

Resolution 037-2023
Township Indigent Burial Policy

Cuyahoga County, Ohio

Be It Resolved by the Township Trustees of Olmsted Township that

WHEREAS, the Olmsted Township Board of Trustees have a need to adopt an indigent burial policy for its residents in compliance with Ohio Revised Code 9.15.

WHEREAS, the Olmsted Township Board of Trustees have researched the legal requirements, consulted other municipalities, and believe the proposed indigent burial policy to be in the best interest of its residents

WHEREAS, ORC 9.15 provides

When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, it shall be disposed of as follows:

- (A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.
- (B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.
- (C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone, or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person. As used in this section, "indigent person" means a person whose income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

NOW THEREFORE BE IT RESOLVED: by the Board of Trustees of Olmsted Township, State of Ohio that: the Olmsted Township Board of Trustees in accordance with ORC 9.15 adopts the Olmsted Township Indigent Burial Policy marked as Exhibit A, attached hereto as if fully rewritten herein.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 12th day of April, 2023

Attest: Bonnie Witten
Township Fiscal Officer

Jan J. Jones
Jameson Kew

Township Trustees

Olmsted Township Indigent Burial Policy

Generally:

The purpose of this policy is to ensure compliance with Ohio Revised Code 9.15(C) which mandates that a township must bury or cremate a body at the township's expense when the body is claimed by an indigent person. ORC 9.15(c) defines "indigent person" as someone whose income does not exceed 150% of the federal poverty line when adjusted to the correct family size.

This policy provides guidelines intended for use by the Olmsted Township Board of Trustees when determining indigency status for the person claiming the body of a deceased person residing within the township. The guidelines below adhere to Ohio's indigency determination as set forth in ORC 9.15 and federal poverty threshold criterion.

Upon examination of the indigent person's financial and familial data (in conformance with the guidelines below), the Board shall make a determination as to whether the claimant is indigent. 1) If the Application meets all requirements, Olmsted Township shall bury or cremate the body of the indigent deceased; 2) if the Application meets all requirements, and the body of the indigent deceased is claimed for purposes of a private burial and the claimant attests in writing that he/she is solely responsible for and will pay all costs associated with burial of the indigent deceased, Olmsted Township shall pay for the costs attributed to cremation or burial not to exceed \$800 as provided in the township's indigent burial policy, if applicable, and supply an appropriate marker with proper inscription as required by ORC 9.15.

Claimant's Indigency Status:

When determining indigency status of the person claiming the deceased's body, Olmsted Township Board of Trustees shall consider gross income of all household members, minus the wage or salary income earned by dependent minors under 18 years of age.

Gross income includes:

- Wages and earnings from employment, interest, annuities, pensions, Social Security, retirement, employment disability, public assistance, Supplemental Security Income (SSI), alimony, child support, unemployment benefits, Worker's Compensation, and any other indirect income;
 - Do not incorporate noncash benefits, i.e. food stamps and housing subsidies, or capital gains and losses
 - Calculate wages before taxes

The definitions set forth in Attachment A apply to this policy.

Claimant shall provide Olmsted Township with the number and age of claimant's dependents. Claimant shall provide documentation of income.

Limitations

The Township shall not be responsible for burying or cremating any body found within Olmsted Township, which is claimed by a person not found to be indigent.

All expenses made by a non-indigent claimant shall be paid for by the claimant.

When the claimant is determined to be indigent, the manner of cremation, burial, and aspects thereof shall be solely the decision of Olmsted Township and in accordance with ORC 9.15.

An indigent person claiming a body may not make independent funeral arrangements and have the bill submitted to Olmsted Township. Should this occur, Olmsted Township is not liable for costs under these circumstances.

Public Records Notifications:

Some of the records submitted by claimant, as part of the indigency determination process, may be confidential and not a public record under applicable State and Federal Law. Olmsted Township will consult with legal counsel prior to releasing any such documents to third parties.

150% of the Current Federal Poverty Guidelines

Example of the 2023 Poverty Guidelines

Family Size	Gross Annual Income
1	\$21,879
2	\$29,580
3	\$37,290
4	\$45,000
5	\$52,710
6	\$60,420
7	\$68,130
8	\$75,840
Over 8 add per person:	\$7,710

Attachment A

Definitions

The following definitions are taken from the US Census Bureau.

Income

Income consists of the following 23 components:

1. Earnings (wages, salaries, and self-employment income)
2. Interest income
3. Dividend income
4. Rents, royalties, estate and trust income
5. Non-government retirement pensions and annuities
6. Non-government survivor pensions and annuities
7. Non-government disability pensions and annuities
8. Social security
9. Unemployment compensation

10. Workers' compensation
11. Veterans' payouts other than pensions
12. Government retirement pensions and annuities
13. Government survivor pensions and annuities
14. Government disability pensions and annuities
15. Public assistance (includes TANF and other cash welfare)
16. Supplemental Security Income (SSI)
17. Veterans' Pensions
18. Government education assistance
19. Non-government education assistance
20. Child support
21. Alimony
22. Regular contributions from persons not living in the household
23. Money income not elsewhere classified

Income does not include the following:

1. Noncash benefits (such as food stamps and housing subsidies)
2. Capital gains or losses

Household:

A household consists of all the people who occupy a housing unit. A house, an apartment, or other group of rooms, or a single room, is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants, do not live with any other persons in the structure and there is direct access from the outside or through a common hall. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit.

