

# INDIANA TOWNSHIP ASSOCIATION

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Educational Conference  
September 20, 2016

**TOWNSHIP BURIAL ASSISTANCE**  
by Mark Messick, Trustee  
White River Township – Johnson County

# Indiana Code 12-20-16-12

- IC 12-20-16-12 Funeral and burial or cremation expenses Sec. 12. (a) This section does not apply if the county coroner assumes jurisdiction of an unclaimed body under IC 36-2-14-16. (b) If: (1) an individual dies in a township without leaving: (A) money; (B) real or personal property; (C) other assets that may be liquidated; or (D) other means necessary to defray funeral expenses; and (2) the individual is not a resident of another township in Indiana; the township trustee, as administrator of township assistance, shall provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. If the township trustee determines that the deceased individual is a resident of another township in Indiana, the township trustee shall notify the trustee of that township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. (c) The necessary and reasonable expenses of the funeral and burial or cremation, including a burial plot, shall be paid in the same manner as other claims for township assistance. A trustee shall determine the cost for the items and services required by law for the funeral and burial of an individual, including a burial plot, and for the cremation of an individual, and include in the township's township assistance standards the maximum funeral and burial or cremation amount to be paid from township assistance funds. The trustee may deduct from the maximum amount the following: (1) Any monetary benefits that the deceased individual is entitled to receive from a state or federal program. (2) Any money that another person provides on behalf of the deceased individual. (d) If an individual described in subsection (b) is a resident of a state institution at the time of the individual's death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the division that has administrative control of the state institution an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee. (e) If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual's death, the state department of health shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the state department of health an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee. (f) A township trustee who provides funeral and burial or cremation benefits to a deceased individual is entitled to a first priority claim, to the extent of the cost of the funeral and burial or cremation benefits paid by the township trustee, against any money or other personal property held by the coroner under IC 36-2-14-11. (g) The township trustee may not cremate a deceased individual if: (1) the deceased individual; or (2) a surviving family member of the deceased individual; has objected in writing to cremation. (h) If a township trustee provides a funeral under this section, the cost of the funeral may not be more than the cost of the least expensive funeral, including any necessary merchandise and embalming, available from the funeral director under the funeral director's price list disclosed to the Federal Trade Commission. As added by P.L.2-1992, SEC.14. Amended by P.L.162-1995, SEC.1; P.L.51-1996, SEC.61; P.L.73-2005, SEC.78. - See more at: <http://codes.lp.findlaw.com/incode/12/20/16/12-20-16-10#sthash.p3eAAaHN.dpuf>

# Burial Assistance SBOA

- BURIAL
- If an individual dies in a township without leaving money; real or personal property, other assets that may be liquidated; or other means necessary to defray funeral expenses, and the individual is not a resident of another township in Indiana, the township trustee, as administrator of township assistance, shall provide a person to superintend and authorize either the funeral and the burial or cremation of the deceased individual. If the township trustee determines that the deceased individual is a resident of another township in Indiana, the township trustee shall notify the trustee of that township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. IC 12-20-16-12(b)
- The necessary and reasonable expenses of the funeral and burial or cremation, including a burial plot, shall be paid in the same manner as other claims for township assistance. A trustee shall determine the cost for the items and services required by law for the funeral and burial of an individual, including a burial plot, and for the cremation of an individual, and include in the township's assistance standards the maximum funeral and burial or cremation amount to be paid from township assistance funds

# Burial Assistance SBOA

- The trustee may deduct from the maximum amount the following:
  - 1. Any monetary benefits that the deceased individual is entitled to receive from a state or federal program.
  - 2. Any money that another person provides on behalf of the deceased individual. IC 12-20-16-12(c)
- If an individual described is a resident of a state institution at the time of the individual's death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the division that has administrative control of the state institution an itemized claim for reimbursement of the necessary and reasonable burial expenses incurred by the township trustee. IC 12-20-16-12(d).
- If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual's death, the state department of health shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the state department of health an itemized claim for reimbursement of the necessary and reasonable burial expenses incurred by the township trustee. IC 12-20-16-12(e)
- A township trustee who provides funeral and burial or cremation benefits to a deceased individual is entitled to a first priority claim, to the extent of the cost of the funeral and burial or cremation benefits paid by the township trustee, against any money or other personal property held by the coroner under IC 36-2-1-11. IC 12-20-16-12(f)

