

Fremont County Unclaimed & Indigent Burial and Cremation Policy

This policy is established and amended to comply with W.S. § 42-2-103(c), W.S. § 18-3-504(c), and W.S. § 19-14-101, and shall be effective as of May 5, 2014, amended 1/17/22 to reflect HB0029 passed 3/30/21.

1. Authority: Pursuant to W.S. § 19-14-101, the County Commissioners are responsible for the costs of burial or cremation of indigent veterans who have not been dishonorably discharged, and who served on behalf of the United States during any conflict or war. The County Commissioners are also responsible, as per W.S. § 18-3-504(c), for burial or cremation of other indigent persons who were not receiving certain public benefits. As per W.S. § 42-2-103(c) the State of Wyoming Department of Family Services is responsible for burial or cremation of those indigent persons receiving aid under POWER (Person Opportunities With Employment Responsibilities) program, SSI (Supplemental Security Income) or Medicaid. Pursuant to W.S. § 7-4-104(a)(i)(K), a case involving an unanticipated death where the identity of the victim is unknown or the body is unclaimed, is a coroner's case, and under W.S. § 7-4-207(a), when the coroner investigates the death of a person whose body is not claimed by a friend or relative within five days of the date of discovery and whose death does not require further investigation, he shall cause the body to be decently buried. The expense of the burial shall be paid from any property found with the body. If no property is found, the expense of the burial shall be paid by the county in which the investigation occurs.

2. Initial Determination of Eligibility: The family or friends, as claimant for the deceased, or the funeral home as their representative, shall be responsible for discovering whether the decedent was indigent at the time of death, or a recipient of the public benefits named above. Failure to diligently pursue information regarding indigency will result in refusal of payment by the County.

3. Veterans:

A. Any veteran who was not dishonorably discharged and who served during a war or conflict (as defined in Title 38, United States Code, section 101) on behalf of the United States, and who dies leaving insufficient funds to defray the necessary funeral expenses, is eligible for preparation of the body and transmittal to and interment in the Oregon Trail State Veterans' Cemetery in Evansville, Natrona County, Wyoming at 89 Cemetery Road, Evansville, WY 82636.

B. The amount expended for preparation of the body shall not exceed one thousand five hundred dollars (\$1,500.00). The amount expended for the transportation of the body shall not exceed five hundred dollars (\$500.00)

C. Pursuant to W.S. § 19-14-101(c)(i), the claimant for the deceased, or funeral home as their representative, shall assemble and provide a complete record of all the facts relating to any veteran of the armed forces of the United States who is buried or cremated as per this policy, and shall submit the record to the County Coroner, who shall keep a complete

record of all such facts. The County Coroner on behalf of the County Commission, will be responsible for verifying the veteran status by established procedure.

D. If a veteran was also in receipt of the public benefits named in paragraph 1 above at the time of death, the County shall assume responsibility for costs for interment in the Veterans' Cemetery.

4. Non-Veteran Indigents:

A. After the responsible party named in Section 2 above determines that a decedent was not receiving POWER assistance, SSI income, or Medicaid under the Wyoming Public Assistance and Social Services Act at the time of death, and that the decedent was without sufficient means in his own estate or other resources to provide burial or cremation, arrangements may be made for burial or cremation at the County's expense.

B. The total cost to the County of such burial or cremation shall not exceed one thousand five hundred dollars (\$1,500.00).

C. If the body is claimed by a friend, relative, or other person, and the decedent is not determined indigent, that person shall be responsible for burial or cremation at the rates charged by the funeral home in non-indigent cases.

D. If no property is found with the body, and no other estate or resources as listed on the application exist against which the responsible party or funeral home may make a claim, the responsible party or funeral home may then file an application for payment by the County, by submitting an itemized invoice or accounting and a sworn affidavit stating that diligent inquiry was made regarding potential property, assets, or funding.

E. If the Board of County Commissioners finds that no other means of payment are available, they may authorize payment to the funeral home, not to exceed (\$1,500.00). Any available funding resources as listed on the application will be deducted from the payment amount, and the funeral home may seek reimbursement in that amount from the estate.

F. Fremont County has arranged district or public locations for interment of both indigent or unclaimed remains, and is not responsible for interment or costs thereof, for non-veterans at any other location.

5. Non-veteran Unclaimed: If no one claims a body, or if the body remains unidentified, the expense of burial or cremation shall be paid from any property found with the body, as per W.S. § 7-4-207(a), and by the County in which the jurisdiction of the death occurs. The manner of disposition of the body and any itinerant funeral services are at the discretion of the Coroner and Fremont County, and may not be dictated by friends, family, or other interested persons, absent payment therefor.

