

Chapter 73. Indigent Funeral Services Policy¹

Contents

73.001	General Information 1
73.002	Program Administration 2
73.003	Travis County Responsibilities 4
73.004	Funeral Home Responsibilities 4
73.005	Limitations 7
73.006	Eligibility Criteria 8
73.007	Application. 12
73.008	Appeal Process 14
73.009	Application Process 15
73.010	Disinterment 16
73.011	Funeral Home Rotation List 16

73.001 General Information

- (a) Authority. Travis County (or "County") is required under Texas Health and Safety Code, section 694.002, and other applicable statutes, to provide for disposition of the body of a deceased indigent person in Travis County and to adopt rules by which to provide for such disposition; is authorized under Texas Local Government Code, section 81.027, and other applicable statutes, to assist eligible Next of Kin of Decedents in obtaining disposition services where the Decedent and/or Next of Kin are unable to afford such services and meet the requirements of applicable Travis County policies; and authorized to provide such services by burial or cremation subject to all applicable laws, rules, regulations and policies.
- (b) Provision of Service. Indigent burials and cremations ("Funeral Services" or "Services") will be provided for eligible Travis County residents or those who die in Travis County (as defined by this Indigent Funeral Services Policy, or "Policy"); and assistance may be provided to families who lack the Income or Resources to afford any type of Funeral Services expenses and who meet applicable eligibility requirements under this Policy. All indigent Funeral Services requests must have written approval by designated County staff prior to the Funeral Services being provided under this Policy.
- (c) Statutory Guidelines. County will provide all Funeral Services, either directly or by contract, in accordance with this Policy and all applicable federal, state and local laws, rules, regulations and policies ("Applicable Law").

¹ Chapter 73 was replaced by the Travis County Commissioners Court on 7/14/2015, Item 9. Chapter was previously titled Chapter 73. Indigent Burial Assistance Policy.

73.002 Program Administration

- (a) Purpose. The purpose of this Policy is to establish standards for administration of the Indigent Funeral Services Program ("Program") as established under this Policy.
- (b) Definitions. In this Policy:
 - (1) "Applicant" means an individual applying for assistance under this Policy.
 - (2) "Case Worker" means a qualified Department representative who assumes the overall responsibility of organizing and ensuring the determination of eligibility and receipt of needed services for a qualified Participant.
 - (3) "Cemetery" means either the Travis County Cemetery located at 14510 Wells School Road, the Travis County International Cemetery or any cemetery in which authorized County burials may be provided pursuant to this Policy.
 - (4) "Commissioners Court" means the Travis County Commissioners Court.
 - (5) "Common Law Marriage" means a union recognized as a legal marriage under the laws of Texas which meets certain conditions, including the following:
 - (A) both parties are free to marry;
 - (B) the parties live together;
 - (C) the parties hold out to the public that they are husband and wife; and
 - (D) the parties meet any other applicable legal requirements.
 - (6) "Crematory" means a structure containing a retort used or intended to be used for cremation of human remains.
 - (7) "Crematory Establishment" means a business that operates a crematory as licensed under Subchapter N, Chapter 651, Texas Occupations Code.
 - (8) "Decedent" means the deceased individual for whom Services are requested/provided under this Policy.
 - (9) "Department" or "TCHHSVS" means the Travis County Health and Human Services & Veterans Service Department.
 - (10) "Emancipated Minor" means a person under 18 years of age who has been legally declared as an emancipated minor by the court; or a person under 18 years of age who is legally married, with marriage including a Common Law (or informal) marriage.
 - (11) "County Executive" means the County Executive of the Department, or their successor or designee.

