.
- 8.64.040 Right of appeal.

8.64.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Burial" means interment in a burial plot or an outer burial container, if required by the cemetery authority, and the recording of related documents, including the location of the remains.

B. "Cemetery Authority" means the owner or operator of a licensed cemetery.

C. "Cremation" means cremation and disposition of cremated remains, and recording of related documents including the location of the remains.

D. "Crematory Authority" means the owner or operator of a licensed crematory.

E. "Disposition of Remains" means either burial or cremation.

F. "Estate" means all real and personal property of the decedent, including cash, certificates of ownership or other tangible assets.

G. "Funeral Director" means the owner or operator of a licensed funeral home.

H. "Indigent" means a person who dies without leaving means sufficient to defray the expense of disposition of the body.

I. "Legally Responsible Representative" means the decedent's spouse, adult surviving children, surviving parents, surviving siblings or a person acting as representative of the decedent under the signed authorization of the decedent, pursuant to RCW 68.50.160.

J. "Manager" means the designee of the manager of the prevention division, Seattle-King County department of public health.

K. "Mortuary Functions" means first call and pick up of the decedent; transportation of the decedent from the place of death to the mortuary and from the mortuary to a cemetery or crematory; required care of the decedent for timely disposition in compliance with State and local laws regarding care of dead human bodies, (e.g. disinfecting and embalming or refrigeration); provision of a container, as prescribed by law, for the transportation and, if necessary, the burial of the decedent; retention of custody of cremated remains until disposition is determined; disposition of cremated remains, if necessary; obtainment of authorization for the disposition of remains and the use of county funds; and completion of the death certificate.

L. "Payment Maximum Rates" means the limit of payment the county will authorize for cremation or burial services.

M. "Primary Legally Responsible Representative" means a legally responsible representative having the right to control the disposition of the remains of the decedent, pursuant to RCW 68.50.160; that is, only if, after due diligence, no surviving spouse can be located may a surviving adult child of the decedent serve as the primary legally responsible representative, and so on.

N. "Unclaimed" means that a legally responsible person or other person, church organization or other organization does not assume financial responsibility for disposition of the body. (Ord. 12938 § 1, 1997; Ord. 11073 § 2, 1993).

8.64.020 Policies. The county will provide funding for the disposition of the unclaimed remains of indigent persons who died in King County.

Disposition of remains at county expense will be by cremation except when the decedent cannot be identified, as verified by the medical examiner, or when the medical examiner, for purposes related to the work of the medical examiner's office, authorizes burial in lieu of cremation.

Prior to cremation or burial, the Funeral Director shall request authorization of payment for the disposition of indigent remains from the manager, pursuant to the procedures stated in K.C.C. 8.64.030. Payment maximum shall be for services rendered, not to exceed the following:

<u>SERVICE</u>	<u>PAYMENT MAXIMUM</u>
1. Mortuary Functions Prior to Cremation	\$325.00
2. Cremation	\$125.00
3. Mortuary Functions Prior to Burial	\$350.00
4. Burial Only	\$200.00
5. Burial with Plot	\$600.00

The rates shall be effective for deaths occurring between January 1 through December 31, 1998. These rates shall change annually on January 1, based on the local Consumer Price Index (CPI). The office of financial management shall be responsible for calculating and publishing such rate changes. Every five years the rates shall be reviewed for their appropriateness by the county council, beginning with the rates for 2003.

If other resources for disposition of the remains are available to the Funeral Director or become available at a later date, either from the decedent's personal effects or from some other source, the Funeral Director shall credit or reimburse the county, dollar for dollar, for payments authorized by the manager pursuant to this chapter.

Disposition of the unclaimed remains will be authorized by the primary legally responsible representative(s) or, in the absence of such authorization, by the county medical examiner.

The manager may authorize payment after disposition has taken place only if all of the following conditions are met:

1. Immediate disposition of the decedent's remains was required for public health reasons;
2. It was not possible to apply before the cremation or burial was performed; and
3. It is the first working day following the cremation or burial.

