

CHAPTER 6
CREMATION ASSISTANCE GUIDELINES

- 6:100** **Eligibility Criteria:** Douglas County will consider providing assistance for any person who dies within the geographic boundaries of Douglas County, or who has legal settlement in Douglas County. It is the policy of Douglas County that cremation is the only option available. Exceptions to this policy are only for those situations where cremation is not an option due to legal considerations.
- 6:100.1** **County Services:** If the estate of the decedent and/or the income and resources of the Responsible Party, as defined in Section 6:300 herein is/are insufficient to meet the cremation expenses as defined in Section 6:102 herein, Cremation Assistance may be authorized to meet these expenses. Under no circumstances shall the Cremation Expenses provided by Douglas County be supplemented by a private/non-profit payer. Violation(s) of these conditions will forfeit Douglas County’s responsibility for participation in the costs of the Cremation Expenses provided.
- 6:101** **Fee Schedule:** All payments will be determined by the type of disposition approved. The maximum payment shall not exceed the standard established for each category. All payments will be made directly to the vendor providing the services.

Cremation Fee Schedule

(1) Mortuary	
adult	\$ 783
child	\$ 391
infant	\$ 241
(2) Crematory	
adult	\$ 182
child	\$ 119
infant	\$ 90
Maximum Payment	\$ 965

- 6:102** **Cremation Expenses:** The following principle services are included within the above Fee Schedule:

- (1) required preparation;
- (2) brief newspaper notice (name, age, and time of service);
- (3) simple container for cremated remains as selected by the mortuary/crematory;
- (4) transportation from the place of death to the mortuary and to the place of Cremation, if different from mortuary; and
- (5) crematory fee.

6:103 **Items Not Covered by County Cremation Assistance:** The below items are not included or provided for in the assistance Fee Schedule. They may not be purchased by the Responsible Party(ies) or any other party as an alternative to paying for the items defined as Cremation Expenses in Section 6:102, herein. Violations of these conditions will forfeit Douglas County’s responsibility for participation in the cost of the Cremation Expenses provided. Again, the following items are not included and may not be purchased as described herein:

- (1) flowers;
- (2) organist;
- (3) pallbearer expenses;
- (4) clergy fees;
- (5) clothing;
- (6) transportation for the family;
- (7) memorial cards or record book;
- (8) long distance telephone charges;
- (9) transportation of the deceased outside of Douglas County;
- (10) funeral escort service;
- (11) tents;
- (12) headstone;
- (13) urn;
- (14) burial or inurnment of cremains; or
- (15) services at a mortuary or any other fee based facility.

6:104 **Burial Exception:** If cremation is not an option, due to legal considerations, the following maximum fees will be paid:

- (1) Mortuary, to include:
 - required preparation;
 - brief newspaper notice (name, age, and time of service) ;
 - simple casket; and
 - transportation from the place of death to the mortuary and from the mortuary to the cemetery.

adult*	\$ 1,562
child*	\$ 422
infant*	\$ 241

*casket size

(2) Cemetery (for the cost of opening and closing the grave)

adult*	\$ 480
child*	\$ 241
infant*	\$ 181

(3) Additional Items as Required:

(a) oversized casket	\$ 241
(b) disaster bag	\$ 96
(c) outer casket receptacle (vault)	\$ 342
(d) sealed metal container	\$ 234
(e) cemetery plot**	\$ 480
(f) oversized outer receptacle (vault)	\$ 480

**if the decedent did not own a burial plot at the time of death, or if a plot is not donated, interment will be arranged at a cemetery located in Douglas County that will accept county burial fees as payment in full.

6:111 Fee Adjustments:

- a) The Fee Schedule set forth in this Chapter is effective October 1, 2011, and will continue through September 30, 2013. The fee schedule will be adjusted effective with all County cremation and burial assistance approved on or after October 1, 2013.
- b) The adjustment will be based upon the changes to the U.S. Bureau of Labor Statistics *Consumer Price Index – All Urban Consumers (CPI-U), Midwest Urban, size B/C, 1982-1984 Base Period; as amended*. The adjustment for each fee will be calculated using a two-step formula. All dollar amounts will be rounded to the closest dollar. The percent change in the CPI-U calculated using the Bureau of Labor Statistics escalation formula, from the first half of 2011 to the first half of 2012, is multiplied by the current fee and that sum is added or subtracted to the current fee amount to arrive at subtotal A. The percent change to the CPI-U from first half 2012 to first half 2013 is multiplied by the subtotal A amount and that sum is added or subtracted to the subtotal A amount. This sum is the new adjusted fee for the following two-year period.

