

Policy and Procedure

SUBJECT: INDIGENT FUNERAL POLICY

PURPOSE:

To assist with the administration and approval of indigent funeral requests received in Lanark County.

GOVERNING LEGISLATION:

Ontario Works Act, 1997
Cemeteries Act
Public Hospitals Act
Anatomy Act

POLICY STATEMENT:

The requirement to provide assistance with the cost of indigent funerals is governed by the Public Hospitals Act, the Anatomy Act and the Ontario Works Act and Regulations. The County of Lanark/Town of Smiths Falls is not obligated to provide for any funeral or burial costs except in the case of an indigent person whose body has been abandoned and there is no person who has responsibility for its disposition.

The Ontario Works Act provides cost sharing as per the provincial-municipal cost sharing agreement for persons in receipt of Ontario Works/ODSP at the time of their death. Funeral expenses for all other indigent residents who meet eligibility criteria are funded 100% municipally from Lanark County or the Town of Smiths Falls.

Rate:

The following Motion#CS2014-45 was adopted at the September 17th, 2014 County Council session;

ISSUED BY:**DATE ISSUED:****SUPERCEDES:****PAGE:**

Ontario Works

Revised: Ver. 1.7 Sep 18/14

Ver. 1.6 Jan 27/14

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“THAT, the Community Services Committee recommend that County Council freeze the annual cost of living for indigent funerals, effective January 2015.”

As a result, the Indigent Funeral Rate will remain at a maximum of \$5,724.26 plus HST with no annual increase.

As per Motion#CS-2007-128, the rate for indigent Funerals effective January 1, 2014 is \$5,724.26 plus 13% HST which reflects a 1.5% CPI increase based upon the previous year (2013-December to December) Consumer Price Index.

As per Motion#CS-2007-128, the rate for Indigent Funerals effective January 1, 2013 is \$5,639.66 plus 13% HST which reflects a 0.8% CPI increase based upon the previous year (2012 – December to December) Consumer Price Index.

As per Motion#CS-2007-128, the rate for Indigent Funerals effective January 1, 2012 is \$5,594.90 plus 13% HST which reflects a 2.3% CPI increase based upon the previous year (2011) Consumer Price Index.

As per Motion#CS-2007-128, the rate for Indigent Funerals effective January 1, 2011 is \$5,469.11 plus 13% HST which reflects a 2.4% CPI increase based upon the previous years Consumer Price Index.

As per Motion#CS-2007-128, the rate for Indigent Funerals effective January 1, 2010 is \$5,340.92 plus the GST rate which reflects a 1.3% CPI increase based upon the previous years Consumer Price Index.

As per Motion #CS-2007-128, the rate for indigent Funerals effective January 1, 2009 is \$5,272.38 plus GST which reflects a 2% CPI increase based upon the previous years Consumer Price Index.

The following motion was approved at the December 2007 County Council session:

Motion #CS-2007-128

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*"**THAT**, the current Indigent Funeral Policy be adjusted to maintain the current policy and increase the current rate of \$2960 plus GST to the amount requested by the Funeral Home Directors of up to a maximum of \$5169 plus GST effective January 1st, 2008 with an annual increase based upon the previous years Consumer Price Index, effective January 1st each year;*

*"**THAT**, the Discretionary Fund be increased by \$30,000 to off set the increase in indigent funerals to be funded through the County levy;*

***AND THAT**, the Indigent Funeral amount be referred to the 2008 Budget Process."*

This supersedes the June 2002 Council Session motion:

*"**THAT**, the County increase the maximum rate paid for indigent burials to \$2,960.00 plus GST for funeral services (including a minimum 2 hour visitation), plus the actual cemetery costs or up to \$750.00 for costs associated with cremation."*

DEFINITIONS:

Deceased Indigent Person: Any person, upon being pronounced dead by the proper authority whose estate does not contain sufficient assets to cover the costs of the disposition of his or her remains and for whom the County of Lanark cannot identify any other person or legal entity responsible for the disposition of said remains.

Indigent Burial: The disposition of the remains of a deceased indigent person in the most cost effective manner possible, while respecting the dignity of the deceased and adhering to all statutory requirements.

FUNERAL SERVICES PACKAGE

The funeral services package referred to in this policy will include the following;

- Professional services, facilities and equipment

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- Two Hour visitation and service (same day)
- Transportation (including Funeral Coach and Director/Clergy vehicle and local interment within 50 km)
- Burial - Flat Top Grey Cloth Casket

Cemetery requirements such as a cemetery plot and opening and closing of the grave as well as any cremation services/administration will be considered separate to the services provided by the funeral home.

Additional costs for a clergy honorarium will be considered separate from the services provided by the funeral home where it has been requested by the attending clergy. (as per approval by Lanark County Council in June of 2008) The funeral home may include this as a separate cost from the funeral services package when invoicing the County of Lanark. This cost cannot exceed \$100.00.