Household, Size of:

The term "Size of household" includes all the people occupying a housing unit. "Size of family" includes the family householder and all other people in the living quarters who are related to the householder by birth, marriage, or adoption. "Size of related subfamily" includes the husband and wife or the lone parent and their never-married sons and daughters under the age of 18 years of age. If a family has a related subfamily among its members, the size of the family includes the members of the related subfamily.

Alimony:

Includes all periodic payments people receive from ex-spouses. Alimony excludes one time property settlements.

Child Support:

Includes all periodic payments a parent receives from an absent parent for the support of children, even if these payments are made through a state or local government office.

Dividends:

Includes income people receive from stock holdings and mutual fund shares. Does not include capital gains from the sale of stock holdings as income.

Earnings:

The Census Bureau classifies earnings from longest job (or self-employment) and other employment earnings into three types:

1. Money, wage, or salary income is the total income people receive for work performed as an employee during the income year. This category includes wages, salary, armed forces pay, commissions, tips, piece-rate payments, and cash bonuses earned, before deductions are made for items such as taxes, bonds, pensions, and union dues.
2. Net income from nonfarm self-employment is the net money income (gross receipts minus expenses) from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Expenses include such items as costs of goods purchased, rent, heat, power, depreciation charges, wages and salaries paid, and business taxes (not personnel income taxes). In general the Census Bureau considers inventory changes in determining net income from nonfarm self-employment; replies based on income tax returns or other official records do reflect inventory changes. However, when respondents do not report values of inventory changes, interviewers will not accept net income figures exclusive of inventory changes. The Census Bureau does not include the value of saleable merchandise consumed by the proprietors of retail stores as part of net income.
3. Net income from farm self-employment is the net money income (gross receipts minus operating expenses) from the operation of a farm by a person on their own account, as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, payments from government farm programs, money received from the rental of farm equipment to others, rent received from farm property if payment is made based on a percent of crops produced and incidental receipts from the sale of items such as wood, sand, and gravel. Operating expenses include items such as cost of feed, fertilizer, seed, and other farming supplies; cash wages paid to farmhands; depreciation charges; cash rent; interest on farm mortgages; farm building repairs; and farm taxes (not state and federal personal income taxes). The Census Bureau does not include the value of fuel, food, or other farm products used for family living as part of net income. In determining farm self-employment income, the Census Bureau considers inventory changes in determining net income only when they are accounted for in replies based on income tax returns or other official records which reflect inventory changes; otherwise the Census Bureau does not take inventory changes into account.

Educational Assistance:

Includes Pell Grants; other governmental education assistance; any scholarships or grants; or financial assistance students receive from employers, friends, or relatives not residing in the student's household.

Financial Assistance from Outside of Household:

Includes periodic payments people receive from non-household members. This type of assistance excludes gifts or sporadic assistance.

Interest:

Includes payments people receive (or have credited to accounts) from bonds, treasury notes, IRAs, certificates of deposits, interest-bearing savings and checking accounts, and all other investments that pay interest.

Other income:

Include all other payments people receive regularly that are not included elsewhere on the questionnaire. Some examples are state programs such as foster child payments, military, family allotments, and income received from foreign government pensions.

Pension or retirement:

Includes payments people receive from eight sources: companies or unions; federal government (Civil Service); military; state or local governments; railroad retirement; annuities or paid-up insurance policies; individual retirement accounts; (IRAs), Keogh, or 401(k) payments; or other retirement income.

Public Assistance or Welfare Payments

Includes cash public assistance payments low-income people receive, such as aid to families with dependent children (AFDC, ADC), temporary assistance to needy families (TANF), general assistance, and emergency assistance.

Rents, Royalties, and Estates and Trusts

Includes the net income people receive from the rental of a house, store, or other property, receipts from boarders or lodgers, net royalty income, and periodic payment from estate or trust funds.

Social Security

Includes social security pensions and survivors' benefits and permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance.

Supplemental Security Income

Includes federal, state, and local welfare agency payments to low-income people who are 65 years old or over or people of any age who are blind or disabled.

Unemployment Compensation

Includes payments the respondent received from government unemployment agencies or private companies during periods of unemployment and any strike benefits the respondent received from union funds.

Veterans' Payments

Includes payments disabled members of the armed forces or survivors of deceased veterans receive periodically from the Department of Veterans Affairs for education and on-the-job training, and means-tested assistance to veterans.

Workers' Compensation

Includes payments people receive periodically from public or private insurance companies for injuries received at work.

Application for Burial at Olmsted Township's Expense

APPLICANT INFORMATION

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____

Age: _____

Size of Household: _____

Age(s) of Number in Household:

INCOME DOCUMENTATION

Household Income Source(s): Please attach to this application documentation of each income source, including SS or Medicare cards, paystubs, income tax returns, and such ***

_____ monthly/yearly amount \$ _____
(Income source) (Circle one)

_____ monthly/yearly amount \$ _____
(Income source) (Circle one)

_____ monthly/yearly amount \$ _____
(Income source) (Circle one)

_____ monthly/yearly amount \$ _____
(Income source) (Circle one)

_____ monthly/yearly amount \$ _____
(Income source) (Circle one)

(Income source)

monthly/yearly amount \$ _____
(Circle one)

OATH OF AFFIANT I, (print name) _____, hereby swear or affirm that the information set forth in this Affidavit is true, complete, and accurate, and that I have not willfully withheld any substantial asset, debt, income or expense. I understand that falsification of this document may also subject me to criminal penalties for perjury (R.C. 2921.11).

Affiant

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public

***For Office Use ***

Application filed on _____

Received by: _____

Documentation of income attached: Yes or No

(Circle One)

Board of Trustee meeting when considered: _____
(Date)

Approved: _____ Denied: _____
(Date) (Date)