# Burial Assistance SBOA

- The township trustee may not cremate a deceased individual if:
  - 1. The deceased individual; or
  - 2. A surviving family member of the deceased individual;
- has objected in writing to cremation. IC 12-20-16-12(g)
  
- If a township trustee provides a funeral under this section, the cost of the funeral may not be
- more than the cost of the least expensive funeral, including any necessary merchandise and embalming,
- available from the funeral director under the funeral director's price list disclosed to the Federal Trade
- Commission. IC 12-20-16-12(h)
  
- Township trustees are required to bury all paupers having a legal status within their townships,
- and the fact that a person died in a state or municipal institution would not remove such person from
- those classified as paupers. (Opinions of Attorney General 1946, Page 319)
  
- Subject to IC 12-20-11-5(b), a trustee who has furnished aid or assistance to any person who
- dies leaving an estate and is not survived by his or her spouse, disabled adult dependent or minor children,
- may file a claim against the estate for the value of township assistance prior to such decedent's
- death. The estate includes any money or other personal property in the possession of a coroner under IC
- 36-2-4-11. IC 12-20-27-1

# Standard TA-1 Application for Assistance

- Use the TA-1
- It is the Indiana Township Association opinion that a
- TA-1 should be used for all applications for Township
- Assistance. The Indiana Code requires an affidavit which is part of the TA-1.
  
- Some townships have come up with Burial Assistance Forms on their own which is fine if they are supplemental to the TA-1.

# Supplemental TF-16 Burial Assistance

Date: \_\_\_\_\_  
White River Township, Johnson County

Case No. \_\_\_\_\_

## APPLICATION FOR BURIAL ASSISTANCE

All information requested on this form is for the deceased person unless otherwise noted. All blanks must be filled in by the person applying for the expense (the "Applicant") on behalf of the deceased person. Insert "no" or "N/A" if appropriate.

Name of Deceased: \_\_\_\_\_  
Social Security Number of Deceased: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_  
**How Long?** \_\_\_\_\_  
Previous Address: \_\_\_\_\_  
How Long: \_\_\_\_\_

Date of Birth: \_\_\_\_\_  
Date of Death: \_\_\_\_\_  
Cause of Death: \_\_\_\_\_  
Location of Death: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Applicant's Phone Number: \_\_\_\_\_  
Applicant's Social Security Number: \_\_\_\_\_  
Relationship to Decedent: \_\_\_\_\_

Family Members of the Deceased:

NAME:	Last	First	Middle Initial	Age	Relationship to the deceased
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# Eligibility Standards

- Section IV-24 BURIAL (IC 12-20-16-12)
- A. This Section does not apply if the county coroner assumes jurisdiction of an unclaimed body under
  - IC 36-2-14-16
- B. IF:
  - 1. An individual dies in a township without leaving:
    - a. Money
    - b. Real or personal property
    - c. Other assets that may be liquidated; or
    - d. Other means necessary to defray funeral expenses; and



# Eligibility Standards - continued

2. The individual is not a resident of another township in Indiana;
  - The Township Trustee, as administrator of township assistance, shall provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. If the Township Trustee determines that the deceased individual is a resident of another township in Indiana, the Township Trustee shall notify the Trustee of that Township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual.
  
3. A Township Trustee who provides funeral and burial expense or cremation benefits to a deceased individual is entitled to a first priority claim, to the extent of the cost of the funeral and burial or cremation benefits paid by the Township Trustee, against any money or other personal property held by the coroner under IC 36-2-14-11.

# Eligibility Standards - continued

- D. The Township Trustee may not cremate a deceased individual if:
  - 1. The deceased individual; or
  - 2. A surviving family member of the deceased individual has objected in writing to cremation.
- E. Applicants are responsible to make arrangements for payment with the Trustee prior to funeral or burial services for the deceased.