- (12) "Fiscal Year" means the Travis County fiscal year which begins October 1 of each year and ends September 30 of the next following year.
- (13) "Funeral Home" means a funeral home which has a duly executed contract with Travis County to provide Funeral Services pursuant to this Policy. As applicable, reference to "Funeral Home" under this Policy will include reference to a Funeral Home providing burial services and a Crematory Establishment or Funeral Home providing cremation services ("Crematory Establishment").
- (14) "Household" means an Applicant and those individuals sharing the Applicant's housing unit as defined in this Policy.
- (15) "Income" means the total monetary receipts from all sources, including tips, before deductions from all sources as set forth in this Policy.
- (16) "Next of Kin" means the legal next of kin as defined in Texas Health and Safety Code Annotated section 711.002, "Disposition of Remains, Duty to Inter."
- (17) "Participant" means a person approved by the Department as meeting applicable criteria guidelines to receive Services or the benefit of Services under this Policy, including Applicants, Decedents, and friends (as limited by this Policy).
- (18) "Resource/Assets" means the earnings of the Household the total of which must be less than the allowable limit as set forth in this Policy. Countable Resource/Assets for the Indigent Burial Program will be determined by applicable Department policy.
- (19) "Third Party" means a person who has no personal gain and no personal relationship to the Applicant or any member of the Applicant's Household as a relative, friend or neighbor. Examples of third party are: employers, school nurses, social service agency representatives, and lawyers/paralegal.
- (20) "Thirty-Day Period" means the previous thirty calendar days from and including the date of application.
- (21) "TNR" means the Travis County Transportation and Natural Resources Department.
- (22) "Viewing" means the time and space provided for the opportunity for family and friends to view the body of the Decedent when requested from and made available by the Funeral Home pursuant to this Policy and the applicable Funeral Home contract.

(c) Department Discretion. The Department, with the written approval of the County Executive, may waive or adjust certain provisions of this

Policy where, as determined by the County Executive, such waiver or adjustment will continue to promote the general purpose and intent of this Policy within the limits of Applicable Laws. At any time that such waiver or adjustment is requested or suggested, the County Executive may make such decision or may refer such decision to the Commissioners Court. Upon granting of any such waiver or adjustment without Commissioners Court consideration, the County Executive will provide written notice to the Commissioners Court of such waiver or adjustment at the earliest possible date.

73.003 Travis County Responsibilities

- (a) Funeral Home Reimbursement. The Funeral Home will be reimbursed pursuant to the contract with the County at the rates and according to the terms set forth in the applicable contract. The rates will be subject to periodic review and modification as approved by the Commissioners Court, with a written amendment to the contract signed by the parties reflecting the new rates.
- (b) Burial Space. Travis County will provide a gravesite space at the Cemetery, in other space as secured by Travis County for this purpose, or in such other space as provided pursuant to this Policy. In the event of cremation, space for the remains will be as set forth in Section 73.005(b) of this Policy. TNR will coordinate all activities related to the Cemetery and burial.
- (c) Out of County Transportation. With prior Travis County approval, Travis County may provide compensation in instances where it is necessary for the Funeral Home to go out of Travis County to pick up a Decedent's body. In those instances, the Funeral Home will be reimbursed as set forth in the applicable contract between the Funeral Home and County. Those transportation rates will be subject to periodic review and modification as approved by the Commissioners Court, with a written amendment to the contract signed by the parties reflecting the new rates.

73.004 Funeral Home Responsibilities

- (a) Contract. Each Funeral Home will provide Services under this Policy pursuant to a written contract with the County.
- (b) Removal of the Body. The Funeral Home will provide for removal of the Decedent's body from the place of death within Travis County with reimbursement for such removal as set forth in the contract referenced in Section 73.004(a). Removal of the body from the place of death outside of Travis County may be allowable if, during the eligibility process, the Decedent is determined by the County to meet residency and other applicable eligibility requirements and appropriate

arrangements are made with required approvals of County prior to the provision of any Services.