Multiple containers (caskets) may be placed in one grave at the discretion of the cemetery authority so long as otherwise permitted by law.

Beginning in 1998 and as needed thereafter, King County will purchase, at the price of a "Burial with Plot" as identified in this chapter, a cemetery plot to be used for the burial of remains whose cremation was funded by King County and for which no alternative instructions for disposition have been made, pursuant to WAC 98-40-080 or WAC 308-48-760. Each plot shall be purchased from a cemetery within King County chosen at random by the manager from a list of interested cemeteries. (Ord. 12938 § 2, 1997: Ord. 11073 § 3, 1993).

8.64.030 Procedures.

A. Responsibilities of Funeral Director. The Funeral Director shall:

1. Determine that the decedent was indigent;
2. Attempt, with due diligence as determined by the manager, to locate a legally responsible representative of the decedent to claim the remains;
3. If one or more legally responsible representatives of the decedent are located but are unable to bear the costs of the disposition of the remains, request that an affidavit be signed by the primary legally responsible representative(s) stating that the cost of the disposition of the remains cannot be borne by the legally responsible representatives and authorizing the county's procedure for disposition;
4. If one or more legally responsible representatives are located, or are known to exist, but they refuse, either outright or by evasion, to assume responsibility for disposition of the remains and any of the primary legally responsible representatives refuses, either outright or by evasion, to sign the affidavit described in Subsection A.3, the Funeral Director shall submit an affidavit attesting to this;
5. Submit to the manager all documentation required by this chapter or by the Seattle-King County department of public health, including documentation of the inability of legally responsible representatives to bear the cost of disposition of the remains, in form satisfactory to the manager. This documentation must be submitted either prior to disposition or with further documentation to support authorization of payment after

disposition, pursuant to K.C.C. 8.64.020. The form and documentation may be submitted by facsimile transmission if such transmission is followed by signed originals;

6. Perform mortuary functions and provide for cremation or burial, as approved for payment by the manager;

7. Submit an itemized request for payment (invoice) to the manager.

B. Responsibilities of the Crematory Authority. The Crematory Authority shall:

1. Receive the remains for cremation, as requested by the Funeral Director and as authorized by the primary legally responsible representative(s) or the Medical Examiner;

2. Perform the cremation and related services;

3. Submit an itemized request for payment (invoice) to the manager.

C. Responsibilities of the Cemetery Authority. The Cemetery Authority shall:

1. Receive the remains for burial, as requested by the Funeral Director and as authorized by the Medical Examiner;

2. Perform the burial and related services;

3. Submit an itemized request for payment (invoice) to the manager.

D. Responsibilities of the medical examiner. The King County medical examiner shall:

1. In the absence of authorization of the county's procedure by the primary legally responsible representative(s), authorize disposition of the unclaimed indigent remains by either cremation or burial;

2. Forward authorization to the manager.

E. Responsibilities of the prevention division of the Seattle-King County department of public health.

The manager shall:

1. Secure authorization from the medical examiner for disposition of unclaimed remains;

2. Authorize or deny payment for services on the Disposition of Indigent Remains Record Form as soon as possible, determining the amount of county funds to be approved, pursuant to K.C.C. 8.64.020;

3. Process invoices for payment within three working days of their receipt;

4. Distribute copies of the completed Disposition of Unclaimed Indigent Remains Record Form to the Funeral Director, Crematory Authority (if applicable), Cemetery Authority (if applicable), client file in the vital statistics office and to the department of public health fiscal section. (Ord. 12938 § 3, 1997: Ord. 11073 § 4, 1993).

8.64.040 Right of appeal. If payment to the Funeral Director or the Cemetery Authority is denied by the manager, the Funeral Director, Crematory Authority or Cemetery Authority may appeal to the manager of the prevention division of the Seattle-King County department of public health. (Ord. 12938 § 4, 1997: Ord. 11073 § 5, 1993).