# Eligibility Standards - continued

- F. The Trustee does not supplement the cost of services beyond those required by state law; nor supplement other means of payment for services.
- G. The Trustee will not pay for the cost of transporting the remains of any deceased indigent person back to the township or to any place outside the township.
- H. The next of kin of the deceased or the funeral director may apply for burial assistance. The person making the application will be responsible for verifying eligibility. A signed affidavit will be required. A death certificate may also be required.

# Eligibility Standards - continued

- I. The person applying for burial assistance must first seek all other means for burial assistance before applying.
- J. Each Township will consider each burial on a case by case basis.
- K. For the purpose of the consideration of responsibility, a hospital shall not be considered as a place of residence, but a nursing home or similar residential facility may be considered as a place of residence.
- L. Each township shall continue to independently conduct township burials with a vendor of the township.

# Eligibility Standards - continued

- Example of:
- Emergency Assistance Guideline Tables
- Table E – Burial Assistance
- **Cremation maximum allowed \$860.00**
- Direct Cremation with no services or cemetery services, includes removal, cremation and return to family
- **Funeral Service with Casket maximum allowed \$2350.00**
- **Option A:** Transfer to funeral home locally, embalming, casketing, dressing, cremation rental casket, cremation fee, one hour visitation at mortuary or family's local church, funeral service and register book
- **Option B:** Transfer to funeral home locally, embalming, casketing, dressing, minimum cloth covered casket, transfer service car to local cemetery, one hour visitation at mortuary or family's local church, funeral service and register book.

# Eligibility Standards - continued

- **Cemetery Plot maximum allowed \$2410.00**
- - includes: Grave Site Plot, Opening and Closing Plot, Outer Burial Container

# How to work with Funeral Homes

- Survey funeral homes in your township or near by.
  - Ask for the funeral home director and let them know why you are calling.
  - Meet with the funeral home director and explain your responsibilities and ask if their funeral home can work within your guidelines and if they would be willing to superintend funerals for your township.
  - It may be that your township may wish to work with several funeral homes.

# How to work with your county coroner

- IC 36-2-14-16 covers counties with population of over 400,000. Coroner's office has authority and responsibility to deal with unclaimed bodies who died in their jurisdiction.
- Call the coroner's office and ask for a meeting to discuss your duties as the Township Trustee as related to burial of indigent township residences.
- Ind. Code § 36-2-14-11 : Indiana Code - Section 36-2-14-11: Property or money of deceased person subject to coroner's investigation; found with body or at scene of death; taking possession; publication; search for person entitled; delivery to county treasurer or sheriff.



# Filing Lien on Property of deceased

- I. Contact your township attorney
- II. Work with your county assessor, auditor, clerk, and recorder.
  - A. The township will need a legal description of the property.
  - B. The township will need to comply with your county's process to file liens.

## III. File lien

- A. The amount of the lien will only be the amount of the township claim paid.
- B. Now the township waits for the property to sale.
- C. Be ready to release lien when the township gets monies from sale.

# Investigating Case

- Why investigate?
- Deceased may not be a resident of your township.
- Other agency may pay for burial (Medicaid, Veterans, Local Church, Coroner, etc.)
- Real Estate and personal assets of the deceased may be enough to pay for burial without using township funds.
- Family member may not wish to have township burial assistance and may be willing to pay for burial.
- Go Fund It Account may have been established and funds from that account may be enough to pay for burial.
- Personal or Company Life Insurance Policies may be found

# Finish the Case

- Check the Case File for completeness
- Is the TA-1 Application for Township Assistance complete?
- Is the optional TF-16 Application for Township Burial Assistance complete?
- Is the investigator's report complete?
- Has the TA-1A Notice of Township Assistance Action been mailed?
- Is the "Poor Relief Claim" complete?
- Is the Township Assistance Purchase Order complete with all signatures required?
- Have all claims been paid for the case?
- Has the township received a copy of the death certificate?
- Can the township file a lien to recover claim?

# Thank You

- Questions?
- Course Survey and feed back
- Mark Messick - Trustee
- White River Township, Johnson County
- [www.whiterivertownship.org](http://www.whiterivertownship.org)
- [trustee@whiterivertownship.org](mailto:trustee@whiterivertownship.org)
- (317) 422-1143