(c) Preparation

- (1) General. In the case of burials, the Funeral Home will prepare the Decedent's body for burial pursuant to Applicable Law and the applicable contract.
- (2) Embalming. It is understood that embalming is not specifically required by law or applicable industry standards in every case prior to burial; however, any body held any place for more than twenty-four (24) hours after death must either be maintained at a specified temperature, as required by law or applicable industry standards, or embalmed by a licensed embalmer. If embalming occurs other than as required herein, it is at the discretion of the Funeral Home with the approval of the Next of Kin and pursuant to Applicable Law. Appropriate consents must be acquired by the Funeral Home, as required by local, state, and federal law, and adequate documentation required and maintained, with copies provided to County upon request. Refrigeration and embalming costs are included in the contracted price and no additional reimbursement to the Funeral Home for the embalming or refrigeration will be made by the County.

(d) Casket. The Funeral Home is responsible for provision of an appropriate-size casket meeting standards of the casket industry.

(e) Viewing

- (1) Availability. When appropriate (as determined by the Funeral Home and with consultation with the Next of Kin), the Funeral Home will provide an opportunity for Viewing. Viewing of the body may take place one hour prior to the scheduled departure for the cemetery or as otherwise determined by the Funeral Home and agreed to by the Next of Kin. Viewing is not required, but must be offered by the Funeral Home if available under the Funeral Home's normal procedures. If the Next of Kin does not desire a Viewing, a signed statement declining the Viewing will be obtained by the Funeral Home. This opportunity will be provided in a designated and private Viewing area with an open casket as deemed appropriate by the Funeral Home and Next of Kin (or family/friends if no Next of Kin is available). Opportunity for Viewing may not always be available.
- (2) Schedule. The time that the casket needs to be at the cemetery will be given to the Funeral Home by County. The Funeral Home will subtract the travel/loading time and then set the Viewing time accordingly. The Funeral Home will notify Travis

County (through Department) and Next of Kin, friends and family of Decedent known to Funeral Home in writing, of the Viewing time, if a Viewing is to occur.

- (3) Viewing Service. If a Funeral Home provides for any other enhancements, such as Viewing services, the Funeral Home must offer the same opportunity for those other enhancements to all Participants receiving Services under this Policy and must maintain documentation on those Participants who decline the Viewing service and/or other enhancements. No additional charges to County or Participant can be made by the Funeral Home.
- (4) Cremation. Where the body is to be cremated, any Viewing will be as arranged and permitted by the Funeral Home at the Funeral Home's discretion and in accordance with the applicable contract and communication with Next of Kin, friends, and family.
- (f) Transportation to the Cemetery. The Funeral Home will provide transportation of the casket to the designated Cemetery within Travis County in a Funeral Home coach or car that meets Funeral Home standards.
- (g) Cemetery Service. The Funeral Home will conduct a brief Cemetery service not to exceed twenty (20) minutes time which will be coordinated by TNR, the Department, and the Funeral Home representative. Generally, Cemetery services will be conducted at the Cemetery pavilion or other space as designated for use by TNR with consultation with the Department and Funeral Home prior to the service.
- (h) Rules of Conduct. The Funeral Home will assist Travis County staff in ensuring that rules of conduct, including those of County, the Funeral Home, applicable industry standards, and Applicable Law are followed at the Cemetery.
- (i) Documentation. The Funeral Home will create, file, and maintain all required documentation per appropriate County, State and Federal laws, this Policy, and the applicable contract. Required Travis County documents include affidavits confirming the Funeral Services and the family's financial involvement, documentation related to cremation requirements (if applicable), any changes to the Service, an invoice for reimbursement, and any other documentation required under this Policy or reasonably requested by County. Copies of required County documentation must be provided to County prior to payment for Services.
- (j) Markers. Travis County will provide markers at the Cemetery on Wells School Road and any County-owned cemetery. The Funeral Home

will provide a marker in a form approved by County and meeting the standards and requirements of cemetery locations other than the Cemetery on Wells School Road (or any non-County-owned cemetery) at no additional cost to County or Participant(s).

