

RESOLUTION NO. 21-248

POLICIES AND PROCEDURES FOR THE CREMATION OR BURIAL
OF THE INDIGENT DECEASED IN CANYON COUNTY, IDAHO

WHEREAS, the Board of Canyon County Commissioners (hereinafter referred to as “the Board”) desires to adopt policies and procedures for the cremation or burial of indigent Canyon County residents; and

WHEREAS, it shall be the duty of the Board to provide for burial or cremation of any deceased indigent Canyon County resident pursuant to Idaho Code section 31-3412.

BE IT HEREBY RESOLVED that the Board hereby declares that the following policies and procedures will be utilized in the administration of Title 31, Chapter 34, Idaho Code, and shall be in effect from the date of this Resolution until further resolution of the Board.

**I.
DEFINITIONS**

- a. The definitions contained in Idaho Code section 31-3403 are hereby adopted and incorporated into this Resolution by reference.
- b. “Family members” includes the surviving spouse, mother, father, stepmother, stepfather, brother(s), sister(s), stepbrother(s), stepsister(s), adult children and adult stepchildren of the decedent.
- c. “Funeral Home” means any licensed establishment which provides cremation or burial services.
- d. “Next of Kin” means the person(s) or a family member(s) with the authority to control the disposition of the remains of a decedent as provided in Idaho Code section 54-1142.

**II.
REQUIREMENTS FOR ASSISTANCE**

- a. Applicants for county assistance shall comply with the requirements of Title 31, Chapter 34, Idaho Code.
- b. Pursuant to Idaho Code section 31-3404(2), application shall be on a form provided by the County. The Canyon County Clerk’s Office, Indigent Services, shall provide the form in paper form and/or on the office’s website. Applicants shall return the completed form to Indigent Services.
- c. Any applicant must cooperate with Canyon County Indigent Services to obtain and provide information necessary for Indigent Services to investigate the application. This cooperation includes information relative to the indigency of the deceased and next of kin.

III.
RESTRICTIONS AND PROVISIONS

- a. Any assets, including real and personal property, of the decedent will be assessed during the interview to determine indigency.
- b. The County maintains the right to seek reimbursement from the decedent's spouse, estate or sale of personal assets.
- c. Canyon County shall not assume the cost of transportation of a body to or from another location outside of Canyon County. Nothing in this provision shall be construed to limit the ability to apply for assistance if a Canyon County resident dies outside of Canyon County.
- d. The County will evaluate an application for assistance after all other resources have been determined.
- e. Canyon County will not pay for the exhumation or disinterment of the deceased person or cremated remains.
- f. Only those services specified in Section VI may be covered by county assistance.
- g. Canyon County Indigent Service office is not an authorized party to approve or sign for the completion of the cremation or burial.

IV.
APPLICATION AND INVESTIGATION PROCESS

- a. The County Indigent Services office staff will advise the applicant, at the time of filing for assistance, of the need for any documentation in support of the application in the time and manner outlined under Title 31, Chapter 34 of the Idaho Code.
- b. The applicant will be responsible for presenting the required documentation to Canyon County Indigent Services at the designated time provided to the applicant. Every applicant will be required to complete an interview with the Canyon County Indigent Services staff to determine the eligibility for assistance. All reasonable efforts will be made to investigate and corroborate the applicant's statements and documentation within the time allotted by Title 31, Chapter 34 of Idaho Code.
- c. If the applicant is unable to participate in the interview or investigation process, a representative may do so on their behalf.

V.

DETERMINATION OF THE BOARD OF COMMISSIONERS

- a. The provisions of Title 31, Chapter 34, Idaho Code, apply to the Board's decision on an application and to any appeal of that decision. The Board may provide its written decision by mail to the applicant's mailing address.

VI.

APPROVED SERVICES AND PAYMENT:

- a. Payment may be authorized only for the following services:
 - 1. Transport of remains from the place of death to the funeral home within Canyon County;
 - 2. Refrigeration of the decedent until cremation or burial can take place within a reasonable period of time;
 - 3. Embalming, if necessary, or other preparation of the body;
 - 4. Cremation tray;
 - 5. Cremation container or burial casket;
 - 6. Basic services of the funeral home;
 - 7. Basic use of the facility;
 - 8. Transport of body to crematory; and,
 - 9. Crematory fees.
- b. Canyon County may allow up to one thousand dollars (\$1,000.00) for the above-listed merchandise and services for the indigent deceased. Such payment shall be payment in full, and no further payment shall be collected from Canyon County. Further, a Funeral Home providing the above-listed merchandise and services shall not collect payment from any other person if Canyon County has provided cremation or burial assistance. This established amount shall be all inclusive.
- c. If county assistance is provided and the Board determines repayment is appropriate under Idaho Code section 31-3414, the legal spouse of the deceased shall sign a reimbursement agreement with the County.

IT IS RESOLVED that this Resolution supersedes any previous resolutions for services with regard to the final disposition of Canyon County's indigent deceased.

IT IS FURTHER RESOLVED that the Board retains the ability to allow amendments to this Resolution.

APPROVED AND ADOPTED this 3rd day of December, 2021.

CANYON COUNTY
BOARD OF COMMISSIONERS



COMMISSIONER Keri Smith, Chair



COMMISSIONER Leslie Van Beek



COMMISSIONER Pam White

Attest:



Canyon County Clerk



Deputy Clerk