Example: MAXIMUM CREMATION PAYMENT

STEP 1:

$$\$913 \times .018 = \$16.43 + \$913 = \$929.43$$

STEP 2:

$$\$929.43 \times .038 = \$35.32 + \$929.43 = \$964.75$$

$$\text{NEW MAXIMUM PAYMENT} = \$ 965.00$$

c) The fee schedules set forth in this Chapter will be reviewed and adjusted effective with all assistance approved on or after October 1, 2013 and every two years thereafter, adhering to the formula set forth in this section, provided that the appropriate adjustments are made to the years of the CPI-U reports that are used in the formula.

6:200 **Financial Eligibility Requirements:** In order to be eligible for assistance, the assets of the decedent's estate and/or the income and resources of the Responsible Party(ies) cannot exceed the allowable Fee Schedule as defined in Section 6:101 herein.

6:201 **Financial Participation:** If the financial eligibility requirements are met, assistance may be authorized, but only to the extent that the allowable cost of cremation exceeds the assets of the decedent's estate and/or income and resources of Responsible Party(ies) as defined in Section 6:300 herein.

6:300 **Responsible Party(ies):** The right to control the disposition of the remains of a deceased adult person, unless other directions have been given by the decedent, vests in the following persons in the order named, as provided by Nebraska Revised Statute 38-1425(Reissue 2008). (1) Any person authorized by the decedent through a notarized affidavit to direct the final disposition; (2) The surviving spouse; (3) if the surviving spouse is incompetent or not available, or if there is no surviving spouse, an adult child of the decedent; (4) a surviving parent of the decedent; (5) an adult person in the next degrees of kindred in the order named by the laws of Nebraska as being to succeed to the estate of the decedent; (6) a guardian of decedent; or (7) personal representative. The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

6:400 **Other Eligibility Requirements:** In addition to meeting the financial eligibility criteria, any individual requesting assistance on behalf of the decedent must agree in writing to the following terms and conditions:

- a) that he/she will accept the assistance as outlined above and understand that the funeral home will not provide additional items or services;
- b) that he/she has not made financial arrangements to provide for services not covered by the County as itemized in Section 6:103 herein; and

- c) that he/she will cooperate with the funeral home in securing income and assets of the decedent, and all responsible relatives, to be applied to the cost of cremation.

Violations of these conditions will forfeit Douglas County's responsibility for participation in the cost of the Cremation Expenses provided.

6:500 **Financial Liability of Responsible Party(ies)**: The financial liability of the Responsible Party(ies) will be determined by comparing the available income and/or resources in the immediate possession or control of the Responsible Party(ies) to his/her reasonable household expenses.

6:600 **Agency Procedures**: All requests for assistance must be in writing and signed by the legally responsible person making the request.

1. An appointment to complete an application may be scheduled Monday through Friday between 8:00 a.m. and 4:30 p.m., except for legal holidays observed by Douglas County, by contacting the Department of General Assistance at (402) 444- 6215. The application must be signed by the legally responsible person.
2. If arrangements have been made with the mortuary in excess of the County Fee Schedule, assistance will be denied.
3. Both the applicant and the mortuary will receive written notice which will indicate whether the request for assistance is approved or denied, and in the case of approvals, the amount of the County's payment.
4. In cases where there are no known relatives, or legal guardian, or other Responsible Party as per Nebraska Statute 38-1425 the request for assistance may be made by the County Coroner, mortuary or another appropriate individual as determined by the Department of General Assistance Director or designee, in consultation with the Douglas County Attorney's Office.
5. If funds from the estate of the decedent exist which are to be applied to the cost of the cremation/burial, and the financial institution holding such funds requires a certified copy of the death certificate, this additional cost may be paid to the mortuary.

6. Pursuant to Section 30-2413 of the Nebraska Probate Code, the Department of General Assistance will file a Demand for Notice in the County Court of Douglas County, demanding mailed notice of all filings or orders pertaining to the estate of any decedent for whom assistance has been provided. The Demand for Notice will be executed by the Department of General Assistance Director or designee.

6:601 **Right to Appeal:** The legally responsible person applying for assistance on behalf of the decedent shall have the right to appeal an adverse action including a loss or reduction of benefits as provided for in Sections 1:300 through 1:303 herein.