73.005 Limitations

- (a) Prior Approval. No approval of assistance prior to death will be provided.
- (b) Cremation. Cremation will be provided under this Policy as follows:
 - (1) Crematory Establishment. Cremation will be provided at a Crematory Establishment that has entered into a duly authorized contract with County for those services. All cremation services will be provided in accordance with all Applicable Laws and the relevant contract.
 - (2) Authorization. Cremation will only be provided when statutory requirements are met, including those requirements as to authorize approval(s) by Next of Kin. The Crematory Establishment must secure all necessary documentation for proof of authorization as required by law or under other criteria set forth by the Crematory Establishment which meets or exceeds applicable statutory requirements. Those criteria must be provided to County under the contract and approved by the Commissioners Court in the approval of that contract between the Crematory Establishment and County prior to provision of any cremation services. Any changes to the criteria utilized will be provided to County in the form of an amendment to the contract signed by County and the Crematory Establishment prior to implementation of the change. Copies of documentation of all such authorization will be provided to County.
 - (3) Transportation and Other Related Services. Transportation of the Decedent's remains, Viewing prior to cremation, and other related services will be provided according to the duly executed contract between the Crematory Establishment and County but will, to the extent feasible, meet or exceed requirements for burial services as set forth in this Policy.
 - (4) Limitation. No cremation will be authorized or provided where the Decedent is unidentified or where the required authorizations have not been secured and documented by the Crematory Establishment.
 - (5) Container. Disposition and/or storage of the cremated remains will be as directed by the Next of Kin and/or according to the policy of the Crematory Establishment in accordance with the County contract. The Crematory Establishment will provide an

appropriate container for storage of the cremated remains unless another appropriate container (as determined by the Crematory Establishment) is provided by the Next of Kin. The Crematory Establishment will provide permanent storage if the Next of Kin does not accept the remains or the remains may be buried at the Travis County Cemetery. Determination of location of remains will be as agreed to by the Next of Kin, County, and the Crematory Establishment.

- (6) Records. The Crematory Establishment will create and maintain accurate records related to all cremations, including the name of the Decedent, name(s) of Next of Kin, originals of the authorization(s), and other documentation as may be required by law, industry standards, and County. Copies of the above listed records will be provided to County prior to payment for cremation services.
- (7) Eligibility. Eligibility for cremation assistance will be as determined by County according to Applicable Law and this Policy utilizing the same eligibility standards and criteria as are set forth for receipt of burial services.
- (c) Additional Services. No additional payment to the Funeral Home, the Crematory Establishment, or County for additional services is permitted. Any changes to the Services must be brought to the attention of the Funeral Home as it will be required to sign an affidavit confirming that neither the family, Applicant, Next of Kin, nor any person or entity has paid for additional services. County may accept donations from family, friends or Next of Kin toward the expenses of the Funeral Services, but not in exchange for additional services. Any such donation will be deposited with the County. The Funeral Home may not, under any circumstances, accept donations of any kind from any party relevant to Funeral Services provided under this Policy.
- (d) Location. Unless otherwise authorized under certain exceptions in this Policy, all interments will be at the Travis County Cemetery at Wells School Road or at other County-designated sites. Exceptions include military funerals or the use of an existing legal and paid-for family plot. Other exceptions will only be allowed by previous written authorization by the County Executive.
- (e) Death Certificate. Funeral Homes will not give the Applicant, family, or any Next of Kin the option to request copies of death certificates through their business, and will instead direct the Applicant, family, or Next of Kin to the Texas Department of Health only.