6. Non-veteran Recipients of Certain Public Benefits: If the decedent was indigent and a recipient of POWER assistance, SSI income, or Medicaid under the Wyoming Public Assistance

and Social Services Act at the time of death, the Wyoming Department of Family Services shall be responsible for payment for burial or cremation, as per W.S. § 42-2-103(c). Also per W.S. § 42-2-103(c), no Board of County Commissioners shall be responsible for any burial or cremation expenses in excess of the amount paid under this subsection.

7. Claim of Remains After Burial or Cremation: If a relative or friend of an unclaimed decedent wishes to claim the remains of the decedent after burial or cremation, that person must first reimburse the County up to and including all burial or cremation fees, and any transportation fee paid for a decedent who was a veteran under Section 3 above, and shall pay the funeral home the costs over and above the amount paid by the county, as per their normal and customary rates, as well as any or all fees charged by the mortuary or cemetery for the cost of disinterment.

8. Coroner's Policy: The Fremont County Coroner's Disposition Policy and Resources for Unclaimed or Indigent Veteran's Remains, and assistance information handout of Resources for Funding Funerals and Burials, are attached hereto for reference. Policies and procedures for the disposition of property found on or with the body are public documents and are available from the Coroner's Office.

Additional section(s) to approved policy:

9. Determination and Usage of the Cemetery Area at the Wyoming Life Resource Center (WLRC)

A. A Memorandum of Understanding (MOU), as approved by the County Commission, is in place between Fremont County and the Department of Health, Wyoming Life Resource Center at 8204 Wyoming Highway 789, Lander, WY 82501. Procedures and terms of use of this cemetery area for indigent and unclaimed burials are referenced in that MOU.

B. The established area will be the primary burial site for unclaimed remains cases under W.S. § 7-4-207(a), with interment and procedures as established by the policies of the Fremont County Commission and Coroner's Office. This area will also be an optional burial site for indigent remains cases under applicable statutes, with interment and procedures as established by the policies of the Fremont County Commission and Coroner's Office.

C. Should an indigent applicant prefer burial at a location other than as the County provides, an equivalent amount of interment cost may be deducted from the County's indigent compensation at the sole discretion and decision of the County Commission. [See Section 4.F]

D. All access by the public to the burial site at WLRC is subject to the rules and regulations of that institution and the responsibility of compliance rests with the public.

E. If relatives of the deceased, or other parties, wish to claim, disinter, and rebury the remains elsewhere at a later date after interment at WLRC, those parties must obtain all required permits prior to removal, and are responsible for all costs and arrangements of that removal, unless specific exception is approved by the County Commission. A representative of the coroner's office will be present for any such removal to insure accurate documentation and identification of the location of the individual being removed [See Section 7].

F. All parties wishing to disinter and remove remains from the WLRC facility may be required to reimburse Fremont County for all costs incurred in the original interment prior to permission for removal, at the discretion of the County Commission.

10. Public Health Emergency and Mass Fatality

- A. A public health emergency as defined in W.S. § 35-4-115(a)(i) is declared by the governor and involves the risk of a significant number of fatalities. During such time the coroner will cooperate with the state health officer and county health officer to mitigate the consequences of such an event, as mandated by W.S. § 35-1-223. W.S. § 35-4-114 provides immunity from liability for those acting under such as declared event, if following the instruction of the State Health Officer.
- B. W.S. § 35-1-241 defines the safe disposal of human remains in emergency circumstances during the period of such an emergency. As of 2021, there were no specific administrative rules on file with the WY Secretary of State, under the Department of Health that add any other procedures to this statute. Should any such rules be promulgated by the Department of Health and certified by the Secretary of State, they will be added to this section as an Appendix.
- C. In the case of a mass fatality, declared disaster, or other public health emergency, the coroner's office will facilitate and document all large number or mass burials, as required by law, in an appropriate area for either permanent or temporary interment. Large numbers may require the use of the facility and land set aside at the WY Life Resource Center, per MOU agreement with the Dept. of Health for indigent and unclaimed burials.
- D. If interment under this section is considered temporary, or relatives of the deceased wish to claim, disinter, and rebury the remains elsewhere at a later date, those persons must obtain all required permits prior to removal, and are responsible for all costs and arrangements of that removal, unless specific exception is approved by the County Commission. A representative of the coroner's office will be present for any such removal to insure accurate documentation and identification of the location of the individual being removed. Other restrictions and procedures as noted in county policy may apply.