Limitations/Considerations

1. All requests for assistance must be received prior to funeral arrangements being made or the funeral and/or burial services occurring. Costs cannot be considered or reimbursed without prior approval having been provided.
2. There is no "top-up" or subsidy for more expensive funerals. Applicants must accept the funeral package as approved by the County of Lanark
3. Headstones/grave markers are not provided.
4. Flowers and/or organist fees are not included.
5. Unusual circumstances such as an oversized/sealed casket etc will be negotiated on an "as needed basis". Also, the actual cost of Death Registration will be reimbursed (usually referred to in the cash advances section of the invoice).
6. This rate structure is the maximum amount that will be covered through the indigent funeral policy. It is expected that in the case of straight disposal of the remains that Lanark County will be billed accordingly.

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7. Funeral homes will not give the applicant, family member, or any other person a copy of the death certificate unless they have received approval from Lanark County Social Services. Requests should be directed to the designated Ontario Works Caseworker to ensure that no outstanding issues remain on the funeral file.
8. Although most funeral and burial services will occur within Lanark County it may be necessary on occasion to contract with a funeral director in an adjacent County.

TERMS OF PAYMENT:

Please note the terms of payment for indigent funerals in Lanark County is 30 days from the date the invoice is received.

ELIGIBILITY CRITERIA:

Applications for assistance with indigent funeral, burial or cremation costs will be considered if the deceased was;

- A resident of Lanark County/Town of Smiths Falls and
- In receipt of Ontario Works assistance or
- In receipt of Ontario Disability Support Program assistance or
- A member of a low income household

In addition, the following will also be considered;

- An unclaimed body in hospital.
- A transient or homeless person (deemed to reside in the geographic area in which the person received social assistance. If the person is not in receipt of social assistance, it is the responsibility of the municipality where they died)
- Director's discretion – On occasion, payment to a local funeral director may be considered when the death occurred in a "neighbouring" municipality (i.e. Long time resident of Lanark County).

Note: In cases where the person resides in one municipality and dies in another, place of residence will be defined as the place in which he or she ordinarily

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resides. (The delivery agent to which the body is returned pays for burial and cemetery costs)

Income and Asset Review

Once residency has been established, an application/needs assessment must be completed that reviews all available income and assets.

Income

Any income the deceased was receiving at the time of death will be reviewed. It will also be necessary to assess the income of the spouse or parents (where deceased is a child 18 years or under) to determine if there is any ability to pay for the funeral costs. In addition;

- All income sources will be reviewed to determine if any income currently in pay could result in a final payment being applied against the funeral and burial costs (i.e. ODSP, OAS, etc)
- There may also be income sources that pay survivor/death benefits that need to be considered. These would include, but are not limited to;
 - a. CPP,
 - i. In the case of the CPP death benefit, if the contributory period is longer than nine years, a person must have contributed in:
 - 1/3 of the calendar years in their contributory period, or
 - 10 calendar years, whichever is less.
 - ii. There is a minimum contributory requirement of at least 3 years
 - b. Insurance benefits,
 - i. If insurance benefits are currently in pay, are there any provisions re: death

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ii. If the deceased died as a result of a car accident, the family should be advised to enquire with the insurance company regarding the coverage of funeral expenses.

c. Pension benefits,

i. Any pensions that may be in pay or would have been payable in future may have provisions regarding payments upon death

Assets

If the deceased has an estate, liquid assets or sufficient funds in the bank to pay for the funeral costs, the department does not handle the case. In addition, if the assets of the spouse or parents (where deceased is a child 18 years or under) of the deceased are greater than \$7,000 (or the combined total of funeral and burial expenses), the application for assistance will not be considered.

- These would include, but are not limited to;
 - a. Bank Account
 - i. Important to note any bank information since a letter may need to be sent to the bank notifying them that Lanark County paid for funeral costs and any remaining funds should be forwarded to us to apply to the funeral and burial costs
 - b. Locked in RRSPs,
 - c. insurance policies
 - d. Trust fund provisions
 - e. Property
 - f. Pre-paid funeral
 - g. Will (copy required)

While it is only the deceased, the deceased's spouse and/or the deceased's

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parents who are needs tested, any relative applying for assistance with the indigent funeral costs will be asked if they have any ability to contribute towards those costs. Those enquiring who are not related to the deceased will not be questioned as to their ability.

REIMBURSEMENTS

All applicants must consent to the pursuit of third-party reimbursements in order to receive approval from Lanark County to cover the cost of the funeral and burial services. Third Party reimbursements may be received from;

- CPP death benefit
- Last ODSP, OAS payment
- Income from bank accounts, trust funds, etc
- Insurance
- Other

REFERENCES

Other Resources

Funerals and Burials – Directive 7.1
Lanark County - Indigent Funeral Procedure