73.006 Eligibility Criteria

- (a) General Requirements

- (1) Purpose. This Section 73.006 sets forth the unified criteria to be used for identification of individuals who meet the minimum Program eligibility requirements in order to receive assistance under this Policy. Determination of eligibility will be made by the Department according to applicable Department guidelines within the terms of this Policy and Applicable Law.
 - (2) Income. Household gross Income, as defined herein, must be at or below 100% of the most current version of the Federal Poverty Income Guidelines for the past thirty-day period. Income requirements will be applied to the Decedent as to receipt of Funeral Services under this Policy and to others as related to assistance in the provision of related services under this Policy. Any eligible Decedent will be provided Funeral Services under this Policy.
 - (3) Eligible Decedent. An Eligible Decedent:
 - (A) must be a Travis County resident at the time of death; or
 - (B) must have died in Travis County; and
 - (C) must meet the eligibility Income requirements set forth in this Policy as determined by County.
 - (4) Next of Kin. Applicant must provide proof the Applicant is the Next of Kin as defined in Texas Health and Safety Code Annotated section 711.002, "Disposition of Remains, Duty to Inter" (See 73.006(c) below). At County's discretion, input and requests may be received from friends or other Third Parties in those instances where no Next of Kin can be located. These individuals may not provide any approval or authorization that is required by law to be given by Next of Kin.
 - (5) Age. Applicant must at least 18 years of age or an Emancipated Minor.
 - (6) Resource/Assets. Decedent must not have assets or resources more than the allowable limit of \$2,000.00. Resources/assets will be determined according to Department guidelines.
 - (7) Referral from Funeral Home. Applicant must make an attempt to make financial arrangements with the Funeral Home prior to requesting services from the County. If the Applicant is unable to make financial arrangements with the Funeral Home, the Funeral Home will then make a referral to Travis County (see Section 73.006(b) below).
- (b) Initial Contact. Travis County requires that anyone requesting Funeral Services under this Policy must first contact a funeral home of their choice and try to make financial arrangements using their own resources. The Next of Kin needs to meet in person (or via fax, if out of town or if there are extenuating circumstances) with the funeral

home to try to arrange a lower cost/most economical funeral arrangement. If this cannot be accomplished, the funeral home will refer the individual to the Travis County Department. A written referral from the funeral home, including any documentation required by County, will need to accompany each Applicant's request.

(c) Next of Kin Determination

- (1) Proof of Status. The Applicant under this Policy must provide proof that Applicant is the Next of Kin. On a case-by-case basis, County may consult a friend of the Decedent where it has been shown that no identifiable Next of Kin can be found and some evidence has been provided proving the relationship of that friend to the Decedent. Consultation with such a friend will only be for the provision of information and will not be used to provide any authorization or approval which is legally required to be provided by Next of Kin.
- (2) Identification. In identifying the Next of Kin as the individual authorized to control the disposition of remains, the County will follow the guideline set forth in Texas Health and Safety Code Annotated section 711.002, "Disposition of Remains; Duty to Inter," which currently lists those with the right to control disposition in order of priority as follows:
 - (A) the person designated in a written instrument signed by Decedent;
 - (B) the Decedent's surviving spouse;
 - (C) any one of the Decedent's surviving adult children;
 - (D) either one of the Decedent's surviving parents;
 - (E) any one of the Decedent's surviving adult siblings; or
 - (F) any adult person in the next degree of kinship in the order named by law to inherit the estate of the Decedent.
- (3) Determination. Determination of Next of Kin will be utilized in ascertaining the person with the authority to provide necessary approvals and consents and to make the arrangements for the disposition of the Decedent. If no Next of Kin can be identified, County will make determinations as to the burial of the Decedent pursuant to this Policy. No cremations will be authorized where eligible Next of Kin is not identified and available to provide the required authorizations.
- (4) Guidelines. The County will use the following guidelines in attempting to locate the Next of Kin:
 - (A) Initial Effort. Pursuant to Applicable Law, the person with control of the body of the Decedent must make a reasonable effort to find the Next of Kin. Documentation of any such efforts made prior to referral to County shall

be provided to County. Family, friends, and the Funeral Home will make an effort to determine the Next of Kin and notify County of their findings.

- (B) Family/Friends. It is the responsibility of family/friends of the Decedent to provide any available information as to the existence of any individual at a level higher than the Applicant in the list in Section 73.006(c)(2) if such individual is living at the time of application.
- (C) County. County will make a good faith effort to identify and find the Next of Kin based on available information. The Travis County Medical Examiner's Office and/or Department will complete the investigation and affidavit.
- (5) Verification/Documentation. In determining and/or verifying the identity of the Next of Kin, the County will utilize information and documentation provided pursuant to Department guidelines.
- (d) Status of Applicant. In determining and/or verifying the existence of a Common Law Marriage and the age and/or Emancipated Minor status of the Applicant, the County will utilize information and documentation provided pursuant to Department guidelines.
- (e) Single Application. If an Applicant who is a Next of Kin is denied assistance, another application may not be accepted by another Next of Kin.
- (f) No Next of Kin Referral
 - (1) Available Next of Kin. If the Next of Kin does not begin or complete the application process, or if no Next of Kin is available, the County will bury the remains of an eligible Decedent as a "No Next of Kin" referral. If a Next of Kin is available, but does not wish to participate in the disposition of the Decedent, a written statement from the Next of Kin to relinquish his/her rights should be obtained in order to proceed. The letter of relinquishment needs to include:
 - (A) Name of Next of Kin;
 - (B) Date;
 - (C) Name of Decedent; and
 - (D) Statement of permission for the County to inter the remains in the form of a signed affidavit identifying the affiant as the Next of Kin, waiving all rights to inter the remains and indemnifying the County against any claims related to the burial.

If the Next of Kin refuses to provide such a statement, County will proceed to bury the Decedent under its statutory authority and pursuant to this Policy with documentation of the request

and refusal of the Next of Kin to participate or provide authorization.

- (2) Referral. When no Next of Kin can be identified to apply on the Decedent's behalf, the referral from the Funeral Home will be considered a No Next of Kin referral. The Funeral Home will provide as much information as possible on the Decedent for the Department to complete an inquiry into locating the Next of Kin.
 - (3) Information. The County will not provide any information for No Next of Kin Referrals regarding inquiries for services for the Decedent. The Funeral Home may give out information in accordance with its policies.
 - (4) Next of Kin Location. If a No Next of Kin referral begins, and prior to interment, a person who is the Next of Kin is located, the Funeral Home, Travis County Medical Examiner's Office, or anyone with knowledge of the Next of Kin will contact the Department immediately. Any steps taken will be stopped and the Next of Kin will need to apply to determine eligibility and to participate in the process according to this Policy.
- (g) Abandoned Body. If a body is abandoned by the Next of Kin or no Next of Kin is identified, the County will proceed pursuant to Applicable Law and this Policy.

73.007 Application

- (a) Forms. The Applicant will read and sign the "Duties and Responsibilities of Participant," and will complete and sign the Application form (both of which will be provided by County) which will be reviewed as set forth in this Policy.
- (b) Residency Requirement. Residency requirements are as follows:
 - (1) Determination of Residency. "Residency" is determined by the facts such as: an individual's working, paying rent/mortgage, applying for or receiving food stamps prior to death. Determination of Residency will be evaluated on a case-by-case basis as set forth in this Policy.
 - (2) Place of Death. Decedent must be a Travis County resident at the time of death or have died in Travis County.
 - (3) Out of County Resident. If the person died in Travis County but was a resident of another county, every attempt will be made to bury the person in the county of residence or collect reimbursement from that county for the cost of services provided by Travis County.

- (4) Nursing Home Resident. If the Decedent who was a Travis County resident dies while in care at a nursing home or other care environment in a surrounding county, as a result of a lack of Travis County resources to provide the service, a lack of room or non-acceptance of insurance, the person may be considered a Travis County resident, if the Decedent has been in care at the facility no longer than the ninety (90) day period preceding the Decedent's death.
 - (5) Verification of Residence. Department will utilize information provided or available to verify and document fulfillment of residency requirements for Decedent and/or Applicant using applicable County guidelines.
- (c) Income and Resources Requirements. Eligibility for burial under this Policy is ultimately determined by the Income and Resources of the Decedent. Other assistance provided under this Policy may be provided for Next of Kin who voluntarily agree to participate in the disposition of the Decedent's remains and meet the applicable eligibility criteria. Income eligibility will be determined as follows:
- (1) Income Test for Next of Kin for Assistance. An Income test will be applied to the Next of Kin and his/her Household who, by law, has the right to control the disposition of the Decedent's remains when that Next of Kin has voluntarily agreed to arrange for the burial or cremation of the Decedent's remains and is making application for services for assistance. The Income test will consist of reviewing all Income being received by the Applicant's Household at the time of application in order to determine the Applicant's eligibility for assistance under this Policy. The gross Income must be at or below 100% of the most current version of the Federal Poverty Income Guidelines. The eligibility determination in this Section 73.007 (c)(1) relates to the assistance for the Next of Kin under this Policy and does not determine the eligibility of the Decedent for burial by the County under this Policy.
 - (2) Decedent's Income. The Decedent's Income will be considered in the Income test to determine the eligibility of the Decedent for disposition under this Policy. Eligibility of the Applicant for receipt of assistance will include the Decedent's Income only if the Decedent resided in the Applicant's Household at the time of death.
 - (3) Application by Non-Family Member. The Income test will not apply in those situations where there are no surviving relatives known and a friend is making application on behalf of the Decedent. In that situation, only available resources of the

Decedent will be considered related to all Services provided under this Policy.

- (4) Verification of Income/Resources. Applicant must provide proof of gross Income for the entire Household. In the exceptional case when proof of Income is unavailable, an Applicant must sign a declaration of Income statement. Proof of Income/resources, forms for documentation, and type of documentation will be provided pursuant to Department guidelines. Department will make necessary inquiries and secure documentation as available relevant to Decedent's Income.
 - (5) Maximum Resource Amount. The total resource amount may not exceed \$2,000.00.
 - (6) Decedent's Income. The Decedent's gross Income is considered a resource for the Applicant if the Decedent lived in the Applicant's Household. If the Decedent has a financial resource available that is above the \$2,000.00 limit, the County may request in writing, reimbursement from Decedent's estate up to the amount of the funds expended by the County to inter the remains. Verification of Resources/Assets will be made by Department pursuant to Department policies and procedures.
- (d) Letter of Consent. If there are siblings/children or other individuals who qualify as Next of Kin at the same level of priority under Section 73.006(c)(2), every attempt will be made to acquire a letter from each such person who is not the Applicant to verify he or she is aware and approves of the arrangements being made for the Decedent by the Applicant.
 - (e) Existing Family Plots/Military Cemeteries. Burial under this Policy may be approved using an existing legal family plot that is paid for prior to the time of death, so long as the Applicant assumes responsibility for acquiring funding for all additional transportation and gravesite preparation fees from someone other than Applicant, County, or any Next of Kin. In addition, approval may be given under this Policy if the Applicant has obtained permission to use a military cemetery, so long as the Applicant assumes responsibility for acquiring funding for all additional transportation and gravesite preparation fees from someone other than family, Applicant or any Next of Kin.

73.008 Appeal Process

- (a) Policy. Applicants requesting Indigent Burial services under this Policy have the right to appeal eligibility determination decisions. Such appeals must be made within five (5) business days of the rendered decision.

(b) Procedure

- (1) Case Worker Determination and Notice. If the Case Worker determines Decedent and/or Applicant, as relevant, is not eligible for Funeral Services, the Case Worker will give the Applicant written notice of denial on the denial/appeal form.
- (2) Appeal Request. The Applicant will complete the appeal request which the Case Worker will forward to the Social Services Manager, unless the Social Services Manager is not available, in which case the Case Worker will refer the appeal to the acting supervisor (or, to the Division Director if the acting supervisor rendered the original denial decision).
- (3) Decision. A decision will be rendered within three (3) business days of an appeal request.
- (4) Continuation. If the Applicant is not satisfied with the appeal decision at the Social Services Manager level, the Applicant can continue the appeal in the following ascending levels:
 - (A) Division Director
 - (B) County Executive
 - (C) Commissioners Court
- (5) File. The appeal form will be completed and placed in the case file after all appeal hearings.
- (6) Copies. The Applicant will be given copies of appeal actions.

73.009 Application Process

- (a) Initial Contact. The Applicant will apply in person after attempts to make reasonable arrangements for burial with the Funeral Home are unsuccessful, unless special circumstances warrant application in another way, as determined by Department.
- (b) Out of County Applicant. If the Next of Kin lives out of the County, application may be made via fax, email or mail.
- (c) Appointment. Every effort will be made to see the Applicant the same day of inquiry though it may take up to two days to see a family as scheduling issues may warrant.
- (d) Information. Information will be collected by the Case Worker regarding the Decedent's Income and Resources and well as the Applicant's Household Income and resources. Other eligibility information will be collected as well. The Applicant will be given a reasonable amount of time to get all of the information needed to determine eligibility if that information is not available at the time of the first contact.

- (e) **Case Time Limit.** A case may remain open for a time period of seven (7) calendar days. If the family does not provide the required information within that time, the application will be denied. The Department reserves the right to extend this time period at the Department's sole discretion. Under ordinary circumstances, no case may remain open longer than seven (7) days due to the nature of the service provided.
- (f) **Arrangements.** After a decision is made, services will be arranged with the appropriate agency, County Department, TNR and/or Contractor as applicable.
- (g) **Denial.** If the application is denied, the Applicant will be referred back to the Funeral Home as a hardship burial. The Applicant has the right to appeal the denial pursuant to Section 73.008 of this Policy.

73.010 Disinterment

- (a) **Transportation and Natural Resources Department.** Disinterment at the Travis County Cemetery on Wells School Road or any County-owned cemetery is handled through the Travis County Department of Transportation and Natural Resources (TNR). Any inquiries regarding this service will be referred to TNR. Disinterment on non-County property will be handled pursuant to the policies and procedures of the entity owning the property and it will be the responsibility of the Next of Kin to contact that entity to make these arrangements.
- (b) **Travis County is not responsible for expenses related to any disinterment and all such expenses will be the sole responsibility of the party requesting disinterment. All services and activities relating to disinterment at a Travis County Cemetery will be administered and coordinated by TNR with coordination of other related services by Department, and reimbursement to County by the requestor for actual cost of the disinterment.**

73.011 Funeral Home Rotation List

- (a) **Establishment of List.** A Funeral Home/Crematory Establishment rotation list will be established by Department so that all referring entities will know to which Funeral Home/Crematory Establishment the remains of a Decedent who has no Next of Kin should be sent. Next of Kin may choose any Funeral Home/Crematory Establishment from those providing services under contract with Travis County regardless of the rotation list schedule in place at the time.
- (b) **Assignment.** Each contracted Funeral Home/Crematory Establishment will be assigned one month to cover (except in relation to the Travis County Medical Examiner's Office - see Section 73.11(d) below).

- (c) Distribution. The Travis County Family Support Services site will update the rotation list at the beginning of each Fiscal Year or after any changes to contracted Funeral Home/Crematory Establishment vendors.
- (d) Medical Examiner's Office. The Travis County Medical Examiner's Office will rotate the Funeral Home/Crematory Establishment list on a per-Decedent basis.
- (e) Acceptance of Assignment. Any Funeral Home not accepting Decedents on their rotation month may be subject to sanctions outlined in the contract.